

examined the amendment would limit that. Suppose the Minister or the commissioner did not have the children in the schools of a certain district examined, if these words were inserted it would be impossible for the local authority to have them attended to. The clause gave power to the local authority as well as to the central authority, and therefore in the interests of the children themselves it was wise to pass it without the amendment.

Mr. PRICE: Would the Minister inform the Committee what the word "may" in the clause meant? Would it be imperative? In Clause 32 it was stated, "Every local authority may, and, when required by the central board, shall." Apparently it was optional there. If it was optional then the whole thing was ridiculous.

The MINISTER FOR WORKS: The hon. member was not present when the Minister for Mines explained that this was intended to get over a difficulty that existed at the present time whereby a parent could refuse to permit a child to be examined. The clause in question gave the necessary authority. In the district of Subiaco a case could be quoted where a parent did refuse to allow a child to be medically examined. The clause would get over a trouble like that. Clause 32 was not permissive it stated "Such medical officer of health . . . shall perform such duties and submit such reports in connection therewith, as may be prescribed by the Commissioner." It was imperative on the officer to carry out that duty whenever he was called upon to do so.

Progress reported.

House adjourned at 6.13 p.m.

#### PAIRES

Sir N. J. Moore Mr. Bath

## Legislative Council,

Tuesday, 22nd November, 1910.

	PAGE
Petition: York Mechanics' Institute Transfer Bill	1633
Papers presented	1633
Assent to Bills	1634
Question: Public Servants and Defence Forces	1634
Bills: Fisheries Act Amendment, 2a.	1635
Fremantle Freemasons' Lodge, No. 2, Disposition, 1a.	1635
Licensing, 1a.	1635
Perth Municipal Gas and Electric Lighting, 1a.	1635
Southern Cross-Bullfinch Railway, 1a.	1635
Aborigines Act Amendment, 2a., Com.	1635

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

### PETITION — YORK MECHANICS' INSTITUTE TRANSFER BILL (PRIVATE).

Hon. V. HAMERSLEY (East) presented a petition from the trustees of the York mechanics' institute praying for leave to introduce a private Bill to vest in the municipality of York the land and other assets of the York mechanics' institute, freed from the trusts affecting same; to discharge the trustees thereof from such trusts, and to provide for the payment by the said municipality of all the liabilities of the said institute.

Petition received.

### PAPERS PRESENTED.

By the Colonial Secretary: 1, State Children Department — Annual Report year ended 30th June, 1910. 2, Report of the Woods and Forests Department year ended 30th June, 1910. 3, Report of the Surveyor General year ended 30th June, 1910. 4, W.A. Government Railways By-law No. 44. 5, Return showing Costs incurred in maintaining both Houses of Parliament (ordered on motion by Hon. J. T. Glowrey). 6, Reports of Zoological Gardens and Acclimatisation Committee year ended 30th June, 1910. 7, Plan of the proposed railway from Southern Cross to Bullfinch. 8, Plan of the proposed railway from Tambellup to Ongerup.

# ASSENT TO BILLS.

Messages from the Governor received and read notifying assent to the following Bills:—

1. Geraldton Municipal Gas Supply.
2. Supply, £719,410.
3. Agricultural Bank Act Amendment.
4. General Loan and inscribed Stock.

## QUESTION — PUBLIC SERVANTS AND DEFENCE FORCES.

### *Case of Warder Wise.*

Hon. J. W. KIRWAN asked the Colonial Secretary: 1, Whether in connection with a reply to a question asked by me in this Chamber on October 19th, in the course of which the Colonial Secretary said that the amending Defence Bill provides for the exemption of warders from service, his attention has been drawn to a statement made the same day in the Senate (as reported in *Federal Hansard*, page 4753) by the Minister for Defence that the Defence Bill only exempts warders from service in war time? 2, Whether the Colonial Secretary has observed that in consequence of his reply to the question above referred to having been brought under the notice of the Minister for Defence in the Senate on October 21st, the Minister for Defence stated that his former interpretation of the section referring to warders was perfectly correct? 3, Can the Colonial Secretary say whether his interpretation of the amending Defence Bill or the interpretation of the Minister for Defence is correct? 4, Whether the Colonial Secretary has noticed in the Press the following statement, signed by 21 warders of the Fremantle prison, in reply to his statement that Warder Wise's duties had been interfered with by his having to be granted time off, by having to change duties with other officers, and having frequently, whilst on night duty, required his hours of duty to be changed to enable him to attend to his military duties, which was unfair to other officers, and, naturally, caused discontent:—"To whom it may concern.—We, the undersigned mem-

bers of the Fremantle prison staff, enter our emphatic denial of, and protest against, the statement made by the Colonial Secretary in reply to questions asked by Mr. Kirwan, M.L.C. We also state:—(a) That Warder Wise's military duties did not in any way interfere with his duties as a warder. (b) On no occasion did Warder Wise change duties with any one of his brother officers for the purpose of his (Wise's) attending military duties. (c) On no occasion have Warder Wise's hours of duty been altered to permit him attending military duties. (d) No discontent existed among the officers concerning Wise's military and prison duties. (e) Warder Wise's military duties were at all times performed in his own time." The signatures attached to the document are as follow:—Geo. Dymock, P.W., David McLaren, V. Harmer, J. R. Whyte, H. S. Wisdom, A. E. Bates, J. O'Connor, J. Canavan, S. W. Fielding, T. J. Pinston, M. Frank, J. E. Gurney, J. Featherston, A. Loveday, B. Hodges, P.W., H. H. Smith, G. T. Leslie, J. A. Harders, T. J. Bolder, L. S. Barlow, and J. T. Munro. 5, Has the Colonial Secretary any reason to doubt the truthfulness of the men who signed that document? 6, Does he still adhere to the correctness of his original statement? 7, Does he not think that the knowledge of drill and the experience of discipline gained by attendance to military duties tend to assist warders to discharge their prison duties? 8, Is the case of Warder Wise to be taken as an indication that the State Government does not view with approval any desire entertained by warders to serve His Majesty in the Defence Forces?

The COLONIAL SECRETARY replied: 1, Yes. 2, Yes. 3, The Colonial Secretary has not placed any interpretation on the amending Defence Bill which conflicts with that of the Minister for Defence. 4, Yes. 5, The warders in this matter are not in a position to know the truth, excepting in so far as it relates to themselves individually. 6, Yes. 7, No, not necessarily. 8, Certainly not, if such service can be given without unduly interfering with their duties as warders.

# BILL—FISHERIES ACT AMENDMENT.

## *Second Reading.*

Debate resumed from 8th November.

Hon. W. KINGSMILL (Metropolitan): It is my intention on this occasion, as on the former occasion, to support this Bill, a Bill which was brought forward for the purpose of enabling persons who are willing to embark capital in the venture to develop an industry which, although not quite new to Western Australia, has not yet been carried on in our Northern waters. I allude to the turning to profitable account of the very large number of turtles which exist in those waters at the present time. I would like to sound on this occasion, as on the former occasion, a note of warning as to how this industry is to be carried on. I presume—indeed it says so in the Bill—that the condition of the granting of any exclusive license for the taking of these turtles may be laid down in such license, and I hope the Government will take proper steps to protect these turtles from extermination. As I have already explained, the usual method of catching turtles is to take advantage of the presence of the female turtles on shore for the purpose of laying their eggs, and to kill them and preserve them. I have also explained that the male turtles never come ashore at all. Therefore, if this method only is resorted to, the natural balance of the sexes is likely to be destroyed; and we know there is no surer method of interfering fatally with any species than by destroying the natural balance of the sexes. I hope the Government also will consult the experts, which no doubt they have at hand, on this question, and see that due restrictions are placed on the numbers of these turtles that are to be destroyed. There is another method by which the Government can obviate the total extermination of turtles, and that is by providing on such beaches as are used for the killing of turtles that some measure of protection shall be given to the young ones. I suppose there are some members in the House who have watched the hatching of young turtles. It is spontaneous. They will remember that almost

everything that flies in the air or swims in the waters seems to know by instinct that these unfortunate little beasts are going to make their appearance; and the meals they make must be gratifying to them but are destructive to the turtle life. A good deal can be done to protect these turtles in the first day or two of their existence, and so enable them to replenish their numbers which are being diminished in the pursuit of this industry. I hope the Government will pay some little attention and see that conditions in this direction, conditions which need not be too irksome to those people prepared to embark their capital in the industry, are imposed, as undoubtedly they should be, in order that what is a very valuable asset to the State should not be utterly destroyed. In addition to speaking of what is in the Bill it is permitted to speak of what is not in the Bill, and of what might with advantage be placed in it; and I intend to take advantage of that custom to deal with one omission, an omission which has been rendered more noticeable in the light of recent events. Hon. members who have lately perused the columns of the daily Press and who take any interest in the fishing industry of the State, will have noticed that during the last week or two most phenomenal catches of acclimatised fish—English perch—have taken place in the south-western rivers of the State, more particularly in the Capel river; and they will have noticed that in some cases these fish have been caught, it is alleged, by medium of lines by hundredweights, and have been taken into Bunbury and hawked about the streets and sold. The Acclimatisation Committee, of which my friend Dr. Hackett is the president, rejoice as a body and individually to see that the fish which have been placed in these rivers through their agency have flourished exceedingly, and they rejoice that not only a source of sport, but what promises to develop into a new food supply, is being furnished to the dwellers in the south-west portion of the State, and not only in the south-west portion, but I am satisfied the same fish—English perch—have caught on in practically all the rivers of the State, in

which they have been placed, which means nearly every river in the southern part of Western Australia. At the same time I do not suppose the Acclimatisation Committee—nor is it expected by the Government that they should—mean that these fish should be indiscriminately slaughtered in the waters in which they are put. It is a more difficult thing dealing with fish in the narrow and confined waters of rivers than in the open waters of the ocean. In the waters of rivers the fish are more or less at the mercy of their pursuers, more especially if the pursuers carry nets. In other places, particularly in New Zealand, where the science of acclimatisation has reached, so far as Australasia is concerned, its highest limit of efficiency, it has been found necessary to legislate in this connection, and it is provided that no acclimatised fish shall be caught for sale. I understand it is impossible in New Zealand to buy any acclimatised fish. If you want to catch any fish for your own consumption, or for that of your family, or for that of your friends, the fish are there and you may help yourself; but it is not proposed in New Zealand—and I think the same should be the case here—that fish which are placed in New Zealand waters by the efforts of acclimatisation societies should be made a commercial proposition. I think the same system should obtain here, and I would ask the Colonial Secretary to allow an amendment to be added to this Bill providing that certain fish, which shall be specified in a new schedule, a schedule which will be new to the Act at all events, and which at present I should not ask should go beyond a couple of species—English perch and crucian carp, should be exempt, that is, that a penalty should be exacted from any person who hawks for sale or has in his possession for sale or sells these fish. Undoubtedly the incentive to catching these fish in large quantities which must far exceed the needs of any individual—one of the principal incentives to the destruction of these fish, lies in the fact that they can be profitably sold; and I think if we remove that incentive, as it has been removed in New Zealand—I do not propose the Chamber should take this course without precedent—a great deal of indis-

criminate slaughter will be prevented. I may say I spoke some days ago to the Parliamentary Draftsman, and he promised that this amendment should be ready by the time the Bill went into Committee. The amendment has not come to hand yet, I understand it will come this afternoon, but if it does not come to hand it would not be asking too much of the leader of the House if he would postpone the Committee stage of this Bill until such an amendment has been drafted by the Parliamentary Draftsman. I think this amendment, which is only asked for for the protection of the public and the preservation of acclimatised fish, will meet with no objection—in fact, I am sure it will not—at the hands of the Colonial Secretary; and in this connection perhaps I may ask that the hon. gentleman will exercise the powers already given him by the parent Act of 1905 to insure proper protection to the rivers—when I say rivers I mean the fresh water portions of the rivers of the southern portion of the State—against indiscriminate netting. I understand it is possible to find out, not without any difficulty perhaps, those waters which are closed waters and those which are open waters, and I trust the leader of the House, in whose department the administration of these matters lies, will issue instructions to have all the freshwater portions of the rivers of Western Australia closed against netting. It is not too much to ask, because in our narrow rivers it is altogether an unfair advantage to take of the fish, it is an unsportsmanlike action and will in the long run interfere with the work done by the Acclimatisation Committee with the totally inadequate funds placed at their disposal by the Government. I hope the Colonial Secretary will take us into his confidence on this occasion, or perhaps on some future occasion at an early date, as to what he contemplates in regard to the Fisheries Department. The present state of affairs is almost impossible. The Chief Inspector of Fisheries is engaged in supervising cattle stations and in inquiring into the welfare of the aborigines in the Kimberley district in his own capacity as Chief Protector of Aborigines; and he has been doing so for some months. In the

meantime the Fisheries Department is allowed to practically run itself. I think the subject is of sufficient importance to demand the appointment of some gentleman who will take the place of Mr. Gale while Mr. Gale is away, as he must necessarily be away now and in the future in his capacity as Chief Protector of Aborigines. I hope the leader of the House will have something to tell us in this connection, and that it will be that he intends to make an appointment of a suitable man to carry out the duties of Chief Inspector of Fisheries while Mr. Gale is away on his very arduous duties of Chief Protector of Aborigines. I have much pleasure in supporting the second reading.

Hon. J. F. CULLEN (South-East): I shall also support this Bill. I recognise it as an old acquaintance in a more liberal and better form, but there is one rather important matter in which I think the Minister will require to safeguard private owners. In Clause 2 he proposes to give exclusive powers, not only in coastal waters and below high-water mark, which, of course, belongs to the Crown, but also above high-water mark, which may not belong to the Crown, and which may interfere with the rights of private owners. I do not suppose the Minister, in having the Bill framed, intended to override ownership rights on the land above high-water mark and to say that the Governor could grant exclusive rights to persons over any part of private property. If he does not mean that—and I am sure he does not—it will only be necessary to say “on adjacent Crown land above high-water mark.” If the lessees of the ground want to operate on any private property, of course they will have to do it by arranging with the private owners. When the Bill goes into Committee I shall expect to see the Minister deal with this clause. If not, I shall be prepared to move an amendment to it.

Hon. Sir E. H. WITTENOOM (North): I have much pleasure also in supporting the Bill, and I am glad to see that the Government have taken the step

proposed in it. It seems to me a matter of regret that such a lot of good edible food should be lost on the North-West portion of our State, a kind of food that is very much relished in other parts of the world as I have had experience of seeing. Indeed on many occasions I have seen almost fabulous sums paid for the use of these edible turtles, and it therefore seems a great matter of regret that they should be allowed to go to waste any longer. It is utterly impossible for anyone to deal with the question from a commercial point of view unless a certain amount of exclusive right is given, so that it is encouraging to find the Government are taking this step. It will induce people to come forward, I am quite certain, and see if they cannot make a thriving industry. As to the remarks made by Mr. Kingsmill, I quite endorse all he says about the law in New Zealand with regard to certain acclimatised fish. I have had a little experience of it. One may catch as many fish as he likes for his own purpose, but they are not allowed to be sold. That particularly applies to salmon trout, and one or two other fishes. It was strictly laid down that when a man caught fish for sport he was not allowed to sell them. I do not think he was allowed even to give them away, but as to selling them, I am confident about that. The point raised by my colleague as to the private ownership of land hardly applies in those regions where the turtles abound, if so there is a penalty for anyone who goes and collects them above high-water mark. Still, I expect the leader of the House explained that sufficiently.

Hon. E. M. CLARKE (South-West): I have much pleasure in supporting the second reading, and I should like to see the Bill go still further in the direction indicated by Mr. Kingsmill. I have been acquainted with the fishing industry, and fishing, in the South-Western portion of the State for 35 years; I have been a great hand at it, and speaking of the fish now as against what they were years ago, when they were not indiscriminately netted, they are conspicuous now by their absence, relatively speaking. Time

was when fish were so numerous that they were used for manure. People gathered up the seaweed along the estuary, and the nets were laid across the mouth of the channel, and the fish were netted then and brought in in cart-loads. I was one of the first who wrote to the local newspapers of the criminal waste in those days. The idea was that there was the almighty ocean in front of them, and it was ridiculous to talk about getting rid of the fish. It has been proved, however, notwithstanding that the Government have taken measures to restrict netting in certain places, that poaching has been going on in defiance of the law; and now the Government have spent a considerable amount of money in the acclimatisation of other fish than the native fish, the time has arrived when some drastic measures should be taken to conserve the fishing industry. Members will believe me when I say that at one time hundreds of fish could be caught by the rod, and until the Government take steps to conserve the fish, not only the native fish, but those which have been liberated in our waters, we shall find that they will diminish. I rejoice to find the Government have already taken action, and that the officers in charge of the Fisheries Department have been rewarded by the acclimatisation of these fish in some of the rivers. However, there are a few other rivers where I do not think the fish have yet been liberated, and I hope the Government will place funds at the disposal of the Acclimatisation Committee, so that they may carry on the acclimatisation of these fish in other waters in the South-West. It is not only a good sport, but it is a good asset. It is an attraction to some people. It is said that "all work and no play makes Jack a dull boy" and, therefore, it is necessary we should have some sport. I hope the Colonial Secretary will see that means are taken to conserve all the edible fish that have been liberated in the different waters. They are put there, of course, for our use, but we want to see that they are not abused, but that they are given a chance to increase and multiply.

Hon. F. CONNOR (North): I have listened with a degree of pleasure to what has been said. It strikes me the principal reason put forward for the Bill is that fish should be preserved, yet this Bill intends to give power for people to destroy fish. I am not going to oppose the Bill, but I want to enter my protest against what Mr. Kingsmill said in reference to closing rivers. I could not support the idea of every fresh water river in the State being closed against net fishing.

Hon. W. Kingsmill: In the Southern portion of the State.

Hon. F. CONNOR: If that is so, that is all I want to say. I wanted to enter my protest against that because it would be an injustice to the people living in another portion of the State. It rather strikes me that this is a peculiar measure. It is a Bill for the preservation of fish, yet this Bill gives power to destroy them. I was wrong when I thought Mr. Kingsmill recommended that all the rivers of the State should be closed to net fishing; that is not so.

The COLONIAL SECRETARY (in reply): I shall have great pleasure in falling in with the suggestion of Mr. Kingsmill not to go on with the Committee stage if the amendment which he indicates is not to hand. As regards the remarks of the hon. gentleman that this Bill may lead to the extermination of the turtle, this matter had not been lost sight of, but it is a difficult thing, because the turtles are only caught on land when they come in to lay their eggs, therefore the killing will, to a very great extent, be confined to the female turtle.

Hon. W. Kingsmill: The male turtle does not come on land.

The COLONIAL SECRETARY: It may be correct that the male turtle does not come out of the water, that it is only on the land that the turtle can be caught, therefore the male turtle is not likely to be caught at all.

Hon. J. W. Hackett: The male turtle is speared in the water.

The COLONIAL SECRETARY: Yes, but they are not caught in large num-

bers. That matter, however, will not be lost sight of although it is difficult to deal with. There will be sufficient power to make regulations to cover all these questions. I again will discuss the matter with the Parliamentary Draftsman, and get him to make regulations to cover these points. I am afraid Mr. Connor has not grasped the Bill thoroughly or he would not say it is a Bill for the destruction of fish, as it does not touch food fish at all. All the Bill does is to give the Governor power to grant exclusive licenses for the gathering of turtles.

Hon. P. Connor: I did not read the Bill in conjunction with the original Act.

The COLONIAL SECRETARY: The Bill itself provides that no exclusive licenses shall be given in regard to food fish. As to the amendment mentioned by Mr. Kingsmill, I think it is a fair and reasonable one. Certainly those fish which are placed in the waters by the Acclimatisation Committee, not for food at present but more for sport, I think ought to be preserved. I was sorry, indeed, in one sense to see that a big haul of acclimatised fish had been made in the Capel river recently, because these fish were hawked about Bunbury for sale. Immediately the hon. member brought the matter under my notice, and I thank him for doing so, I asked if the river was closed against netting, and I found it was not. I then took the earliest steps to close this river. Steps have been taken to close all the fresh water rivers in the South-West, and a proclamation will be issued to that effect. In regard to the administration of the Fisheries Act, I quite recognise, as has been mentioned, that we are justified in doing something more for the fisheries of the State than has been done in the past, and it has been my intention to bring the matter under the notice of the Cabinet for some time to create separate departments of fisheries and aborigines.

Hon. J. W. Hackett: They should never have been joined.

The COLONIAL SECRETARY: I do not agree with the hon. member that they should never have been joined; at any rate there should not have been any complaint from the fisheries standpoint, be-

cause the officer who was appointed Chief Protector of Aborigines was first appointed Chief Inspector of Fisheries. I might mention in justice to the officer that the Aborigines Department has expanded to such an extent that the work is too much for one officer to deal with. The officer has not only to look after the lock hospitals, but to look after cattle stations, and for five months past he has been absent in Kimberley, and for six months each year he must be absent in a distant part of the State administering the Aborigines Act. It is intended later on to appoint a well qualified chief inspector of fisheries, a man who has made a study of the question and who will be able to devote his full time to it, and we anticipate that with his professional knowledge he will be able to increase the fish in the waters and make our supply more plentiful for the benefit of the public generally.

Question put and passed.

Bill read a second time.

#### BILLS (4)—FIRST READING.

1. Fremantle Freemasons' Lodge No. 2 Disposition (Hon. R. Laurie in charge).
  2. Licensing.
  3. Perth Municipal Gas and Electric Lighting.
  4. Southern Cross-Bullfinch Railway.
- Received from the Legislative Assembly.

#### BILL—ABORIGINES ACT AMENDMENT.

##### *Second Reading.*

Debate resumed from 8th November.

Hon. SIR E. H. WITTENOOM (North): As one of those who were on the select committee on the Aborigines Bill of 1905, I may say that I have gone through these amendments that have been proposed and, with one exception, there seems to be no very great objection to them. They are brought down to make the original Act more workable, and more in keeping with the altered circumstances of the aborigines, and some of the amendments are decided improvements on the original Act. The first one contained

in Clause 3 seems to be rather a harsh one, but perhaps the Colonial Secretary will explain more fully the reasons for it. Section 3 amends Section 8 of the principal Act, which states "The chief protector shall be the legal guardian of every aboriginal and half-caste child until such child attains the age of 16 years," and it is now proposed to add these words to that clause "to the exclusion of the rights of the mother of an illegitimate half-caste child." It struck me that there may be some question as to whether there is not a certain amount of cruelty in taking away the child from the mother. It appears to me that this is compulsory and not permissive as the amendment reads here. There may be good reasons for it, which no doubt the leader of the House will explain in due course. The amendment that is the most important, however, although it seems of a very trifling nature, is in Clause 4, which is amending Section 10 of the Act. Section 10 of the Act says "The Governor may by proclamation declare any Crown lands to be reserves for aborigines, not exceeding in any one magisterial district an area of 2,000 acres." The proposal of the Colonial Secretary is that the words "Not exceeding in any one magisterial district an area of 2,000 acres" shall be struck out, and I feel quite certain that he has in his mind an arrangement that will be very advantageous to the Government, but I am certain that it may be more far-reaching in its effect than perhaps a good many may think. During the time the select committee was sitting a great deal of time was spent over this matter, and I will give an instance of how, possibly, the proposal might work unfairly and detrimentally. If the Minister controlling aborigines should happen to be a person with particular fads on this subject, there is nothing to stop him from going on Crown land on a sheep or cattle station and making a reserve of from five to twenty thousand acres close to the man's homestead. He might very rightly think in his own mind that it is necessary that this should be done, and he may take away some of the best land, some of the finest pools, and some of the best wells, which after a

great deal of trouble the lessee has succeeded in sinking. We all know by experience that although small reserves are necessary in those places it is impossible to keep the aborigines on any reserve, and therefore it was considered by the select committee unnecessary to make these large reserves. However, it was conceded that reserves were necessary in places, and consequently the right was given for areas to be declared not exceeding 2,000 acres in any one magisterial district. I propose when this Bill is in Committee to meet the Colonial Secretary's purpose by moving an amendment to the effect that this shall only apply to islands.

The Colonial Secretary: What about the stations at Hall's Creek? There is 830,000 acres there.

Hon. Sir E. H. WITTENOOM: You did not mention that the other day.

The Colonial Secretary: I spoke of the stations.

Hon. Sir E. H. WITTENOOM: You are not reserving them for aborigines, are you?

The Colonial Secretary: Oh, yes, they are declared aborigines' reserves in order that we might have control over them, and keep other persons off.

Hon. Sir E. H. WITTENOOM: Perhaps it may be possible to make an amendment to meet the case, but it would be very unjust to put it into the power of any Minister who might be in office for a short time to declare a reserve which would take 800,000 acres of a man's best country for the purposes of the aborigines just as an experiment.

The Colonial Secretary: Even if you confined it to an island, Dirk Hartog Island is a station.

Hon. Sir E. H. WITTENOOM: We cannot avoid exceptions, but it would meet the case to some extent by restricting those reserves to islands. However, there will be time to think this out before the Committee stage, and I am only showing how it may operate, and what the reasons were which actuated the committee in arriving at the conclusion they did, a conclusion that seems to have worked very satisfactorily during the five years in which the Act has been in force. Even



2,000 acres is a very fair reserve, being about three square miles, and I defy anyone to tell me that you can confine aborigines to those reserves which have already been made. Clause 10, which is amending Section 45, dealing with penalties for supplying drink to natives, is, of course, a very severe one. It may be necessary, and I think it is quite right to penalise anyone who supplies aborigines with drink, but a fine of £100 or six months' imprisonment, or both, is very severe. The next clause, I think, will be not only severe but altogether inoperative. It states that "any aboriginal, or half-caste, who knowingly receives such liquor or opium shall be guilty of an offence and liable on summary conviction to a penalty not exceeding five pounds, or to imprisonment not exceeding one month." I think if he were to be guilty of twenty offences he would take the liquor all the same, but I do not suppose there will be any harm in leaving the clause in. With these few remarks I have very much pleasure in supporting the Bill. When it gets to the Committee stage I will try to think over some amendment and discuss it with the Colonial Secretary with a view to meeting the case to which I have referred. I have no desire to oppose what the Government have in view, but rather to put it in such a state that fairness and justice may be done to those who have borne the heat and burden of the day in opening up the country, settling it, and finding water—a very difficult matter at times—and whose all might perhaps be taken away just when they are beginning to reap some reward.

Hon. F. CONNOR (North): I am going to support the Bill, but I wish to bring under the attention of the Minister the fact that settlers in the far north of Australia are under more severe disadvantages than ever before in connection with the aborigine question. This may be news to others but it is not news to me. Without any intention of blaming the Government, or of disagreeing with this Bill, I just mention this to the Minister so that it may be possible, when in Committee, to amend the Bill in the direction

that I am going to suggest, namely, that some better protection should be given to those settlers whose lives and property are at the mercy of the natives. I must compliment the Colonial Secretary on the effort he has made in regard to the aborigines in purchasing some stations at Hall's Creek. I think this is an effort that deserves praise from anybody who has taken an interest in this question. I don't think there will be much benefit from it, but all the same the Government deserve credit, and I hope their efforts will be more successful than I am inclined to think they will be. I believe that once we get these natives settled on the stations which have been bought for their homes, they will stay there for probably a few weeks and then they will roam away again. Not only that; they will get an idea into their heads that because they have got these homes provided for them by the Government they may go anywhere else and be equally at home, and that they can take it into their own hands to kill any stock they may desire to kill, not only for their food, to which I do not suppose the station owners would very much object, but also for sport, and to gratify the natural sense they have to kill. I do not intend to oppose this Bill, but I hope the Colonial Secretary will just think of what I have said, and when the Bill is in Committee, if the Minister cannot see his way to bring in some provision such as I have suggested, he will leave it open to other members to make suggestions which will be of benefit to these people whose lives and property are at stake. I have indicated what I mean, and I hope that if the Minister is not prepared to bring in some amendments, himself, he will allow an opportunity for other members to do so.

Hon. E. McLARTY (South-West): I would like to say a few words with reference to Clause 4. I think there should be some limit to these reserves for the natives. My own opinion is that you might just as well set apart a reserve and expect the kangaroos to stay upon it as to expect the natives to remain there. I am quite sure it would not be possible to keep the natives on these reserves. It will be an utter impossibility, and I can

see that a great deal of injustice and injury may be done to the leaseholders in the Northern parts of the State. I know of instances where a few envious squatters have made this an excuse to try and bring pressure to bear on the Government to reserve a large portion of country in the very heart of a station which has been formed for many years, and on which an enormous amount of money has been spent, and they had no more idea or desire to have that country reserved for the purpose of serving the natives than they had of flying in the air. They want these reserves for their own personal use and I am inclined to think that the Government are willing to lend an ear to these applications. I think 2,000 acres is a sufficiently liberal reserve for the natives. For my part I should be opposed to that area being increased. I am satisfied that where these applications are made it will be for the reasons that I have stated and not with a view of benefiting the natives at all.

Question put and passed.

Bill read a second time.

#### *In Committee.*

Clauses 1 and 2—agreed to.

Clause 3—Amendment of Section 8:

Hon. J. E. DODD: Some explanation more than had already been given was due to the Committee from the Colonial Secretary with regard to this clause.

The COLONIAL SECRETARY: As was explained when the Bill was introduced, at the present time there was a large number of half-castes at the different missions of the State. The missions had no legal authority to detain these children against the wishes of the mothers. It was not desirable and it had not been the policy of the department to allow these half-caste children to wander about the bush. The department had already gathered quite a number of them in the Kimberley district and had handed them over to the missions. If these children were allowed to remain in the bush a state of things would be brought about which would be highly undesirable, and in time there would spring up a race of practically white people who would be

living with the aborigines. In order to avoid that, the Government had adopted the policy of gathering in, especially in the Kimberley district, all the half-caste children and had handed them over to the missions. There was no legal authority for the missions to detain these children and in order to provide that authority this amendment was inserted in the Bill. After all it was only following, with regard to the half-caste children, the course which applied to State children.

Hon. Sir E. H. WITTENOOM: The clause was not quite so compulsory as it looked. It said that the Chief Protector should be the legal guardian; it did not follow that he would be compelled to take a child away from its mother. The Chief Protector could exercise what right he thought fit, and if he thought it fair to leave the child with the mother he could do so.

Hon. J. F. CULLEN: It might be better to excise the word "exclusion" from the sentence reading "to the exclusion of the rights of the mother" and substitute "subordination." It would mean then the subordination of her rights.

The Colonial Secretary: There is no great objection to the clause as it stands.

Hon. J. W. HACKETT: Subordination to whom?

Hon. J. F. CULLEN: To the Chief Protector. That was to say that the protector's position would be dominant.

Clause put and passed.

Clause 4—Amendment of Section 10:

Hon. Sir E. H. WITTENOOM moved—

*That the consideration of the clause be postponed.*

The COLONIAL SECRETARY: There would be no objection to the postponement of the consideration of the clause, but it might be pointed out that it was intended to deal more with Moolla-Bulla Station in the Hall's Creek district. The clause might be discussed and the objections to it learned, then an amendment might be drafted in the direction desired.

Hon. Sir E. H. WITTENOOM: It was generally conceded that all leases belonged to the Government and were con-

sidered as Crown lands. The reserves that the Colonial Secretary contemplated making were of such importance that they were almost entitled to a small Bill of their own. He could not see that any amendment which might be brought in would prevent any Minister at any time reserving another 800,000 acres of leasehold land if he thought fit to do so.

Motion put and passed; the clause postponed.

Clause 5—agreed to.

Clause 6—Amendment of Section 19:

Hon. J. F. CULLEN: Some reason might be given by the Colonial Secretary for omitting the words referred to in the clause. The section it was proposed to amend was against allowing blacks on boats, and the words referred to in the clause seemed to make the provision complete.

The Colonial Secretary: They are being repealed because they are not necessary.

Hon. J. F. CULLEN: Are they redundant?

The Colonial Secretary: Yes.

Clause passed.

Clause 7—agreed to.

Clause 8—Amendment of Section 43:

Hon. J. F. CULLEN: The initiation of action was to be limited to the Chief Protector. Had any trouble arisen in the past under an ordinary protector by reason of which it was desired now to remove the power which these protectors had and to confer it solely on the Chief Protector? The offence of cohabiting with blacks was one of the worst of its kind.

The COLONIAL SECRETARY: Section 43, which this clause would amend, provided that any person, other than an aborigine, who lived with an aboriginal woman should be prosecuted. Prior to the passing of the Act in 1905 it had not been an offence for a white man to live with a native woman. Several large half-caste families had thus sprung into existence prior to the passing of the Act, and the position was that under the Act the white men concerned would have to be prosecuted for their condition of domestic life, or forced to marry the respective aboriginal women with whom they were

living. In some instances these men were quite ready to marry the aboriginal women, but in other cases they would not do so; and, among this latter class, if prosecutions were made the men would leave the women and children now dependent on them to get their own living. Fortunately, there were not many instances of these ill-assorted unions, and it had been thought wise to give the Chief Protector a little discrimination and not insist on prosecutions if he thought it would be against the best interests of the parties concerned.

Clause put and passed.

Clauses 9 to 15—agreed to.

Progress reported.

*House adjourned at 5.50 p.m.*

## Legislative Assembly,

*Tuesday, 22nd November, 1910.*

	PAGE.
Papers presented .. .. .	1643
Questions: Education Department, Assistant Inspector, Schools in Timber districts ..	1644
Land selection in Jarrah forest .. .. .	1644
Land selection, Mr. Breadon's holdings ..	1645
Fruit carriage, Mundaring .. .. .	1645
Railway project, South Swan .. .. .	1645
Collie Coal, monthly output .. .. .	1645
Railway excursions to Mundaring Weir ..	1646
Assent to Bills .. .. .	1646
Appropriation Message .. .. .	1646
Bill: Health, Com. .. .. .	1646

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

### PAPERS PRESENTED.

By the Premier: 1. Report of the Railway Advisory Board on country east of the Great Southern Railway. 2. Report of the Railway Advisory Board on the proposed extension of the Upper Chapman Railway. 3. Report of the Railway Advisory Board on the proposed extension of the Northampton Railway. 4. Report of the Railway Advisory Board on the proposed construction of a railway to Mt. Erin. 5. Report of the Railway Advisory Board on the proposed Wagin-Darkan Railway.