pose at any curve on a main railroad either here or in any other State.

I regret having occupied the time of the House but this was the only opportunity afforded me of replying to the Minister who said that the figures supplied to me in the first place were correct. I say they were not correct and I take strong exception to the fact that when I ask a question in language which is not at all ambiguous I am not answered in similar terms.

Vote put and passed.

Votes—Harbours and Rivers, £97,500; Water Supply and Sewerage, £911,500; Development of Goldfields and Mineral Resources, £41,000; Development of Agriculture, £176,500; Roads and Bridges and Public Buildings, £151,966; Sundries, £44,200—agreed to.

This concluded the Loan Estimates for he year.

Resolutions reported and the report adopted.

BILL—JURY ACT AMENDMENT.

Council's Amendment—Bill rejected.

Message from the Council received and read notifying that it had agreed to the Bill with an amendment and asking the Assembly's concurrence therein.

MR. McLARTY (Murray - Wellington) [11.47]: I move—

That consideration of the Council's message be made an Order of the Day for the next sitting of the House.

Question put and negatived.

Bill thus rejected.

House adjourned at 11.48 p.m.

Legislative Council.

Wednesday, 30th November, 1938.

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

QUESTIONS (2)—GROUP SETTLEMENT.

Sale of Denmark Farms.

Hon. A. THOMSON asked the Chief Secretary: In view of the apparent failure, owing to lack of proper publicity, by appointed agents of the Agricultural Bank to secure settlers for vacant holdings in the Denmark area or to secure buyers within the State—1, Will the Government give consideration to the preparation of a talkie film showing the ready-made farms available for men with small capital, these films to be shown in dairying districts in the Eastern States, where, we are given to understand, there are young men with practical dairying knowledge seeking land such as we have to offer? 2, Will the Government give consideration to utilising wireless stations that can reach dairying districts in the East so that the wonderful opportunities offering in the Denmark area may be placed before possible seekers after good dairying propositions?

The CHIEF SECRETARY replied: 1, The selling agents are extensively advertising Agricultural Bank reverted holdings for sale throughout the Eastern States, and the Denmark district is receiving the same publicity in this connection as other districts. 2, Answered by No. (1).

Cleaning Up Denmark Abandoned Blocks.

Hon. A. THOMSON asked the Chief Secretary: 1, How many single men are employed in cleaning up abandoned blocks in the Denmark area? 2, How much per week are they permitted to earn? 3, How long have the men been engaged on this work?

The CHIEF SECRETARY replied: 1, 123. 2, The men are employed on a part-time basis, their average weekly earnings being £1 12s. 10d. 3, The work has been in operation for 4½ years.

QUESTION—ARBITRATION COURT.

Basic Wage Inquiry, Payments.

Hon. H. SEDDON asked the Chief Secretary: 1, Have any public moneys been paid, or recommended to be paid, to other than persons employed by the Crown, in connection with the recent inquiry by the Court of Arbitration as to the basic wage? 2, If so—(a) to whom paid, and the amounts; (b) on whose recommendation; (c) who certified such payments; (d) were the certificates for payment made by the officers usually authorised by the Treasury to certify such payments?

The CHIEF SECRETARY replied: 1, Yes. 2 (a) State Executive Australian Labour Party, £198 1s. 9d.; Western Australian Employers' Federation, £119 6s. 9d.; Mr. C. Clark, £21 (less tax). (b) Court of Arbitration pursuant to Section 121 (3) of the Industrial Arbitration Act, 1912-1935. (c) Court of Arbitration. (d) Yes.

ASSENT TO BILLS.

Message from the Lieut.-Governor received and read notifying assent to the following Bills:—

1, Supply Bill (No. 2), £1,200,000.

2, Sailors and Soldiers' Scholarship Fund.

3, Basil Murray Co-operative Memorial Scholarship Fund.

4, Auctioneers Act Amendment.

5, Land Tax and Income Tax.

6, Returned Sailors and Soldiers' Imperial League of Australia, W.A. Branch Incorporated (Anzac Club Control).

7, Fremantle Gas and Coke Company's Act Amendment.

8, Local Courts Act Amendment.

MOTION—NATIVE ADMINISTRATION ACT.

To Disallow Regulations.

HON. C. F. BAXTER (East) [4.39]: I move—

That regulations Nos. 65, 81, 83, 85, 93, 94, 96, 97 and 103, made under the Native Administration Act, 1905-1936, as published in the "Government Gazette" on the 1st November, 1938, and laid on the Table of the House on the 1st November, 1938, be and are hereby disallowed.

Considerable time has been devoted by the House to the consideration of regulations governing the control of missions, but members will appreciate that missions are by no means the only section of the community, apart from the natives themselves, whose interests are affected by the regulations recently tabled. The regulations I am seeking to have disallowed relate to conditions imposed upon employers—conditions that I consider are either unnecessary, impracticable or unjustified.

The more closely one examines the regulations as a whole and the strong objections that have been raised in various quarters, the more one realises that the root of such objections lies mainly in the attempt which has been made to frame regulations covering native administration throughout the whole State, irrespective of the differing conditions under which natives in various portions of it exist and are employed. In my opinion the Government made a grave error of judgment in failing to implement what must be regarded as one of the major recommendations of the Royal Commissioner, Mr. H. D. Moseley, in his report following his investigations. That recommendation was the appointment of divisional protectors as permanent officials responsible directly to the Minister. Members will recall that Mr. Moseley found that the State, with regard to the native question, could be divided into three districts. Had the Government adopted his considered recommendation, I have no doubt that the various problems affecting the different portions of the State could have been dealt with in a far more satisfactory and adequate manner than is attempted by the regulations before the House.

I shall now take the regulations, which I deem it well to read in order that the House may follow my argument easily. Regulation 65 provides——

Natives employed by contract drovers, well-sinkers, or other persons engaged under contract with any particular employer, and natives worked by employees, of any person, company, or station, not engaged within 30 miles of their customary headquarters, must be covered by separate permit to be taken out by the person in charge, as may be required by the protector. Any branch of any pastoral station

or agricultural undertaking which is under separate management or oversight——

Members will note the words "under separate management or oversight"——

——shall be regarded as a separate property for the purposes of this regulation.

I regard the regulation as unnecessarily restrictive in its incidence. An out-station may be under the supervsion of an overseer but still subject to the general control of the one employer or his representative at the main station, probably situated some distance away. Yet it would appear that the Commissioner can, as undoubtedly he will, regard the properties as separate, and demand in the case of large employers more than one general permit. Similarly, in the southern areas of the State, an employer engaging natives to dig potatoes on his property at, say, Kronkup must apparently obtain separate permits should he desire to use such natives in doing similar work on his property 30 miles away. In these days of motor transport, 30 miles represents less than an hour's run; and members know that the boundaries of many pastoral leases exceed the distance mentioned. For various reasons owners may divide the oversight of sections of the run while exercising through one person a general supervision over the whole property. Furthermore, it is not unusual for pastoral leases held by the one person to be separated by blocks of unsuitable country, or country held by other lessees; and there appears to be no adequate reason why the restriction contained in the regulation should be imposed on the individual employer.

Regulation 81 provides—

Employers of native labour must provide accommodation to the satisfaction of the Commissioner for their native employees, upon or within such distance of their own premises as the Commissioner may require. Where it is inconvenient to accommodate natives near the employer's premises and other suitable arrangements can be made, representions may be made to the Commissioner through the local protector for approval accordingly.

Although the regulation will, of course, have State-wide application, to see how it can be enforced in the northern areas is difficult. Natives in such parts invariably live in camps of their own making; and not even a Commissioner, clothed as he may be with extraordinarily wide powers, could induce natives to live in a particular spot or habitation when some tribal custom decrees that a change of location must be made.

If anyone contends that the regulation would not be applied in such cases, the contention merely demonstrates the impracticability of framing regulations suitable for all portions of the State; and we should hesitate to give to any Government official powers which are incapable of enforcement, lest an attempt be made by some responsible official to secure their application under inappropriate conditions.

Now I come to Regulation 81—

In all cases bedding and mosquito nets and ground sheets, as required, shall be provided to the satisfaction of the Commissioner.

This appears to be another case in which the contention may be raised that general application of the power given was not contemplated. If the regulation is intended to have only restricted application, some means should be found of stating the position more definitely, instead of leaving the matter of enforcement to the whim of a Commissioner who may use the power in circumstances not justifying its use. It is interesting to observe that in Regulation 36, dealing with conduct upon and management of institutions and reserves, and providing for inmates to have separate beds complete with necessary bedding as may be required by the Commissioner, no mention is made of the obligation to supply mosquito nets. In some sections of the Kimberleys there may be a danger of contagious disease being spread by mosquitoes. In those parts mosquito nets should be used, and I believe that in the past employers have recognised the necessity for supplying them. The disallowance of this regulation will enable the department to present an amended regulation to enforce the provision of nets where necessary.

Regulation 81 (c) provides—

Suitable sanitary conveniences shall be provided where necessary or as required by the Commissioner.

Here, again, everything is left to the Commissioner. We are told that the Commissioner knows all about natives. I cannot believe that anybody is better acquainted with their customs, or knows better how they should be treated, than the man who has grown up amongst them and employs them. Amongst the hundreds of natives that have been employed, I doubt whether there have been more than two or three instances of ill-treatment. Most employers have a jealous regard for their employees and look after them well. While Regulation 81 (c) may

be justified in the more closely settled areas, its application to the State as a whole would be quite unsuitable. If sanitary conveniences, as we understand them, were provided in the northern areas, they would merely be monuments to unnecessary and unjustifiable expenditure.

Hon. E. H. Angelo: Monuments or ornaments?

Hon. C. F. BAXTER: I said monuments. The natives certainly would not use them voluntarily, and in the event of their being compelled to do so, such conveniences would probably tend to spread disease rather than achieve the object that the regulation apparently seeks to accomplish. Such a regulation might be quite suitable in the southern parts of the State, but the promulgation of this regulation shows the fallacy of attempting to apply similar conditions all over the State.

Hon. E. H. Angelo: The difficulty confronting the department is that of making regulations covering the whole of the State.

Hon. C. F. BAXTER: That is what I am pointing out.

Regulation 81 (d) reads—

> Every employer of native labour shall, if so required, supply his native employees with suitable, substantial and sufficient food and drinking and bathing water to the satisfaction of the Commissioner. Saccharine shall not be substituted for sugar without the consent of the Commissioner.

I am not aware of the reason for restricting the use of saccharine at the discretion of the Commissioner. The fact that its use is permitted at all would indicate that it is not regarded as being seriously harmful to the natives. Saccharine would be used, I imagine, in the remote areas where transport costs are a serious problem, and in such instances the employers should not be required to seek the consent of the Commissioner if they desire to use saccharine in lieu of sugar. Regulation 83 reads—

> Wherever a general permit to employ natives is held by an employer, such employer shall keep and make available a sufficient supply of first-aid and medical necessities to the satisfaction of the Commissioner, and where the number of natives employed or resident on the premises in any case exceeds six in number, the following equipment, medicines and drugs shall be maintained and supplied free of charge to native employees whenever necessary:—

Then follows the list of prescribed equipment, medicines and drugs. I feel sure that employers generally will not object to providing the ordinary medicines necessary for the treatment of simple ailments. This fact was brought out in the report of the Royal Commissioner, Mr. Moseley, who stated that on all stations visited by him a supply of medicines "suitable for the treatment of ordinary everyday ailments" was available. Strong objection is taken to the requirement that a hypodermic syringe, with hypodermic tablets, namely, morphia, shall be kept and, in the language of the regulation, "be supplied free of charge to native employees whenever necessary." I have no doubt that the department does not intend such drugs to be broadcast. No chemist, presumably, would supply these items; as a matter of fact, a chemist is not permitted under the Act to supply them without a doctor's prescription. Therefore the contemplation of the possible consequences of having dangerous drugs spread all over the country in the hands of unqualified persons gives rise to grave concern.

Regulation 85 reads—

> The Commissioner may direct that the wages or part of the wages of any native shall be paid to him in trust for such native in any manner he may think fit, and the wages shall be paid by the employer accordingly.

In my opinion this regulation is most objectionable, and seeks to confer on a public servant a power that he should not have, even when dealing with native employees.

Hon. E. H. Angelo: The Chief Secretary told us last week that this would apply only to wards of the department.

Hon. C. F. BAXTER: I cannot read the regulation in that way. Quite apart from the half-castes and other educated and semi-educated persons who are deemed to be natives within the provisions of the Act, I can quite imagine the consternation that would be caused amongst the full-blooded natives, who have been accustomed to handling their wages, on being told by their employers that all or part of their cash remuneration must be paid to the department under the order of the Commissioner.

Hon. E. H. Angelo: If it means what you say, undoubtedly it is ridiculous.

Hon. C. F. BAXTER: We shall see what the Chief Secretary has to say about it.

Hon. E. H. Angelo: The Chief Secretary gave us his word the other night.

Hon. C. F. BAXTER: Such a state of affairs must lead to serious discontent amongst the natives and add to the troubles

of employers. There are many white men less capable of intelligently spending their earnings than are a great number of the natives, who would rightly resent allowing the Commissioner or any other official, at his discretion, to dispose of their wages. I can see no virtue whatever in the regulation, and I feel that it should not be tolerated by the House.

Now I come to three regulations that might well be grouped, as follows:—

93. No debts shall be recognised which are contracted by an employee with an employer in excess of an amount equal to the wages payable for one month without the authority of the Commissioner.

94. Whenever required by the Commissioner, the employer shall provide a pocket-money-book, in which shall be entered the amount of wage payable direct to the employee weekly, and wherein the receipt of such wage shall be acknowledged in writing by the employee, and a note made of any legitimate deduction made by the employer.

96. The employer shall furnish the employee with an invoice or detailed record docket covering any deduction made from his wages for purchases from the station or any other store, and the employer shall obtain the receipt of the employee for any stores or other goods whatsoever disposed of by him to the employee.

These regulations relating to the issue of invoices, receipts, etc., in transactions between natives and their employers are quite inappropriate and unsuited to the conditions, at any rate in the northern areas of the State, namely north of Geraldton. Here, again, we have the disability of the regulations being made to apply to the whole of the State. To enforce these regulations would lead to absurd situations and prove unnecessarily harassing to both employer and employee. The idea of a native in such cases acknowledging anything in writing is ludicrous. Even if he were educated to the point of being able to record his mark on any document, it could obviously carry no weight as evidence of the accuracy of the transaction. In the extreme North, working natives receive no wages in cash. Invariably the native himself, not understanding the requirements of the regulations, resents being told that he has to do this and that because the Government has decreed it, and his failure to understand the position leads to unnecessary friction with employers. In the southern areas where natives are better educated, the regulation appears equally unnecessary as, in such instances, the individual concerned is fully alive to his own interests. It will possibly be contended that evidence of imposition by employers on their native employees can be produced, but such cases do not, in my opinion, justify the imposition on employers generally of harassing and impracticable regulations.

The Royal Commissioner, Mr. Moseley, clearly indicated in his report that employers in the North and North-West portions of the State generally treat their native employees satisfactorily. Natives on the stations lead natural and useful lives, and are cared for when they become too old to perform useful work. Members will recall, further, the Royal Commissioner's conclusion that, bearing in mind the number of natives who do nothing in the way of work but are maintained by the stations, native labour is not a cheap form of labour. It is, however, convenient. Whilst only six or eight native boys may be employed by some individual, doubtless 30 or 40 hangers-on will be attached to the camp. As conditions change, and irksome regulations are imposed by the department, employers in the North will gradually give up utilising natives. In the Carnarvon district very few people bother about the blacks because of the harassing conditions imposed from Perth. If this sort of thing continues, natives will be thrown upon the Government for support and will continually be in trouble.

We should hesitate before imposing regulations likely to harass employers and make more difficult the utilisation of the services of natives. I am sorry to say there are some erstwhile employers of native labour who no longer employ them, and I feel that this state of affairs is at least in some part due to the fact that more and more restrictions are being imposed by regulation. It would indeed be a sorry day for the natives in the North if employers generally adopted the attitude that the employment of such labour was being made too difficult by the imposition of regulations unsuited to local conditions.

Evidently the Commissioner of Native Affairs realises the difficulty of framing regulations that would apply equitably from one end to the other of this State, embracing as it does tropical, sub-tropical and temperate regions, developed and undeveloped country, all of which more or less have native inhabitants. He has endeavoured to meet the difficulty by making many of the regulations subject to his discretion. That is where the difficulty arises. In the light of the announce-

ment made recently in the House, a change in the form of administration is obviously necessary, and without such change, we cannot hope for any great improvement in the handling of our native problems. I would strongly suggest, therefore, that the sooner the recommendations made by the Royal Commissioner, particularly for the appointment of divisional protectors, are put into effect the better it will be for all concerned. The granting to one individual of the wide powers sought by these regulations is, in my opinion objectionable. No employer could possibly know whether he would be called upon to comply with regulations quite inappropriate and unsuitable to the conditions in the portion of the State in which he was located.

In the final issue, the Commissioner holds the whiphand over employers who fail to do the fair thing by their native employees, inasmuch as he possesses the power to refuse a permit to employ, or he may, if circumstances warrant it, cancel an existing permit.

By disallowing the regulations enumerated in my motion, we shall not lessen the Commissioner's power in this respect. He will still have at his command the most effectual method of disciplining the unjust employer, and, in my opinion, this is all that he can reasonably ask. Regulation 97 reads—

> An employer shall grant an employee paid holidays at convenient periods which shall be equivalent to not less than one day for each month of service, provided that where practicable an employee shall be granted the leave upon the completion of each twelve months of continuous service.

I consider that this regulation is unjustified. There is no legislation, so far as I am aware, requiring farm laborers to receive paid holidays, although most employers, I should say, grant such holidays to their permanent hands. This privilege would not, however, extend, as is contemplated by the regulation, to casual hands on the basis of one day for each month of service. Parliament, when considering the Native Administration Act in 1936, rightly refused the Commissioner power to make regulations governing wages payable to natives. This particular regulation to which objection is taken deals with a kindred subject and should also be disallowed.

The final regulation included in my resolution is No. 103, which reads—

> At the hearing of an appeal by the magistrate, the appellant may appear in person or he may be assisted by his agent, and the Commissioner shall be represented by the protector concerned or by a travelling inspector. No legal practitioner shall be engaged by either side. Nothing in the foregoing shall prevent the Commissioner from himself appearing and opposing any appeal.

This regulation relates to appeals against the cancellation of and/or refusal to grant a permit for the employment of natives. The provision that no legal practitioner shall be engaged on either side may, on the surface, appear to be equitable, but in practice is altogether one-sided, inasmuch as the Commissioner is, or should be, as experienced in court proceedings of this nature as is any legal practitioner. The appellant employer, on the other hand, is most unlikely to have had any such experience. Possibly the Commissioner's decisions would in some instances remain uncontested, not because of any weakness in the employer's case, but by reason of his reluctance to contest proceedings without the necessary knowledge and experience to conduct an appeal. True, he may engage the services of a layman as agent, but the possibility of such a person sufficiently familiar with the provisions of the Act and regulations being available to act in this capacity would be problematical.

I am aware that under some legislation, such as the Industrial Arbitration Act, restrictions are imposed upon the appearance in court of legal practitioners under certain conditions. In those circumstances, the parties to a dispute invariably have at their command the services of laymen specially trained in arbitration work. If the Commissioner is on good ground in refusing to grant a permit, or in cancelling one in operation, he should welcome the best possible case being presented on the appellant's behalf.

Reference has been made to the fact that an officer has been specially appointed to the North-West. Unfortunately he is at present laid aside by ill-health. That officer is still under the control of the head office in Perth. The only way to secure satisfaction is to divide the State into two parts and place the control of native affairs in the hands of two persons. One of these would have the entire control of affairs in the North, and the other would be in control of affairs in the south, both being responsible direct to the Minister.

My motion is an attempt to create as nearly as possible reasonable working condi-

tions for those who employ natives, particularly in the North-West. Residents in that part of the State have already enough to contend with, what with dry seasons and other troubles, without being worried by regulations of this kind. They are merely an addition to the other pin-pricks administered to those who employ natives. I know case upon case in which the tactics of the department have been most irritating. This is a definite discouragement to employers of labour, and a further restriction upon them. Although we should take every opportunity to uplift the natives, we must refrain from applying irritating and irksome conditions, such as are contained in these regulations, thereby making it impossible for people in the North to employ this unfortunate section of the community.

All things considered, our object should be to encourage the employment of natives. Far better is it to establish them, teach them to look after themselves and become self-reliant. But the tendency, to a large extent, is in the other direction. The natives have to be provided with food and clothing, and that is bad in principle. If we continue along these lines, we shall be failing in the undertaking we gave to care for the natives and endeavour to uplift them. The regulations are very discouraging to employers of labour in the North. Those that are necessary for the south can be amended to suit the conditions and applied to the south as soon as they are prepared. There will be no drawback from the point of view of departmental control.

The PRESIDENT: Has the hon. member noticed that two of the regulations, the disallowance of which he has moved, are also included in the motion that will presently be before the House? I refer to Regulations 85 and 103.

Hon. C. F. BAXTER: Yes, Mr. President, I know that they are included in the other motion.

The PRESIDENT: I think it would be better to eliminate them from the hon. member's motion.

Hon. C. F. BAXTER: Unfortunately, if I delete them from my motion, the time will have expired in which I may take further action, should I deem it necessary so to do.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [5.17]: Once more the necessity arises to spend considerable time in dealing with a motion to disallow regulations under the Native Administration Act.

Hon. J. Cornell: Oh, good God!

The PRESIDENT: Order!

The CHIEF SECRETARY: I shall not deal at great length with details of the regulations to which Mr. Baxter has referred, but I shall speak of each briefly. Before doing so, may I remind the House that members have just listened to an entirely different story from the one they heard on other occasions when the regulations were being discussed. Almost all the arguments advanced by Mr. Baxter in support of his request to have these regulations disallowed have been based on the ground that they would impose irritating and irksome conditions on employers, particularly in the North. No word was uttered about the actual conditions where natives are concerned.

Here again I direct attention to the fact that we expect the Commissioner to administer the Act in the interests of the natives. In view of the statement by Mr. Baxter, members will not be surprised that from time to time conflict has arisen between the Commissioner and people who are desirous of evading their responsibilities under the Act. All the regulations quoted are strictly in accordance with the Act. Not one power set out therein is not specifically mentioned in the Act.

I propose to deal with the regulations very briefly. The first mentioned is Regulation 65, which deals with permits to be taken out by employers and separate permits to be taken out under certain conditions. I do not know where Mr. Baxter secured the information upon which he based his argument. He will probably be surprised to hear that that regulation was drafted after a conference with the representatives of the Pastoralists' Association, who were in agreement with it. It was drafted mainly with a view to making proper provision for the medical fund that is now in operation, particularly in the far North. Members will have a recollection of certain regulations being disallowed in this House under which we provided for a compulsory medical fund. All sorts of statements were made when that matter was dealt with by the House, and the regulations were disallowed. Consequently the department had to find some substitute and that eventually took the form of the present

voluntary scheme, which has been subscribed to by a large majority of the employers of native labour. I am pleased to say that the scheme has proved an unqualified success, showing plainly that this House made a big mistake when it disallowed the regulations for a compulsory scheme. I do not wish to quote individual cases of employers, but I can assure members that the department has been advised, and is perfectly aware of the fact, that this scheme is welcomed by nearly all employers who would have participated in the compulsory scheme, and some correspondence regarding the matter has passed between the Pastoralists' Association and myself during the last two months. I do not think that matter requires any further elaboration.

Regulation 81 deals with the provision of satisfactory accommodation for natives who are employed on various properties. Mr. Baxter rightly pointed out that the whole of the conditions embodied in the four paragraphs of the regulation would not necessarily apply to all properties or to all employers, but would apply where the Commissioner thought fit. For instance, he would not apply the regulation to station owners in the far North where natives are employed as Mr. Baxter indicated.

Hon. G. W. Miles: Would the protector be notified to that effect?

The CHIEF SECRETARY: Certainly, and, as the hon. member knows—the matter was discussed yesterday—the Government has provided for one man to be in control of the North, and to him all such matters would be referred. There will be instances of employees not being paid the requisite wages. Some employees may be living under the usual native conditions, particularly where so many of the relatives of the working native, sometimes called the hangers-on, are maintained by the station-owners. There is a well-defined system operating in those particular areas. The department is aware of those conditions, just as are members of this House. Surely, in the circumstances, it is futile to suggest that a demand would be made by the department for effect to be given to some of the conditions embodied in the regulation.

Take the question of mosquito nets: Mr. Baxter has moved to disallow the regulation dealing with that matter. Members are aware that there are times and places where nets are necessary even for natives. Most of us are aware that in the far North, more often than not, mosquito nets are actually provided for the working natives. Not very long ago an epidemic broke out on the Fitzroy River, which emphasised the necessity for some such provision being made. The regulation will give the Commissioner the right to insist upon mosquito nets being supplied where he considers them necessary, according to the conditions in a particular district.

The regulation dealing with sanitary conveniences was quoted by Mr. Baxter. Members will agree that this is an essential provision where natives are being dealt with. Most station-owners take the necessary precautionary steps themselves, but there are exceptions. Provision is essential in order to deal with the exceptions. Again, much depends upon the particular areas where natives are employed and upon the type of employer.

Paragraph (d) of Regulation 81 provides that every employer of native labour shall, if required, supply the natives with suitable substantial and sufficient food, drinking and bathing water to the satisfaction of the Commissioner. That regulation is reasonable. Western Australia is a large State and conditions vary in different localities. Here again the departmental officers possess quite as great a knowledge of the various factors as does any member of this Chamber, and experience shows that they can be trusted to exercise discretion in matters of this kind. I could quote instances to prove the necessity that has arisen from time to time for insisting upon the provision of these requirements. Members may be rather surprised when I tell them that the conditions set out in our regulations are nothing like as stringent as those that have applied in Queensland for many years past.

I quoted some extracts from the Queensland regulations covering this phase. Those regulations prescribe conditions that have never been attempted in Western Australia, notwithstanding the fact that there are parts where the natives are just as well educated and have quite as good a knowledge of necessities as have those living in any other part of the continent. We must bear in mind, too, that these regulations have been promulgated under a new Act. We have not yet had an opportunity to ascertain how the regulations will work. From my knowledge of the situation, I feel sure all these regulations are necessary and that

when we have had more experience of them, little cause for complaint will arise.

Regulation 83 deals with the provision of a supply of first-aid and medical necessities. The long list mentioned by Mr. Baxter applies only to stations where more than six natives are employed. Nevertheless, if the list be examined, members will appreciate that, though lengthy, it does not cover very much. The list provides for what the medical authorities regard as essential. From time to time, experience has shown that each of the items has been needed, and if circumstances arose requiring the procuring of supplies from a centre hundreds of miles away, the delay might be serious from the standpoint of the natives.

Dr. Davis is the medical officer charged with the responsibility of inspecting the natives and native stations in the far North. He has already conducted two or three comprehensive inspections covering practically the whole of the North. We look to him for advice in these matters. While I have had no communication from him on this phase, I am told that there has been no objection on the part of employers of native labour in the North to the provision of the supplies mentioned in the regulation. If the number of native employees is less than six, the regulation is generous in its provisions and merely sets out that where a general permit for the employment of natives is held, the employer must keep a sufficient supply of these necessities to the satisfaction of the Commissioner. Many instances have occurred where natives have suffered needlessly merely because their employers have not paid sufficient attention to matters of this kind. In some cases this may have been due to oversight; in other cases, perhaps the employers considered it unnecessary to make the provision required by the regulation. To frame a regulation that would cover all such points would be difficult. This regulation which is very mild compared with a similar regulation that has been in existence for many years in Queensland. Regulation 85 provides——

Hon. J. Nicholson: Have you not already dealt with that regulation?

The CHIEF SECRETARY: Yes, but I desire to refer to it again for a moment. Regulation 85 provides—

> The Commissioner may direct that the wages or part of the wages of any native shall be paid to him in trust for such native, in any manner he may think fit, and the wages shall be paid by the employer accordingly.

The regulation applies almost entirely to minors and wards of the department. When we send these minors and wards out to employment, we usually obtain an agreement providing that a certain percentage of their wages shall be paid to the Commissioner, who shall bank the amount to a separate bank account in the name of the individual native. As I told the House previously, when a male native attains the age of 21 years, the bank book is passed over to him or he is given a cheque for the amount standing to his credit. He can then do what he pleases with the money, either bank it or spend it. The same conditions apply to female natives, except that we carry on with the system until the female marries. Until that time, a percentage of her earnings must be paid direct to the department and banked in her name. I also told the House that all those accounts are audited by the Auditor General, so provision is made to safeguard the interests of the natives in that respect. May I say again that, while some objection is made to this system, it is absolutely necessary in the interests of the natives that we should have this authority.

One or two cases have occurred where the department has insisted upon the employer continuing to pay a percentage of a native's wages to the department after the native has attained the age of 21 years. Of course, there was good reason for the department's action. Sometimes the reason has been that the record of the employer was bad and the department was unable to obtain satisfaction as to the amount of money actually paid to the native worker. Numerous such cases have occurred. Again, the native may have responsibilities and, were it not for action of this kind, his wages would be dissipated to the detriment of himself and his dependants. The responsibility would then fall upon the Government to find additional money that it would not have to provide if the native was working and earning sufficient to meet his responsibilities.

May I briefly refer again to the fact that this system is in vogue in Queensland. A native cannot be employed in Queensland except under agreement, and in every case his wages are paid to a protector. The wages are not paid to the native. Further, a percentage of the wages is deducted and paid into a fund to provide benefits for indigent natives. The report of the Chief Protector in Queensland shows that at pre-

sent a sum of approximately £300,000 is invested by the Queensland Government or by the Department of Native Affairs; the whole of that money belongs to the natives of that State.

[Resolved: That motions be continued.]

The percentage deducted from the banked earnings of married natives in that State was 2½ per cent., and from the banked earnings of single natives five per cent. I understand the percentages have been reduced; at the moment I do not know the actual percentages deducted. I am in a position to say, however, that an employer in Queensland must engage natives under the conditions I have mentioned, that is, under agreement providing for a certain percentage of the wages to be paid to a protector of aborigines. Consequently, I do not think any member will object to the regulation made under our Act, especially when I say it deals almost entirely with minors and wards of the department.

The next regulation objected to is 93, which provides—

> No debts shall be recognised which are contracted by an employee with an employer in excess of an amount equal to the wages payable for one month, without the authority of the Commissioner.

Any member who has had experience of natives will know the reason for this regulation, so it is hardly necessary for me to enter into much detail. The regulation is designed to prevent employers involving their native workers in expenditure that they cannot afford. It is mainly designed, however, to protect minors and wards of the department. Instances have occurred where the native has always been in debt to his employer and consequently has been tied to him. He could not get away, and had to suffer conditions that otherwise he would not have endured. What is wrong with this regulation?

Hon. G. W. Miles: It is a pity the regulation could not be applied to many whites.

The CHIEF SECRETARY: I do not wish to discuss that subject; I am dealing with natives. We have heard this afternoon a story entirely different from those related on other occasions quite recently. These regulations are devised to protect the natives. They have been framed as the result of experience gained over a great many years. While it would be possible for me to quote offhand many cases that have come to my knowledge since I have been Minister, I do not wish to do so. Of this I am assured, that many cases have occurred which amply justify a regulation of the kind I have just dealt with.

The next regulation objected to was No. 94, dealing with the question of a pocket-money book. This book must be provided where the employer pays to the department a certain percentage of the wages of a native.

Hon. W. J. Mann: But only in those cases.

The CHIEF SECRETARY: Yes. Suppose an employer has agreed to pay a native 5s. a week on account of his wages and to pay the balance to the department. To have a check on such payments is absolutely necessary. Instances have occurred where a matter has been allowed to drift for many months and the employer has then claimed that he has paid his employee all that he was entitled to. On the other hand, the employee has contended that he has received no payment at all, or only a small proportion of the amount that he was entitled to receive. A similar regulation exists in Queensland, but it goes a little further by providing that a third person shall be present in order to certify that the native has received the amount entered in the pocket-money book. Here again, we have adopted a regulation which has been in operation in another State for many years.

The hon. member took exception to Regulation 96, which deals with the furnishing of detailed accounts. So far as the North is concerned, the hon. member says there is no necessity for this regulation. We, however, are not asking the station owners in the North to do for the natives any more than they do for their white employees. If they supply the natives with stores and desire to offset the price of the stores against the wages owing to the natives, surely it is reasonable that the employers should supply a copy of the account from their books. This is another instance of the department endeavouring to protect the interests of the natives. It will cost the employer nothing and is only a reasonable provision.

When dealing with this regulation the hon. member proceeded to say that Carnarvon natives are not now employed because of the harassing conditions imposed upon the employers from Perth. I find it

hard to believe that such is the case. I know employers in the Carnarvon district have for a long time past suffered severely from drought, and in many instances have not been able to continue the employment of some of their native workers. I have yet to learn of any employer or station owner who has communicated with the department and objected to the conditions imposed upon him by the department. There may be some such cases. I suggest, however, that if there is any truth in the statement made by the hon. member, some at least of the employers concerned would have communicated with the department.

The hon. member also said that apparently the Commissioner of Native Affairs realises the difficulty of making regulations that can apply to the whole State, and that therefore many of these regulations are subject to the discretion of the Commissioner. Well, he is the Commissioner; he is the head of the department; he is in control of a large number of other officers and of a large number of protectors throughout the State. Surely a man holding such a position can be trusted to use his discretion. Members must always bear in mind that he is acting in the interests of the natives, and will not be overbearing to the employers in any district. All said and done, we must recognise that the native employee is entitled to fair conditions of labour, according to the part of the State where he is employed, and is entitled to much different treatment from that which has been meted out to many natives in the past. Otherwise there would have been no necessity for the amending Act of 1936. When that measure was going through the Chamber, I quoted a number of instances that I believed convinced members of the necessity for a provision of this sort.

The hon. member objects to Regulation 97, which provides that an employer shall grant an employee paid holidays at convenient periods. Section 31 of the Act contains the following:—

> The employer of any native engaged under an agreement made under this Act——

I ask members to note those words—

> ——shall grant to the native, at his request, at some time during the term of service, leave to absent himself from his work or service under such agreement—
>
> (1) for not less than 14 days, if the agreement is for a term of three months and not exceeding six months;
>
> (2) for not less than 30 days, if the agreement is for a term exceeding six months.

Here, again, the regulation will apply particularly to wards and trainees of the department; it is one that will apply where natives are employed under permit or agreement. There is no intention that the regulation should apply to casual workers, as the hon. member suggested. As I have explained, it is to apply where natives are employed under permit or agreement, and, may I say, employed regularly.

The last regulation dealt with by the hon. member was No. 103, and he took exception to the part prohibiting representation by a solicitor at proceedings when an employer appeals against a decision of the Commissioner to cancel a permit or not to grant a permit for the employment of native labour. This regulation has been designed in the interests of the white man; it is one of the code that is necessary in the interests of the employer. The employer will be given a period of one month in which to prepare his case, and then we provide that on account of the expense that would be involved in the engagement of legal assistance, neither side shall be represented by counsel. This has been decided upon after consultation with one or two members having a knowledge of the conditions, particularly in the North, and, as I said, is designed to save expense. The hon. member said that if the Commissioner were permitted to appear, he would be as good as a solicitor. That may be so, but members can rest assured that unless the case was a most important one, there would be no need for the Commissioner to appear.

Suppose a case occurred at Wyndham or Derby; it would be left in the hands of the local protector or the inspector having control in the North. Members can realise that if the department engaged a legal practitioner in matters of this kind, the employers would be put to a good deal of expense in order to be similarly represented. The main reason why this provision has been included is that no question of law will be involved. It will be purely a question of character—whether the person concerned is a fit and proper person to be permitted to employ natives. The department will not be able to introduce any other issue. There have been far too many cases in the past that

have shown conclusively the need for a regulation of this kind to ensure that natives receive the treatment to which they are entitled.

These particular regulations, devised to protect the natives, are strictly in accordance with the Act. The great majority of employers of native labour have nothing to fear from the regulations because we know from experience of those employers that the stipulations laid down will be observed in such a way that no objection is likely to be raised. Still, of necessity, we must have remedies embodied in the regulations so that the provisions of the Act may be given full effect. For these reasons, the regulations are necessary and I oppose the motion.

HON. C. F. BAXTER (East—in reply) [5.51]: The Chief Secretary made a vital point when he asked, "Is there any wonder that conflict exists between the Commissioner of Native Affairs and other people?" Where does the conflict arise? It is strange that the last five sittings of Parliament have been devoted almost exclusively to a discussion of the administration of the department. During the course of the debates, some very weird statements have been advanced to bolster up the case of the Commissioner. That is one of the chief faults to be found with these regulations; so much is proposed to be left to the discretion of the Commissioner. I have yet to learn that the people of the North are much enamoured of the Commissioner for the treatment meted out to them. I have travelled the North a good deal and associated with employers there, and I know that the opinion held of the Commissioner is not such as would lead them to put their whole trust in him.

The Chief Secretary: We have a district inspector in the North now.

Hon. C. F. BAXTER: Yes, but he is under the control of and has to report to the Commissioner. If we had the responsible Minister to deal with, the position would be very different. The Chief Secretary said he did not know where I had secured my information in opposition to Regulation 65, and that the Pastoralists' Association had agreed to it. How peculiar that No. 65 is the one regulation on which I approached the Pastoralists' Association for information! Consequently, as the association is now opposed to the regulations, it has since repented of its previous attitude.

The Chief Secretary: Did you get that information officially from the Pastoralists' Association?

Hon. C. F. BAXTER: Yes. I am not attempting to discredit the Minister's statement; all I can say is that the association must have repented. I did not deal at length with the regulation requiring the keeping of medicines and drugs for native employees. I refrained from so doing because I know that such medicines are kept on practically all the stations in the North at present. The Royal Commissioner made reference to the fact and left no doubt about it. Parliament in its wisdom—I emphasise that word—has declined to permit the indiscriminate distribution of certain drugs and dopes, and morphia is one of them. Yet the list requires employers of natives to keep a hypodermic syringe with hypodermic tablets, which would include morphia and strychnine. Of course strychnine is obtainable on a station at any time, but the indiscriminate distribution of morphia by inexperienced persons is certainly a matter for grave concern.

The Chief Secretary: I understand that natives often suffer needlessly on account of its absence.

Hon. C. F. BAXTER: I am sure that is not due to any lack of care by station owners, or any neglect to keep a supply of necessary medicines. Why inflict this regulation upon station owners generally, especially since the Royal Commissioner reported that reasonable provision is made?

The Chief Secretary: We shall not be imposing any additional burden upon them provided those medicines are already supplied.

Hon. C. F. BAXTER: I am not satisfied with the Chief Secretary's interpretation of Regulation 97, which states that an employer shall grant an employee paid holidays at convenient periods. There is no provision for employment under agreement, and there is no reference in the regulation to an award.

Hon. E. H. Angelo: It was included in the Act.

Hon. C. F. BAXTER: But the Minister said this related to natives under agreement.

Hon. E. H. Angelo: We agreed to the principle.

Hon. C. F. BAXTER: The department in attempting to place blacks on an equal footing with whites in the matter of holidays is

going too far. During the last fortnight we have had many debates on native questions and I shall be glad when the subject is done with. My object in moving for the disallowance of these regulations is a desire to keep the wheels of industry going in the North and at the same time to ensure reasonable treatment for the natives. I hope the House in its wisdom will disallow the regulations mentioned in my motion.

Question put and a division taken with the following result:—

Ayes	14
Noes	11
Majority for	3

AYES.

Hon. C. F. Baxter	Hon. W. J. Mann
Hon. L. B. Bolton	Hon. J. Nicholson
Hon. J. Cornell	Hon. H. S. W. Parker
Hon. J. A. Dimmitt	Hon. H. V. Piesse
Hon. V. Hamersley	Hon. H. Seddon
Hon. J. J. Holmes	Hon. C. H. Wittenoom
Hon. J. M. Macfarlane	Hon. H. Tuckey (*Teller.*)

NOES.

Hon. E. H. Angelo	Hon. E. M. Heenan
Hon. L. Craig	Hon. W. H. Kitson
Hon. J. M. Drew	Hon. G. W. Miles
Hon. J. T. Franklin	Hon. C. B. Williams
Hon. E. H. Gray	Hon. G. Fraser (*Teller.*)
Hon. E. H. H. Hall	

PAIR.

AYE.	NO.
Hon. A. Thomson	Hon. W. R. Hall

Question thus passed.

MOTION—NATIVE ADMINISTRATION ACT.

To Disallow Regulations.

Debate resumed from the 24th November on the following motion by Hon. H. Seddon (North-East)—

That regulations Nos. 6, 39, 85, 101, 103, 106, 112, 114, 115, 134, 135, 136, 137, 138, 139A, 141, 142, 144, 149 and 151, made under the Native Administration Act, 1905-1936, as published in the "Government Gazette" on the 1st November, 1938, and laid on the Table of the House on the 1st November, 1938, be and are hereby disallowed.

HON. L. B. BOLTON (Metropolitan) [6.4]: I had no intention of prolonging this unfortunate debate, but in view of the motion that has been carried requesting the appointment of a Royal Commission, I desire briefly to explain why I support the motion for the disallowance of these regulations. At the outset I would like to say that I still commend Mr. Seddon for having moved his motion. For many months past great dissatisfaction has existed over the administration of native affairs in this State. I should like it to be understood that I greatly sympathise with the Chief Secretary in the unfortunate position in which he finds himself.

The Chief Secretary: Where has this dissatisfaction come from?

Hon. L. B. BOLTON: It must be coming from many quarters. One could understand a move for the disallowance of one regulation, or just a few regulations, but in view of the motions that have been brought before this House and before another place, and the number of regulations of which disapproval has been expressed, evidently something is wrong somewhere. For that reason, Mr. Seddon is to be commended for having brought the matter before the House.

I have already expressed my indignation at the necessity for the Chief Secretary's having to report the cases he mentioned during his reply to Mr. Seddon's remarks. The Chief Secretary, as the mouthpiece of the department, was relating only what was on the official files, but history will record to the shame of this State the fact that such instances should be on the files and that the Chief Secretary should have found it necessary to quote them in his speech. Not that I blame him for having done so. I liken the Chief Secretary to one of those dogs of whose scalps we heard so much. He has had such a rough time since the Native Administration Act was passed that he must have begun to feel he is at bay—in a corner. Unfortunately for the State, he was forced into enlightening the House in the way he did.

As the House has agreed to ask the Government to appoint a Royal Commission, the operation of these regulations should be suspended. That was my reason for voting for the disallowance of the regulations objected to by Mr. Baxter, and it is my reason for supporting the motion by Mr. Seddon.

The Chief Secretary: The Act is still in operation.

Hon. L. B. BOLTON: Acts of Parliament are somewhat similar to a machine bought by a man for a factory. He buys a machine for about £150, and says, "Here I have a nice new machine to do this work." But that is only the beginning of his expenditure and trouble. Acts of Parliament seem to me to be similar to a new machine. Acts are passed in this House, but the regu-

lations made under those Acts cause all the trouble. From time to time the House is asked to disallow regulations made under this, that or the other Act of Parliament. Acts of Parliament, to my mind, are only the commencement of our difficulties.

The Chief Secretary: The department has to carry on.

Hon. L. B. BOLTON: I agree with that; but I suggest also that the natives are due for a reasonable amount of consideration.

The Honorary Minister interjected.

Hon. L. B. BOLTON: That is all very well. I have my own views, and I am entitled to express them, and intend to do so. As I said last night, when speaking on the motion for the appointment of a Royal Commission, I have a feeling that because we have deprived the natives of their country, we should do something for them. I do not desire to attack a public officer, but I am forced to the conclusion that, under some of the regulations, the Commissioner of Native Affairs is not protecting the natives as they should be protected.

Certain regulations are very harsh. This leads me to comment on an unfortunate feature about a motion of this sort. I agree with several of the regulations, but unfortunately we cannot divide the group, so I must vote for the disallowance of either all or none. That is why I had to vote for the disallowance of all the regulations enumerated by Mr. Baxter in his motion. I contend that not enough assistance is being given to enable half-castes and quarter-castes to become good citizens of the State. They are not given enough aid to enable them to obtain employment. As a matter of fact, their employment is hedged about with too many restrictions; too many regulations are made that militate against their obtaining work. I strongly urge that until such time as the Royal Commission can make a report on the matters that have been brought under the notice of the House, the regulations should be suspended.

HON. G. W. MILES (North) [6.11]: I did not intend to take any part in this debate, but I think it my duty to say a word or two. The Native Administration Act was passed two years ago. Parliament agreed to that law, but the department has not been afforded an opportunity to give effect to regulations framed to permit of the Act being administered. Personally I have not too much time for the department, but I am forced to recognise that Parliament did agree against my wish—to the passing of the Act. I would have liked Mr. Moseley's recommendations to be adopted to a greater extent than they were. A board should be appointed to control native affairs, and the State should be divided into two sections. The Chief Secretary has referred to the appointment of a protector for the North. The previous protector there would have made a better Commissioner than has the present occupant of the office. He was a man who understood the natives and their customs. The whole debate on the native question has been unfortunate, and I regret that the Minister made statements about the manner in which natives were treated. If the department had that information, it should have been presented as evidence to the Moseley Commission.

The Chief Secretary: The hon. member overlooks the fact that most of these incidents occurred after the inquiry.

Hon. G. W. MILES: That may be so, but I understood a lot of them occurred before the inquiry. However, I do not intend to discuss that matter. I do not know what another Commission can do. We have had a report from one Royal Commissioner, and if that report were acted upon, the administration of native affairs in this State would be much better than it has been in the past. But my main point is that Parliament passed the Act, and we must have regulations under which to administer it. Of what use is it for Parliament to pass an Act and then, time after time, prevent the department from acting under regulations framed to facilitate the administration of the law? For that reason, I oppose the motion.

The Chief Secretary: You are too late now. The regulations have been disallowed.

Hon. G. W. MILES: There are some before the House now.

The Chief Secretary: The others are gone: all will go out now.

Sitting suspended from 6.15 to 7.30 p.m.

HON. J. A. DIMMITT (Metropolitan-Suburban) [7.30]: I am inclined to agree with Mr. Bolton that we should vote to disallow these regulations simply because, if we do not do so, we shall stultify our action in asking for the appointment of a Royal Commission. However, I am interested in another aspect of the native question, that the

Commissioner of Native Affiairs and his officers claim to have the welfare of the natives at heart, the physical, mental and moral welfare of the natives very much at heart, while on the other hand the missionaries claim also to have at heart the interests of the natives morally, educationally, and spiritually. To me it seems strange that these two groups of people, both claiming to have the same interests, cannot get closer together. If this debate, which has extended over a great number of hours, affords any indication of the position their viewpoints are diametrically opposed. It is a great pity that with the same objectives in view the two groups of thought cannot be brought closer together. I suggest that perhaps a round-table conference may have the desired effect, and may be the means of bringing to light a set of regulations which would please two sets of interests that at present seem so opposed to each other. The Chief Secretary stated that he had interviewed a number of missionaries. In fact, the exact words he used last night were—

> Members may be surprised to know that previous to the tabling of these regulations the Commissioner of Native Affairs and I had many interviews with the leaders of the missionary societies in this State.

I was indeed interested to hear that, and I wondered why there had not been some better result from those interviews. To-day I caused certain inquiries to be made, and I have a statement which is the result of those inquiries. The statement is authoritative, and I think the House should be made acquainted with its contents. It says—

> The Minister or the Commissioner did not consult with the following bodies.—The Roman Catholic missionary authorities, the Anglican missionary authorities, the Presbyterian missionary authorities, and the United Aborigines Missions.

My informant states that these are the only bodies controlling missionaries to natives in Western Australia. If I am correctly informed, that is totally opposed to statements made by the Chief Secretary.

The Chief Secretary: You are wrongly informed.

Hon. J. A. DIMMITT: This statement is the result, I understand, of personal consultation with the four bodies mentioned. That brings me back to the point that I feel a clearing up of these diametrically opposed statements to be necessary. I shall vote for the disallowance of the regulations.

HON. J. CORNELL (South) [7.35]: I find myself the victim of stern logic. I took no part in the debate on Mr. Baxter's motion, and my only reason for intervening now is that in connection with the regulations set out in the present motion Mr. Seddon made numerous charges. The Chief Secretary in reply quoted in substantiation of the regulations, and in rebuttal of certain accusations Mr. Seddon had made—grave accusations against missionaries and other persons. As a result of those charges, counter-charges, and rebuttals the House agreed without a division to request that a Royal Commission be appointed to inquire into many of the accusations which the Leader of the House had made while rebutting Mr. Seddon's statements. The logic of the whole thing is that if we agree with the regulations which Mr. Seddon asks should be disallowed, we buttress up the Chief Secretary's arguments and stultify our action in voting for the appointment of a Royal Commission. That is the exact position in which I find myself. That is the reason why I voted for Mr. Baxter's disallowance motion, which included two of the regulations mentioned in Mr. Seddon's motion. Without entering into the merits or demerits of either side of the case, that is how I view the position, and therefore I must support the disallowance of the regulations.

Point of Order.

Hon. H. Seddon: Before proceeding to reply I wish to ask for your ruling, Mr. President, upon a matter which has arisen as a result of Mr. Baxter's motion. I draw attention to the fact that two of the regulations included in my motion were also included in Mr. Baxter's motion, which has been carried, with the result that the two regulations in question, among others, have been disallowed. I take it that my procedure must be simply to drop the two regulations from my list.

The President: I had intended referring to that matter before the motion was put to a division. As already the House has decided to disallow Regulations 85 and 103, it is a consequential amendment of Mr. Seddon's motion that both those figures should be struck out.

Debate Resumed.

HON. H. SEDDON (North-East—in reply) [7.38]: In view of the time which has been already devoted to the question of native regulations, I am inclined to think that in future this session will be referred to as "the natives' session." Although I may have to take up some of the time of the House in dealing with certain aspects of the Minister's reply, I shall endeavour not to impose upon the patience of members any longer than I can possibly help. There cannot be a greater proof of the public interest in the question of native administration than the time which has been devoted at this, the busiest part of the session, to these discussions. Apart from newspaper correspondence, much time has been given both here and in another place to the discussion of native regulations. The Minister in replying found himself in a difficulty similar to that which faced me when moving the motion. The Minister is well acquainted, from long familiarity, with the activities of the department; but he found himself committed to a very long speech in answering my motion for disallowance.

There was one point the hon. gentleman raised in the course of his remarks to which I may refer here. He suggested that I might have gone to the department before bringing the matter before the House, and satisfied myself at to the department's point of view. My answer is that certain statements had been made in the Press, to which statements I referred and as to which the Minister said no reply had been made. My answer is that the public are looking for information on certain matters. I was not satisfied that by reading the files the public would cease to be in the dark. I adopted the course I did in order, first of all, to ventilate objections and grievances which were being raised and publicly discussed, and, secondly, to give the department an opportunity to make an equally public explanation. My remarks in many cases were those that have been made by the public. The department has had an opportunity to reply in an equally public manner to those allegations. The aspect which affects me is, how would the public have obtained information otherwise than through a public debate here?

The Minister went to considerable lengths in dealing with the important questions of native regulations and departmental policy. I find that he covered no less than 63 columns of "Hansard" in reply. Of those 63 columns, no less than 34 were devoted to discussion of the situation between the department and the missions. Five of the 34 columns were occupied with definite charges made by the Minister against missions and missionaries. Those charges caused such repercussions that this House asked for the appointment of a Royal Commission.

Some remarks are necessary with regard to missionaries and their activities. One remark made by the Minister on this subject contained a quotation which rather impressed me, notwithstanding that he used it in allusion to missionaries. He said—

> The impact of ignorance and inefficiency may, and does, work untold harm.

He was then referring to the desirability of missionaries having a knowledge of anthropology. However, I think that a truer quotation would be that the impact of ignorance and inefficiency, even if it may lie against missionaries, which I very much doubt, is as nothing compared with the impact of the white man's lust, greed and cruelty in dealing with the natives, and as nothing compared with the unfortunate effect on the races with which the whites have come into contact.

Much confusion existed throughout the Minister's reply on the question of what the missionaries stand for. The missionaries stand for preaching the Gospel, ministering to the natives, and uplifting and fitting them to live in contact with white civilisation. The Minister referred to some itinerant missionaries who, he said, had been teaching equality; and he referred to the very undesirable effect that such teaching would have on the natives. As a matter of fact, is not that the basis of Christianity? Does not Christianity teach that all men are equal in the sight of God—the natives and the white men, the highly principled men and the degraded men? It is owing to this teaching that Christianity has made such progress over the face of the earth. This it was that constituted its appeal to Roman slaves. I claim that this is the principle for which the Labour Party stands. The Labour Party bases its appeal on equal rights for the workers with their employers. Was it not that for which Lincoln stood when he liberated the negro slaves in America? When we hear missionaries being criticised for preaching equality, we should consider what the missionaries stand for.

Now let me refer to the statement that missionaries ought to have a knowledge of anthropology. Did St. Augustine have a knowledge of anthropology when he started his great mission to the people of Britain and Ireland? Yet he had wonderful success in his mission. Carey, the man who started foreign missions over 100 years ago was a shoemaker, living in a very humble town in Devon. He was so impressed with the need for preaching Christianity to other people that he left his shoemaker's last, went overseas and devoted the rest of his life to teaching Christianity. He had no knowledge of anthropology or ethnology. He was filled with the spirit that inspired him to go out and preach the Gospel of Jesus Christ. That was the beginning of foreign missions as we understand them to-day. He knew Christianity and that sufficed. In his sympathy for the people and his obvious sincerity in endeavouring to help them, he gained his experience. His work was simply the result of inspiration and he needed no scientific knowledge.

The Minister quoted an inspector who, in 1929 said—

> No missionary should engage in native work unless he first studies their customs and dialect.

The answer is, how can he possibly do that without first coming into contact with the natives? Anyone who has studied the native races knows that the dialect changes in a comparatively short distance. The first writing in a dialect of Australian natives—the Arunta tribe—was recently published in a copy of the Gospels in that tongue by the British and Foreign Bible Society. That is one of the many dialects spoken in Australia and the achievement was made possible by direct contact, by study of the natives and by personal knowledge acquired of them. Why do natives in the North need a travel stick? Those who have come into contact with them know the object is that natives might carry messages from one tribe to another, but through tribes that are hostile to them. The native runner has his message and with the travel stick can move about in comparative safety. Christian sympathy and desire to help soon speak their own message to the natives.

The Minister criticised my reference to tribal law. I asked him by way of interjection whether he contended that tribal law should prevail, and his reply was that it should be taken into consideration. I ask members whether they know what tribal law really imposes on a native in matters of marriage and sexual relationship. I refer to a volume in our Parliamentary library exploring the whole social structure of the natives; their laws, and the wonderful system established to prevent the evils of in-breeding by arranging that marriages shall take place between certain tribes and not other tribes. Scientists are recognising the need for somewhat similar discrimination, and yet we find this observance amongst one of the most primitive races. The provisions for tribal intermarriage and its effect on the prevention of in-breeding are a marvel to all who study them, and certainly these laws must be taken into consideration when natives come into contact with Christian teaching.

Hon. J. Cornell: It would be all right if we knocked out religion.

Hon. H. SEDDON: Take the conditions under which the gins are mated and the ceremonies associated with the attainment of maturity in both sexes. The greater number of these are associated and interwoven with sexual relations. The tribal customs in many respects are cruel and such that no educated or civilised person could condone them. Tribal law provides for a child at a certain age becoming the property of a certain elderly native or of natives.

Let me take the case of the native Munmurrie, to whom I have previously referred. I pointed out that he was afraid of what would happen to his wife, because he had married her according to Christian rites at the Mt. Morgans mission. This point is very interesting. The woman Munmurrie married was by tribal law to be given to an elderly native. When Munmurrie desired to marry her, he had to consider the claims of that elderly native. Assisted by the missionaries, that man's claims were satisfied and waived. But Munmurrie was not free to take the woman. First of all, in accordance with tribal law, he had to fight other claimants. Those claimants he fought and beat, and so won the woman; and then he married her according to Christian rites. He took the woman down to Karonie, and when he was separated from her she was left unprotected at Karonie. She was then open to the advances of the natives whom Munmurrie had beaten in fight, and members will be able to appreciate Munmurrie's state

of mind when he found that his wife had been left behind. He knew what would happen to her at the hands of the men he had defeated. The Commissioner knows these things as well as I do, and he should have realised the state of mind that he had created in Munmurrie when the native was hauled off for service as a blacktracker in Perth. We know what happened. Munmurrie jumped from the train. His wife followed him to Kalgoorlie and hearing there of his escape, she tracked him down the line and joined him in the bush. Then the pair made their way back to the vicinity of the mission.

I now wish to refer to remarks associated with my motion. Although I occupied such a long time in moving it, that was largely due to the necessity for making certain quotations. After all, my remarks fall into two or three simple categories. Firstly, I was discussing the attitude of the department to the missions. Then I dealt with the attitude of the department to the natives and its administration and gave examples from the Press and quoted information supplied to me by missionaries. I spoke fairly strongly about the press-gang methods adopted by the police in getting natives to become blacktrackers. The Minister, in the course of his remarks on that aspect, confirmed my statement by saying that those men were given food, quarters and a few shillings a week.

The Chief Secretary: Instead of being sent to gaol.

Hon. H. SEDDON: I will deal with that aspect later. Surely that is not a principle for which this House or the Minister should stand. It is a question of British justice.

The Chief Secretary interjected.

Hon. H. SEDDON: I drew a comparison between the departmental results and the mission results in training natives for employment, in the matter of education, in the matter of the relationship between the natives and the department, and also in the relationship between natives and missions. The Minister told us in the course of his remarks that the disallowance of the regulations would produce chaos in the department. He endeavoured very strongly to make that point. Yet he admitted to Mr. Baxter this afternoon that the powers of the department rest in the Act. The regulations are the machinery to provide for the application of the provisions contained in the Act. Therefore the disallowance of the regulations cannot affect the powers contained in the Act.

The Chief Secretary: If we have not the machinery, what shall we do?

Hon. H. SEDDON: I am simply pointing out that the Act lays down certain provisions that must be complied with. If a person infringes the law, it is within the power of the department to take action against him in the courts. A responsibility is placed upon Parliament to consider all regulations; else why are they laid on the Table of the House? One reason for tabling them is that the House may have an opportunity to know their contents, and decide whether they accord with the wishes of Parliament and the Act under which they were framed. Parliament is specially concerned to ensure that the regulations observe the spirit of the Act and its own intentions when the Act was framed. When regulations are disallowed it means that Parliament is not satisfied with them, or with the power they convey. Their disallowance indicates that Parliament demands a recasting so that the defects pointed out during debate may be remedied. New regulations then have to be prepared to replace the old ones.

What was the intention of Parliament when the Act was passed? By Section 4 we provided that there shall be a department and a Minister in charge, the department to be called the Department of Native Affairs. This department was charged with the duty of promoting the welfare of natives, supplying them with food, clothing, medicine and medical attendance, when otherwise they would be destitute, and providing for the education of native children and the general well-being of the race. Section 6 sets out the duties of the department. Subsection (6) states that it is the duty of the department to exercise general supervision and care over all matters affecting the well-being of the natives and to protect them against injustice, imposition, fraud, etc. If these portions of the Act mean anything, they convey that the department and the missions should have a common aim. I cannot see why there should be any friction between parties who have a common ideal. But dissatisfaction does exist between the missions and the department. The Chief Secretary said that the policy of the missions cuts across that of the department.

The Chief Secretary: So it does.

Hon. H. SEDDON: The fact remains that the missions have been charged with serious offences and crimes, whether or not that was intended by the Minister. The Chief Secretary qualified this by saying that some of the missions were not included in the charges. Every church felt that its missionaries were being attacked, and demanded an opportunity for them to clear themselves. Seeing that both the missions and the department have the same objective and ideals, I cannot understand this friction, unless it is that the two sections have not established that co-operation with one another and that unity of operation one with the other which should go hand in hand with parties having the same objective. The reason for this may be weakness or lack of sympathy in one party or the other.

Hon. J. A. Dimmitt: A little more Christian charity is needed on both sides.

Hon. H. SEDDON: Perhaps, and possibly a little more sympathy would go a long way. The Chief Secretary said that the policy of the missions in some instances cuts across that of the department. He did not specify in what direction this was so, but stated that the attitude of the missionaries in certain particulars was not that of the department. Why should these two powerful organisations, which ought to be working side by side, be so much at loggerheads as they are to-day? Why the misunderstanding, the mistrust and the fear on the part of the missions that these regulations will be applied against them harmfully? Apart from reading and supposition there must be some reason for the fear of the missions. This must be based upon the experience of their relationship and their dealings with the department, and goes a long way towards explaining the distrust that found expression in the public Press, and has been voiced in the House through documentary evidence placed in the hands of members.

I am inclined to think that one of the fundamental differences between the policy of the department and that of the missions is concerned with Regulation 85 that was disallowed by Mr. Baxter's motion. The Minister said the regulation was framed largely to deal with minors who are wards of the department. He elaborated this by saying that the provision was applied to adult natives in certain instances. As I pointed out when discussing Munmurrie's case, the first ground of dissatisfaction that this man experienced was that, although he was accustomed to receive 25s. a week and his keep when working on a station, he found he was not to receive that money. Arrangements had been made for him to work for less and he was not to get all the money due to him. At the mission station he received every penny he earned.

The Chief Secretary: I do not think that is correct.

Hon. H. SEDDON: I think so. When the Royal Commission is appointed this matter can be thoroughly investigated, and Mr. Schenk can put in his statement alongside that of the department. We shall have an impartial judge who will determine exactly the cause of this man's dissatisfaction and the actions of the protector at Karonie. I think this is one of the fundamental differences between the department and the mission in question.

I have a certain knowledge of the relationship at first existing between Mr. Schenk and the pastoralists when his mission was established. One of his greatest troubles was that he could not get recognition from the pastoralists on the question of payment for services rendered by his workers. Eventually the pastoralists assumed a different attitude. They now ring up the mission and ask that certain natives be sent to them, and are prepared to pay the rates of wages that have been agreed upon as reasonable. In some instances they are willing to pay higher amounts. Apparently one policy is divergent from another. I take it that one reason why the policy of the mission, which is arranged from the standpoint of what is thought to be equitable, cuts across that of the department, which recognises it has certain responsibilities and is endeavouring to carry them out by requiring that a certain portion of the natives' wages shall be remitted to it, is that each side takes a different view. The Minister admitted that deductions were made from the wages of natives that are not made by missions when such organisations arrange for the employment of workers.

In the course of his remarks the Minister referred to the attitude of the department to the missions. He said that when a mission station was made a ration station considerable assistance was rendered to the mission. He also said that grants were made to certain missions. There is a distinct difference

between these two things. Grants are made to certain missions: in other instances all that the department is concerned about is to make the mission a distributing station where rations are issued to the natives.

The teaching and actions of certain itinerant missionaries in the North were criticised by the Minister. I have a reply to that statement. This was sent to Mr. Powell, who has entered into correspondence with the department. As a missionary he had 40 years' experience in China, and this has stood to him in reaching an understanding on the relationship between missions and natives in this State. The letter, portions of which I am going to read, came from Norman Williams, an itinerant missionary working in the Kimberleys under the auspices of the United Aborigines Mission—

The first 12 months of my missionary life was spent at the Watjulum mission; building work, at times out on the mission lugger with natives beach combing, making every effort to teach the Christian principles of the Gospel of Jesus Christ. Later, I carried on the same work in Derby, endeavouring to make the natives better citizens, and more useful to the white man; not seeking to make the native dissatisfied with his lot. On one occasion I made a trip in company with Missionary Street, per pack mules, over the King Leopold Range to preach the Gospel of Christ to the natives working on the cattle stations. We were away six weeks, travelling 770 miles, and preached to 145 natives, some of them hearing the good news for the first time. On the trip we carried our own food supplies and were not a burden to anyone. We were made welcome by station owners and managers, who readily gave their consent to us to preach to the natives. On one station Mr. Street gave a hand "cutting out" cattle ready for branding, after which we both helped with the branding. It cannot be honestly said that we are living on other people, or teaching Bolshevism. Do the members of Parliament really know the meaning of that word? I was loyal to my country during the Great War, serving with the A.I.F. for nearly three years. I am still loyal preaching the Gospel which brought liberty to our nation . . .

I am here to preach the Gospel of Christ, which is the power of God unto salvation to everyone that believeth. I might mention that the motor truck belongs to our mission, and is fully paid for, and the upkeep is our own responsibility. We work with our hands the same as other men that we might not be chargeable to any man. We owe no man anything.

The Chief Secretary: Is that man typical of the others?

Hon. H. SEDDON: He is one of those who was criticised for his teaching of the Gospel to the natives. Apart from the grant I cannot see anything in the remarks of the Chief Secretary to indicate a very active and thorough co-operation between the department and the missions.

The Chief Secretary: It is the other way about.

Hon. H. SEDDON: I want to make the position clear. I can see nothing to indicate a lively spirit of co-operation or the desire to assist the missions that should exist when two parties are inspired by the same objective, namely, the care of natives and the fitting of them for association with white people. Reference was made to the missions and to the fact that, in order to carry on their work, the establishment of clinics, hospitals, schools, workshops and dormitories was necessary. All that has been done. Again, I point out to the House that the Mt. Margaret Mission, which is a faith mission, has done all those things. Those associated with it believe that through faith funds will be found to enable them to carry on, and the work has been carried on.

The Honorary Minister: They organised it well.

Hon. H. SEDDON: It is a thousand pities that we in this House have not more faith.

Hon. J. Cornell: The pity of it is that the electors do not have more faith in some of us.

Hon. H. SEDDON: That is quite true. The fact is that the mission people are working along those lines and have obtained results. The Minister was not clear on the point, and I would like to know how much of that work has been carried out as a result of direct assistance from the Department of Native Affairs, which is charged, under Sections 4 and 6 of the Native Administration Act, with the duty of teaching and looking after the natives of the State. Although the work I have outlined has been effected at the Mt. Margaret Mission, apparently the man in charge is the individual most at loggerheads with the department. Members will have read in the "West Australian" this morning a letter from Mr. Schenk dealing with various phases, and will be able to judge the worth of his work. The Minister said that, from the standpoint of education, the department was doing more than the native missions. All I can say is that the Commissioner of Native Affairs does not substantiate that statement in his annual reports for 1936 and 1937. I shall give mem-

bers the figures to show what has been done. The Commissioner's annual report for 1936 shows that the number of natives being educated by the missions was 455, those being educated at State schools 248, and the number being educated by the department 156.

Members will agree that the department does not show up very well in the light of those figures. Then to quote from the Commissioner's report for 1937, the native children being educated by the missions totalled 439, those at State schools 380, and those by the department 138. There, again, the figures do not redound to the credit of the department. Very much do they tend in the reverse direction. The figures show that during 1936 and 1937 the activities of the missions were far and away ahead of those of the Department of Native Affairs regarding the education of native children.

In the course of his remarks, the Minister pointed out that difficulties had arisen over native children attending State schools. The Minister said that owing to the refusal of people to allow half-caste children to attend the schools with white children, the former were not able to receive education. The department has a definite responsibility to see that the natives do receive satisfactory education. What action did the department take to ensure that the native children received that advantage, despite the selfishness of the parents of white children as indicated by the attitude they adopted? The Minister did not disclose during the course of his long speech what action had been taken by the department. Are we to understand that the department has been content to accept the position as it is and lie down in the face of the opposition of white parents? Are not coloured children already sufficiently handicapped in life by their birth and parentage? Despite that, we find the department content to accept the setback lying down, with the result that the native children are not receiving the education that the Act says the department must provide for them.

The Honorary Minister: Every right or law does not get over the financial aspect.

Hon. H. SEDDON: The responsibility rests upon the Government and upon the department to see that native children receive the education to which they are entitled. I shall deal with the financial aspect later. Let members consider the position at the school at Broome. White and coloured children attend the same school and receive their education from the same masters. If that can be done at Broome, why cannot the same conditions apply elsewhere?

Hon. E. H. H. Hall: That applies at Geraldton.

Hon. H. SEDDON: Very well. Here is an instance in which the department had an opportunity to take a definite stand and ensure the native children a fair deal such as the Act requires. On the contrary, the department has fallen down on its job and failed to carry out its obligations under the Act. The department has taken care to exercise its authority in other directions that I consider arbitrary, but here, when an opportunity was afforded to assist native children, what happened?

I shall refer briefly to Regulation 139 (a) before leaving the mission question. The regulation provides that an appeal may be made to a board when a missionary has been refused a permit to enter a native reserve. The Minister explained that he had experienced considerable difficulty in arriving at the constitution of the board, because the various denominations would not agree upon the personnel. In the end the Minister himself appointed the board and to the constitution of that board I take the strongest possible exception. It consists of representatives of certain religious bodies and the Commissioner of Native Affairs. The board is appointed for the purpose of determining appeals from persons who have been refused permits to work as missionaries. The function of the board is to adjudicate upon appeals against such refusals by the Commissioner of Native Affairs.

I cannot see what object a man would have in appealing to such a board against a decision of the Commissioner in view of those circumstances. The Commissioner must necessarily be the accuser and members surely cannot reconcile the constitution of the board with their conception of British fair play and justice. The board is so constituted that the accuser is one of the judges to deal with the appeal, so that the appeal is from Caesar to Caesar. For that reason alone the regulation should be disallowed, and a new regulation substituted that will be in conformity with elementary justice and equity. The board should be so constituted that when an appeal is made against the decision of the Commissioner, he will have to justify his action to an impartial body.

The Chief Secretary: How would you like a board of business men?

Hon. H. SEDDON: What is required is to determine whether a board or anyone else is necessary to decide whether a permit shall be granted to anyone to preach the Gospel.

The Chief Secretary: I think that argument is just about blown out.

Hon. H. SEDDON: I do not think it is blown out by any means, as I shall show. Stringent powers are given the Commissioner of Native Affairs to deal with any person who enters upon a native reserve.

The Chief Secretary: What is wrong with that?

Hon. H. SEDDON: I am interested to hear the Minister's remarks in view of his attitude towards some of the missionaries, who have not yet had an opportunity to answer his statements. The Commissioner now has all the power necessary to deal with persons who may enter upon reserves without permission.

The Chief Secretary: That is not what I said.

Hon. E. H. H. Hall: What did the Minister say?

The Chief Secretary: I said that a person who entered a native reserve would require to have written permission as provided by the Act.

Hon. H. SEDDON: Then the powers provided in Sections 14 and 15 are sufficient to enable the Commissioner effectively to prevent any person, whose character or record is undesirable, from coming into contact with the natives. In view of those powers, I fail to see the necessity for a permit to be obtained by a missionary in order that he may go to a native reserve and preach the faith in which he believes. I fail to see the necessity for a board to deal with that matter. If a person has not the character or reputation that would indicate he was suitable for assisting the natives, obviously he could be prevented from entering upon natives reserves by the exercise of the statutory powers I have referred to. There should be no necessity to require a man to demonstrate his ability to preach the Christian faith so as to obtain a permit.

The Chief Secretary: It is not a question of ability to preach the Christian faith at all. Why waste time on that?

Hon. H. SEDDON: The Minister took a long time to place his views before the House and clearly to indicate the attitude of the department. I have pointed out the powers imposed upon the Commissioner by the Act and in view of the antagonism and the fear aroused in every church because of the existence of these regulations, the Minister could easily meet those objections by wiping out the provision requiring the issuing of a permit to a missionary, so long as the person could satisfy the Commissioner that he was of good character. Dealing now with the departmental attitude towards natives, I quoted certain examples by reading references from the Press and from the files, to which the Minister replied. Before dealing further with that matter, I would like to ask the Chief Secretary certain questions. At the outset I would ask: If the department stands as the protector, friend, sympathiser, and helper of the natives, why do the natives themselves fear and dread the prospect of their children being sent south?

The Chief Secretary: That is on account of the propaganda on the part of some of the people for whom you are speaking, which propaganda has not been correct.

Hon. H. SEDDON: Then why do the natives in the southern parts, as well as in the North, regard the Moore River Settlement as a penal institution and place of punishment? Why did the Royal Commissioner, who was appointed to inquire into native affairs, speak so scathingly of the conditions at the Moore River Settlement? On the other hand, why, when they are in trouble, do natives make for the missions? They do so, because they regard the missions as places where they can receive sanctuary and help. Has the Minister ever heard of a native making for the Moore River Settlement?

The Chief Secretary: Yes, frequently.

Hon. H. SEDDON: Then that is the first I have heard of it, and the Minister spoke for four hours on the question the other evening.

The Chief Secretary: They have frequently done so.

Hon. H. SEDDON: My information is that the natives regard the Moore River Settlement with fear as a place of punishment.

The Chief Secretary: Have you been to the Moore River Settlement?

Hon. H. SEDDON: No.

The Chief Secretary: Then you are not speaking from personal knowledge.

Hon. H. SEDDON: No; I am repeating what the natives say. Now let me deal with the Prosser case. The Minister referred to the matter fully and apparently the newspaper report was at fault. Prosser was stated to be a quadroon. The Minister claimed he was not and gave us his genealogy. He showed that the department does not regard Prosser as a quadroon. In point of fact, Prosser is five-eighths native as against three-quarters native. That is the difference. According to the Minister, Prosser and his wife came to Perth. They had been living after the manner of white people. Those facts were set out in the Press report.

Prosser is a worker, and he and his wife came to Perth to receive medical attention. On coming to Perth, they were asked to comply with the departmental regulation which forbids natives to visit Perth without a permit. They were called upon to visit the department. Now, here is a point indicative of the attitude of the department towards natives. The Prossers were called in and told they would have to apply for a permit; I think I am correct in saying that. These people, as I said, had been living after the manner of whites, and had come to Perth for medical attention. Why did not the department, of its own volition, say, "We will grant you a permit"? Instead, the department said, "You must apply for a permit." Note the attitude of the department. I accused the department of this attitude when I moved for the disallowance of these regulations. The department's attitude is that of an autocrat. The article went on to say that because of her conflict with the department, Gladys Prosser persuaded her husband to go to Bunbury. She went with him to Bunbury to get the medical attention which she came to Perth to receive.

The Chief Secretary: That does not accord with the facts of the case.

Hon. H. SEDDON: The Minister has not given the whole of the facts.

The Chief Secretary: I have.

Hon. H. SEDDON: I have the facts here. I ask members to satisfy themselves by reading the statement made by the Minister in this House.

The Honorary Minister: What about the letters that she wrote?

Hon. H. SEDDON: Why did she write the letters? Perhaps the Minister can tell us.

The PRESIDENT: The hon. member must not provoke interjections. He knows they are disorderly.

Hon. H. SEDDON: I am sorry. Perhaps when the House adjourns this evening the Minister will tell members what brought forth those letters from Gladys Prosser. Members would be interested to learn the reason.

The Chief Secretary: Are you suggesting that I do not know?

Hon. H. SEDDON: I desire to emphasise the attitude of the department towards these people. The Minister questions my statement of the case. He has simply to ask members to read "Hansard" and judge whether I made a plain statement of the case, or misrepresented it.

The Honorary Minister: You should still explain the letters.

Hon. H. SEDDON: I did not write the letters. The Minister knows the circumstances that led up to the writing of the letters. He knows the circumstances very well, and has had an opportunity to let members know what they are.

The Chief Secretary: You accused me of generalising. I ask you to be more specific.

Hon. H. SEDDON: I shall be. I shall later be more specific regarding the question of the training of the natives. The Prossers, as I say, went to Bunbury. I ask, why did not the department itself issue the permit? Why did not the department show a spirit of sympathy towards these two people, and say, "Here is the permit; we will give it to you"? It is for the department, not me, to answer that. I repeat that that is an indication of the attitude of the department towards the natives, an attitude that is responsible for the feeling of fear which the native exhibits towards the department. Other matters were referred to. One was the case of a native woman whom the Minister, in his reply, said that the department was unable to place. I refer to the case of the native woman who lost her reason, a woman named Quinn, the mother of Jack Quinn.

The Chief Secretary: I do not know about that.

Hon. H. SEDDON: The Minister referred to that case in his remarks. He said the department knew nothing of the case of the native woman who lost her reason on account of being deprived of her children.

The Chief Secretary: That is not correct.

Hon. H. SEDDON: I have a letter here on the question of Jack Quinn's mother. The outline of the case given by the Minister was partly correct, but it was not the whole story. She is the woman who was sent to Heathcote because of the worry over her children. She is the woman of whom the Minister said the department had no knowledge.

The Chief Secretary: Who is the writer of the letter?

Hon. H. SEDDON: He is a man very closely acquainted with the case. If a Royal Commission is appointed, I shall have great pleasure in giving it the name of the person so that he may place his story alongside the department's. To show that the department did have knowledge of the case, I shall refer to an extract from Mr. Neville's letter to Mr. Schenk, which was included among the papers submitted to me. The outline of the case was given to me by Miss Jones, of the Mt. Margaret Mission. Briefly, the case is as follows:—

Lilly, a half-caste, was living with a white man by whom she had three children, Jack and his two sisters. Then the Commissioner came upon the scene. He took her away from the white man and placed her and her children at the Moore River Settlement. There she met Bob Sutherland, a half-caste, to whom she was legally married. The Commissioner allowed her to take the baby, Doris. They went back to the Leonora district, where Bob worked for white men. Lilly, who is a superior half-caste, longed for her children. She wrote to the Commissioner asking for them. The Commissioner refused, I understand on more than one occasion, saying that their education could not be interfered with. When her baby was six years of age, she took her to the Mt. Margaret Mission, and she and her husband used to visit her every week-end. Her husband met with an accident, as a result of which he lost his hand. Lilly wanted her boy to come home to help the stepfather in keeping the home together. The Commissioner refused. It was these repeated refusals, and I suppose the whole of the circumstances, which were the cause of the breakdown.

The Honorary Minister: That is a matter of opinion.

Hon. H. SEDDON: But the fact remains that this woman had a nervous breakdown. Miss Jones continued—

She recovered at Heathcote and went back to Mt. Margaret, still asking for her boy, and at last the Commissioner allowed him to pay a visit to his mother. That was last April. After a few weeks, the Commissioner wrote for him to come to Perth. Jack wished to stay and support his mother. The Commissioner was adamant, and the boy was ordered off to Perth and a job was secured for him at Roleystone, where he now is.

That the Chief Secretary should say the department knew nothing about this case seems to me to be most extraordinary, in view of the extract from Mr. Schenk's letter to Mr. Neville that there was danger of a second breakdown. Mr. Schenk wrote to Mr. Neville saying that if Doris were taken away from her mother, the mother would be in danger of another breakdown, and might have to be sent to Heathcote again.

The Chief Secretary interjected.

Hon. H. SEDDON: I think I read correspondence regarding Doris. The Commissioner, in his reply, said that what Mr. Schenk had stated might be true, but it was a matter of opinion. That, again, is an indication of the attitude of the department towards a woman who was highly strung, and had had one breakdown and was in danger of another. Miss Jones continued—

Jack has been out to my home a couple of times and I am taking a personal interest in him. He was greatly blessed spiritually while he was at the Mission.

There are other words to that effect. That deals with the case of Lilly Quinn, a case that I brought before the House.

The Honorary Minister: Unfortunately, we cannot tell the whole story.

Hon. H. SEDDON: Certain statements were made in the House that were broad enough for anybody to listen to. I fail to see the reason for the diffidence of the Chief Secretary or the Honorary Minister in dealing further with some of these natives. Unfortunately, when it comes to discussing the relationship of the department to the natives, the attitude of the department is that of an autocrat. No alleviating circumstances can be taken into consideration, not even the case of a woman losing her reason because she wanted her children.

I desire to complete my reply by referring to Munmurrie. I did not disguise his behaviour; in fact, I said he behaved very badly. The point Mr. Schenk made, and the point I brought before the House, was that Munmurrie, had he been a white man, would have been given a trial. He would have had the opportunity of defending himself against the charges, which are on the file, made against him by the protector at Karonie. The man who should have been his protector and friend was his accuser and

was the cause of his being arrested and sent to Perth to act as a black tracker for 12 months.

The Chief Secretary: How long did you say?

Hon. H. SEDDON: Twelve months. I stand to be corrected if I am wrong, but that certainly is the impression I gathered from the file. The fact remains that the protector who reported Munmurrie was the protector responsible for his arrest. As a result, Munmurrie was taken away without a trial and without being given an opportunity to defend himself. It was only when he got to the Mt. Margaret Mission and related the circumstances to Mr. Schenk, and when Mr. Schenk entered into correspondence with the department, that matters started to move. If we create a state of affairs where a man can be dealt with summarily, without being given an opportunity to defend himself, then I say we are going against a fundamental principle of British justice, which is that every man has the right of a trial. That is why I took up the case. The department stands condemned by its attitude towards Munmurrie and the missionaries.

I wish briefly to refer to Regulation 6 because it is the regulation that shows the attitude of the department towards the natives. This is a regulation under which action is taken to declare a quadroon a native; in other words, to bring a quadroon who has been living as a white citizen under the control of the department.

The Chief Secretary: That is not correct.

Hon. H. SEDDON: The regulation governs the conditions under which a quadroon may be declared a native. It provides for the application. Not less than five days' notice is to be given to the quadroon of the intention of the department to have him declared a native. I emphasise that this man's liberty is at stake. Once the magistrate's decision is given, the man loses all his standing as a white citizen and becomes a native under the control of the department. Yet only five days are to be allowed him to prepare his case and be in readiness to fight for his liberty. No provision is made for him to receive the benefit of legal assistance. He has to stand up against the Commissioner, fortified with Crown law opinions and familiar with all the powers provided by the Act, and fight for his liberty before the magistrate. Under other regulations a month is provided before action is to be taken.

The Chief Secretary: In that case it may be two months.

Hon. H. SEDDON: But this regulation stipulates not less than five days. After five days the department may take action against the native to bring him under its control and thereby cause him to lose his white citizenship.

The Chief Secretary: It gives the magistrate, not the department, the right to fix the time.

Hon. H. SEDDON: The fact remains that the department will take action and these are the conditions under which it will operate. For this reason if for no other, Regulation 6 should be disallowed. The Minister has attempted to justify the action of the department in a case that was brought before Mr. Moseley. Mr. Moseley is one man qualified to adjudicate between the department and the native, and he, with all the knowledge he had acquired, not only decided against the department, but slated it severely and definitely for its action in persecuting that woman.

The Chief Secretary interjected.

Hon. H. SEDDON: I am prepared to abide by the decision of Mr. Moseley. His decision was against the department. I think I have shown clearly and unmistakably from the Minister's own remarks that the attitude of the department to the native is not in accordance with the spirit of the Act. Further, the department's attitude to the missions has not been that of a friendly helper and co-operator, but has been one of harassing and embarrassing the missions.

Before I close, it is only fair that I should make some comparison between what I shall term the Karonie policy and the Mt. Margaret policy. The Karonie policy is this: there are natives at that depot who are simply living on departmental rations, no attempt being made to make them toil or to train them to become useful members of the community. I illustrated the policy of the Mt. Margaret Mission. I showed that the boys are being trained as stockmen; I showed how the missionary, under conditions that would have daunted any less resolute man, obtained equipment to help the natives to mine ore, crush it and win gold, and so enable them to earn their living and, in the case of married men, provide for their families. As a result of that policy and of the

equipment supplied entirely by the missionary and his friends, those natives have been given an opportunity to win nearly £1,000 worth of gold during the last year. But he has done more than that. He has trained those natives to become self-supporting, and in doing that is preparing them to take their places as members of the white community.

I say that if these regulations were framed in the interests of the natives they would contain a provision whereby, when a native had been living according to white standards for a period of three or four months, the department would take steps of its own volition to liberate him from control and declare him a free man. Such action on the part of the department would be a very encouraging gesture and an incentive to natives to live according to white standards.

Hon. E. H. H. Hall: Do you say that the natives at Karonie are not required to do any work?

Hon. H. SEDDON: That is so; those natives are being rationed.

Hon. E. H. H. Hall: And are not required to do any work?

Hon. H. SEDDON: They are not given an opportunity to do any work. The only ones who get work are those trained as stockmen, but at no time has any of those departmental natives been so trained.

The Chief Secretary: Karonie is merely a rationing station to which the natives repair from time to time.

Hon. H. SEDDON: And the Mt. Margaret Mission is a rationing station to which the natives repair from time to time. Let me compare the attitude of the department to the Karonie depot and to the Mt. Margaret Mission.

The Honorary Minister: Do you say that the protector does not find employment for them?

Hon. H. SEDDON: I say that the natives are able to work, but are not encouraged to find employment. The trouble in the Munmurrie case was due to the fact that he was sent to a certain job, while others remained in the camp drawing rations and doing nothing. Would not that make any native dissatisfied?

The Chief Secretary: Those are not the facts.

Hon. H. SEDDON: The Minister has had an opportunity to put the facts, and for once I have an opportunity to reply to him.

The Honorary Minister: I do not think you are putting the position fairly.

Hon. H. SEDDON: I consider that I am putting it very fairly. The difference between the Karonie depot and the Mt. Margaret Mission is that the missionary is out to help the natives in every possible way, whereas the protector at Karonie is there to give out rations to the natives.

Now let me give some figures. According to the Commissioner's report, the departmental expenditure for 1937 was £40,219. Of this sum 9 per cent. was expended on head office, 35 per cent. on general relief, 17 per cent. on the Moore River Settlement, and 3 per cent. on grants to various missions. According to the report 170 natives were handled at Karonie.

The Chief Secretary: They were not there all the time.

Hon. H. SEDDON: Those are the figures in the Commissioner's report.

The Chief Secretary: They were handled from time to time.

Hon. H. SEDDON: The figures are in the report, and I am not going to qualify them. They afford a basis of comparison. I am quoting figures for Karonie and Mt. Margaret, and I claim that they are comparable. For the 170 natives handled at Karonie the total amount spent on relief was £660, equal to £3 17s. 8d. per head. At Mt. Margaret 228 natives were handled, and the total amount spent on relief was £824, equal to £3 12s. 4d. per head. Evidence of the relative efficiency can be found in the amounts granted for relief in the two cases, and I have previously emphasised the employment policy adopted at Mt. Margaret. Do those figures reflect credit on the mission or on the department? Let the figures speak for themselves.

Hon. H. Tuckey: What work would the natives do at Karonie?

Hon. H. SEDDON: None at all. Yesterday the House passed a motion asking the Government to appoint a Royal Commission of inquiry into the various charges against the department and the missions. I ask that pending the inquiry the House insist upon these regulations remaining inoperative. To pass the regulations would be to stultify our action of yesterday, and tantamount to endorsing the department's policy and atti-

tude. The House should insist upon the regulations being disallowed until the whole matter has been investigated and the missionaries have been afforded an opportunity to clear themselves of the charges levelled against them. When the Royal Commission has heard witnesses for and against the department and given its decision, the regulations can be reconsidered. Then we shall be in a position to decide who is better carrying out the principles embodied in the Act and who is better fitted to give the natives the help and protection that will enable them to raise themselves from their present conditions and strive to attain the objective of living decently and respectfully in conformity with white standards.

Question put and a division taken with the following result:—

Ayes	16
Noes	9
Majority for	7

AYES.

Hon. C. F. Baxter	Hon. J. J. Holmes
Hon. L. B. Bolton	Hon. J. M. Macfarlane
Hon. J. Cornell	Hon. J. Nicholson
Hon. J. A. Dimmitt	Hon. H. S. W. Parker
Hon. J. M. Drew	Hon. H. V. Piesse
Hon. J. T. Franklin	Hon. H. Tuckey
Hon. E. H. H. Hall	Hon. G. B. Wood
Hon. V. Hamersley	Hon. H Seddon
	(*Teller.*)

NOES.

Hon. E. H. Angelo	Hon. G. W. Miles
Hon. L. Craig	Hon. C. B. Williams
Hon. G. Fraser	Hon. C. H. Wittenoom
Hon. E. H. Gray	Hon. E. M. Heenan
Hon. W. H. Kitson	(*Teller.*)

PAIR.

AYE.	NO.
Hon. A. Thomson	Hon. W. R. Hall

Question thus passed.

BILL—MORTGAGEES' RIGHTS RESTRICTION ACT CONTINUANCE.

Second Reading.

Debate resumed from the 22nd November.

HON. J. CORNELL (South) [9.3]: I think this is the third or fourth session in which I have opposed the continuation of this legislation. I do so on this occasion for reasons similar to those I have previously given. We have got so far away from the causes that gave rise to the financial emergency legislation that I consider this measure should go the way of other legislation of a similar description; that is, it should go into oblivion. The argument has been raised that if the Bill is not passed a good deal of hardship will be occasioned; but if the Bill is agreed to, hardship will also be caused.

Some members have said that the Act should be continued but should apply only to the rural areas. I think that should be said also of the pastoral areas which are harder hit than the rural areas. So far as I can understand, the commercial houses that advanced money on mortgage and then came under the provisions of this Act are in this position to-day—not only in this State but in practically every State of the Commonwealth—that they are not so much concerned about the men to whom they have advanced money meeting their obligations as they are about keeping on the properties those to whom they have lent money; because if times change and seasons improve they are the only ones likely to make any return at all. I have yet to learn that commercial houses and banks will take any action likely to devalue their own security except against individuals who have not tried to meet their obligations and have deliberately taken advantage of this legislation. Such people deserve all that comes to them.

The point has been raised that the discontinuance of the Act would impose hardship on those who occupy workers' dwellings. What has been the position with regard to the Workers' Homes Board and the War Service Homes Board? The Act does not apply to either of those instrumentalities. The clients of both of those boards—and they are numerous—have had to face the situation and have been required to give an account of their stewardship and prove their willingness to meet their obligations. when legitimate reasons for delay have been advanced, the period of repayment has been extended. When no legitimate excuse could be offered for non-fulfilment of obligations, ex-service men coming under the War Service Homes Board and workers holding homes from the Workers' Homes Board have been given notice to quit, and they have deserved that treatment. Another point raised has been that the rate of interest on the mortgages affected by the Bill is too high. If that is so we must deal with the matter just as we dealt with the much bigger question of the interest on Commonwealth bonds; we must provide by statute for the writing down of the rate of interest.

Hon. G. Fraser: Do you think you would get this House to agree to that?

Hon. J. CORNELL: I think the House would agree to a writing down. If after seven years' application of this Act the House considered that the rate of interest imposed seven or eight years ago was out of proportion to present-day conditions, I do not think it would hesitate to write down the interest to a reasonable figure. The House is composed of business men and property holders some of whom have had to face a similar situation in their own affairs. They have had to rehabilitate the whole of their concerns, cut their losses in many directions and start afresh.

I do not know that I can say any more in opposition to the Bill, but I do warn members that if they agree to the second reading, the only amendment they can make in Committee is either to prolong the proposed period or curtail it. This is a continuance measure and any amendment that is not relevant to the subject matter cannot be made. I am inclined to support the argument of Mr. Parker. If the House cannot see its way clear to refuse to continue the Act for the current year, then perhaps six months' notice of the intention to dispense with this legislation could be given. If the Act were continued for six months I think that many of the fears some members have conjured up in their minds would disappear, just as the fears expressed when we decided to discontinue other legislation of a similar kind disappeared. To suggest that we cannot find a way out of this difficulty is a reflection on our intelligence and our capacity. This is a small matter compared with the big problems given consideration when other financial emergency legislation was receiving attention. To give one illustration: All salaries were reduced, even our own and those of the judges. All of us suffered a reduction for a certain period. Then all the cuts were restored. Yet, with regard to this Act, we are prepared to wander aimlessly on, fearing that something disastrous might happen if we do not continue it. I oppose the second reading.

HON. L. CRAIG (South-West) [9.12]: I oppose the Bill. I did so last year and I am going to do so every year until the Act is abolished. I know that I would be vainly beating the air in trying to convince members who voted for continuance last session, for I am sure they will vote for it again this time. I have received several applications requesting me to do all in my power to have the Act discontinued. Those requests have come not only from dwellers in the metropolitan area, but also from one or two people living in the country who have sold their farms and bought others and who, in order to complete the purchase of their new properties, need the money due to them from the sale of the other farms. With Mr. Cornell I agree that it is unfair that this legislation should be retained when other financial emergency laws have been removed from the statute-book. Why should we continue this dreadful Act, which is a tax or a burden on a section of the people? To speak about the measure at length would be futile. I suppose we shall have the same division that we had last year, but I wish to record my protest, and to inform the House that I intend to oppose the second reading. We cannot amend the Act except by altering the date. We tried to do that last year, but the effort was ineffective. If Mr. Nicholson is able to get his Bill carried the Act will then apply to rural lands only. It would be much better if the onus of proving inability to pay were placed on the mortgagor instead of on the mortgagee as at present. But we are unable to embody either of those provisions in this Bill. Therefore I must oppose its second reading.

HON. J. A. DIMMITT (Metropolitan-Suburban) [9.16]: The principal Act, as far as I know it, was initiated during a time of depressed price levels, when the margin of one-third, which is usually regarded by mortgagees as the safety margin, had practically disappeared. Although price levels have since improved to some extent, I believe I am right in saying that they have not recovered their pre-depression value. I believe I am also right in saying that suburban property, with which I shall mainly deal, is still from 15 to 20 per cent. below pre-depression value.

Hon. J. Nicholson: What about the rents?

Hon. J. A. DIMMITT: In the event of the Bill being defeated, the majority of these mortgages will be called up. The whole of the debate up to this point has been based on that assumption. In the event of the mortgages being called up, they could be repaid in only one of two ways—by the mortgagor meeting the demand for repayment from his own capital resources or, alterna-

tively, by his raising a fresh mortgage with which to pay off the old mortgage. The possibility of the average mortgagor being able to repay from his own personal resources is, to say the least of it, remote.

Hon. L. Craig: Why?

Hon. J. A. DIMMITT: Because he has not got the money.

Hon. L. Craig: How do you know?

Hon. J. A. DIMMITT: I venture to suggest that that is so.

Hon. L. Craig: I doubt it. The Act is seven years old.

Hon. J. Cornell: Some mortgagors have no intention of paying.

Hon. J. A. DIMMITT: There may be a few of those; but the majority cannot pay, and so they would have to resort to the only alternative—raising a fresh mortgage. The majority of mortgagors would be faced with that. The drop in values would make the position extremely difficult.

Hon. J. Cornell: Let the mortgages be written down.

Hon. J. A. DIMMITT: Let us take a typical case of a suburban home of which the pre-depression value was £900. The mortgagor has raised the full available amount of money, two-thirds; that is, £600. He is now called upon to repay that £600. A fresh valuation must be made. Taking my original statement that these values are down 15 to 20 per cent., the new valuation of the property would be from £700 to £785, or in a round figure, £750. The mortgagor raises then the full available amount, two-thirds, equal to £500. Then he has to repay a loan of £600 with £500.

Hon. L. Craig: After seven years?

Hon. J. A. DIMMITT: We are talking about the position as it is to-day. That £100 has to be found in hard, cold cash; and that is going to be extremely difficult.

Hon. J. Cornell: Assuming the value——

The PRESIDENT: Order! Some hon. members interjecting have already spoken on the Bill. Other members, who have not already spoken, will have an opportunity to speak.

Hon. J. A. DIMMITT: What would happen is this. Failure to repay would be followed by forced sales on a large scale. The result would be a further drop in general values. Then it must follow, owing to the large number of properties thrown on the market by forced sale, that the position would be little better than chaotic. The money market, in spite of Mr. Parker's assurance, could not possibly absorb the demand for millions of pounds—and I do not exaggerate when I say millions—that would be asked for. The market simply could not absorb it, and the result would be that large numbers of mortgagors would lose their properties.

Hon. G. W. Miles: Have not mortgagees any rights?

Hon. J. A. DIMMITT: They certainly have. I will come to that aspect a little later. Now let us look at another aspect. It is well-known that the building trade provides one of the largest avenues of employment. A great deal of employment, both direct and indirect, is created by building tradesmen; and most of that employment is in the form of home building. I believe I can safely say that 70 to 80 per cent. of suburban homes are built on a mortgagee arrangement.

Hon. L. Craig: That may be so now.

Hon. J. A. DIMMITT: That was so in the past. It is this avenue of building construction that provides such a large amount of employment. If the restriction is lifted, the building trade will receive a serious setback, because mortgage money will be difficult to get, owing to the competition for money to pay off old mortgages. The forced sale of houses will depress values to a point where the building of new houses will be utterly unattractive from the mortgagee's point of view. And so we shall see another slump in the building trade, with all the lamentable consequences. The position of the mortgagee will not be anything like as favourable as he thinks, because only the people who take early advantage of the position will be successful in obtaining full repayment of the amounts of loans. I think the majority of mortgagees will find that forced sales will depress values to such an extent that they will not recover even the full amount of their original loans.

There seems to me to be one way of dealing with this difficulty. Mr. Parker indicated that it was desirable to have a period of six months between now and the lifting of the Mortgagees' Rights Restriction Act. He admitted that a cushioning effect was necessary, but I claim that the period of six months is not sufficient time to give the cushioning effect that is needed. I am of opinion that a sound way of dealing with the question would be to bring in legislation

terminating the operation of the Act—with that I am in full agreement—but allowing a greater time. I suggest a period of, say, three years.

Hon. J. Cornell: Make it 30 years while you are at it!

Hon. J. A. DIMMITT: I say three years. The first year should be devoted to removing sums up to £1,000 from the operation of the Act. In the second year, make it £2,000. At the end of the third year the operation of the Act should cease.

Hon. J. Nicholson: Would you not provide that the operation of the Act shall continue for another three years?

Hon. J. A. DIMMITT: No. I say it is time that a steady, progressive move was made to ease the operation and, at the end of three years, let the Act go out of existence. This would enable the money market to absorb the demand year by year, and would give those with the largest commitments the greatest amount of time for making their arrangements. Now, any amendment or enactment along those lines would receive my support and, I believe, the support of many members of this Chamber. In conclusion let me say that in view of the prices of wheat and wool, in view of the certainty of increased taxation, and in the full knowledge of the early arrival of national insurance, this year is perhaps one of the worst possible years in which to give consideration to the removal of the Mortgagees' Rights Restriction Act. In the absence of an amendment or enactment such as I have suggested, I am compelled to vote for the Bill.

HON. J. NICHOLSON (Metropolitan) [9.26]: The suggestions made by Mr. Dimmitt are of a nature which, I am sure, he will perceive to be impossible of achievement in a continuance Bill such as this.

Hon. G. W. Miles: His was a most illogical argument.

Hon. J. NICHOLSON: This is a Bill merely to continue the principal Act for another period of one year. Mr. Dimmitt has suggested that whilst he feels compelled to vote for the Bill, he would like to see some provision made whereby a breathing space, shall I call it, will be given to all mortgagors.

Members: No; not all.

Hon. W. J. Mann: One year in some cases.

Hon. J. M. Macfarlane: And two years or three years in other cases.

Hon. J. NICHOLSON: Mr. Dimmitt means that mortgages under £1,000 will be allowed a period of one year.

Hon. J. Cornell: No. They will get the axe first.

Hon. J. NICHOLSON: They would get a year's extension. Then there would be gradual reduction of other mortgages over a total period of one year. Suppose I had a mortgage of £3,000; the position would be that I would require £1,000 per annum.

Members: No!

Hon. J. NICHOLSON: I understood that to be Mr. Dimmitt's suggestion.

The Chief Secretary: You would pay nothing for three years.

Hon. J. NICHOLSON: Very well; I misunderstood Mr. Dimmitt's proposal. Take it in any way, whether the money is to be repaid by yearly instalments or by one sum at the end of a certain period matters not, for one simple reason. This is a fact which Mr. Dimmitt, coming so recently into the House, probably has not had impressed upon him in the same way as other members have had it impressed upon them in reviewing the renewal Bills which have come up year in, year out since the principal Act was passed. This House and another place, Parliament as a whole, has sought to extend to mortgagors grace which is exceptional indeed.

The original legislation was passed on the 18th August, 1931, and has been in existence ever since. Members should bear in mind that the Act was passed as an emergency measure. The last section provides that it shall continue in existence for only one year. This, therefore, was a notice to every mortgagor that at the expiration of a year from the 18th August, 1931, he would be liable to have the money called up under the mortgage. Parliament, however, has continued the benefits given under the original Act year after year right up to the present time. Various members, myself included, have joined in recording a protest, particularly during the last three years, against the continuance of this legisation. Last year, if I remember aright, the Minister expressed the hope that it would not be necessary to ask for its continuance.

The Chief Secretary: I am hoping the same this year.

Hon. J. NICHOLSON: I was sanguine that the Minister's hope would be realised on this occasion and that this renewal measure would not have been introduced. But here again we have another proposal for the continuance of this legislation. Every year since 1931 we have practically given 12 months' notice to mortgagors to get ready to meet the conditions of their mortgages.

Hon. E. H. Angelo: Until now they ignore the notice.

Hon. J. NICHOLSON: They have ignored it every year. Unfortunately, many men are suffering gravely from the injustice of this legislation.

Hon. G. W. Miles: And women, too, widows included.

Hon. J. NICHOLSON: Yes, men and women are suffering.

Hon. G. W. Miles: The mortgagee to-day has no rights.

Hon. J. NICHOLSON: Quite so. Apparently the sympathy of Parliament has been extended to the mortgagor, and I feel that more than a fair share of sympathy has been given him. On each occasion during the last three years I have received letters from various mortgagees—and similar letters were received by other members—whose plight was most pitiable. Again this year I have received a letter, and in addition I have been approached by various persons who have informed me of the hardships that numerous small mortgagees are suffering. They are experiencing hardships, even greater than in the earlier years, because in many instances the mortgagors are practically openly defying the mortgagees, allowing the property to go to rack and ruin, and sometimes allowing the payments of rates to fall grossly into arrears. The security, instead of being of the value it had when the money was advanced, is now much less than the amount of the mortgage debt.

Hon. E. M. Heenan: In those cases the court will grant relief.

Hon. J. NICHOLSON: The hon. member has probably not had so many applications to handle as have certain other members. Mr. Parker referred to that aspect.

Hon. E. M. Heenan: The procedure under the Act seems simple enough.

Hon. C. F. Baxter: You try it.

Hon. J. NICHOLSON: On reading the section the procedure does seem simple.

Hon. E. M. Heenan: Yes, in a case such as you have quoted.

Hon. J. NICHOLSON: Almost invariably the judge grants an adjournment, and it is difficult to obtain orders. Added to that difficulty is the considerable cost of advertising and fees connected with the making of an application to the court, and the person who has to foot the bill is the unfortunate mortgagee.

Hon. E. M. Heenan: The costs would be added to the debt.

Hon. J. NICHOLSON: Mr. Dimmitt is in a pessimistic mood to-night, but Mr. Heenan is optimistic. Perhaps it is good to have a balance of accounts in that way. Mr. Heenan tells us that the cost would be added to the amount of the debt and would have to be paid by the mortgagor. Meantime the value of the security has depreciated, the borrower has been reduced to less affluent circumstances, and the chance of the mortgagee ever recovering any of the costs is as remote as the moon. I should like to assure Mr. Heenan that in the cases referred to the prospects of recovering are nil. I do not propose to read the letter. The facts are that a working man, a unionist, a decent fellow——

Hon. G. Fraser: They are all decent.

Hon. J. NICHOLSON: Quite so. This man had managed to save a few hundred pounds and was induced to advance a sum of £475 to a builder who was erecting a house. For a start things went along merrily and for a time quite satisfactorily. After a period, however, there was a change. The builder went bankrupt, the property passed into other hands and the mortgagee discovered later that the property was not such a one as would be produced by a good builder.

Hon. G. Fraser: Really, it was jerry-built?

Hon. J. NICHOLSON: It was. Instead of the security being of the value represented to the mortgagee, it was much less, and the prospect of recovering anything is dwindling. The mortgagee has endeavoured to get the mortgage debt reduced, but unsuccessfully. We made an unfortunate mistake when we passed the original legislation in not making provision for some gradual reduction after the Act had continued to operate beyond the first year. However, I am not blaming the Minister for that; all of

us are to blame. This man, in common with others, instead of getting something of his own back to make up for the reduction in value by wear and tear, cannot even recover the mortgage money, which would be of great benefit to him in his old age. He is a man of advanced years. There are also the cases of widows referred to by Mr. Miles. To give a typical case, the husband died, left a few hundred pounds, and the money was invested in mortgages in order to provide some small income for the widow and young children. There are hosts of such cases.

In 1931 we passed the Act for one year. We did the same with other emergency measures. We have wiped off the statute-book practically all the rest of those emergency measures. As Mr. Cornell stated, every person who suffered a cut in salary—even each member of Parliament—has been restored to his former position.

Hon. G. W. Miles: We should not have restored our salaries.

Hon. J. NICHOLSON: Not until every piece of emergency legislation had been removed from the statute-book. Under this Bill we are asked to perpetuate the evil, whereas we should be removing this blot from the statute-book. Our duty as legislators is to decline to continue this Act. Should the House consider it wise to continue the Act for, say, six months, as Mr. Parker has suggested, let that be the absolute end of it and permit no further renewal. We must consider the hardships of those persons who advanced money on mortgage. The fact that mortgagors have had notice every year since 1931 to make preparations to meet their obligations should be sufficient, and I cannot see that there would be any justice in granting the extension that Mr. Dimmitt suggested.

There might be some justification for the six months' provision. I suggest that Mr. Dimmitt need have no fear of any disruption in the money market by reason of a sudden demand being made by mortgagees for repayment of their securities. There would be a simple adjustment. The whole thing would straighten out, but there would be removed from our statute-book an Act that should have been discontinued three or four years ago, when we rescinded other emergency legislation. I would not oppose the provision for six months, but would oppose an extension for one year. I have on the notice paper another Bill that I obtained leave to introduce.

The PRESIDENT: The hon. member cannot touch upon that now.

Hon. J. NICHOLSON: I intended to make only a reference to it.

The PRESIDENT: The reference must be only a brief one. According to the Standing Orders, the hon. member is not entitled to make even a brief reference to it.

Hon. J. NICHOLSON: In view of another Bill appearing on the notice paper dealing with the Mortgagees' Rights Restriction Act, would it not be advisable to allow this measure to stand over until we see what happens to the other? We all desire to do what is fairest and best. If this legislation be extended for only six months, the Act will automatically expire at the end of that term.

Hon. G. W. Miles: That is what we want.

Hon. J. NICHOLSON: We must consider also country securities.

Hon. G. W. Miles: The banks would take them over.

Hon. J. NICHOLSON: Farmers are in a difficult position to-day because of the season, but city and suburban properties are not affected to the same extent. The House might be wise to adjourn the debate until consideration has been given to the other Bill bearing on the same question. It is vitally important that we should maintain and assist an industry that has played so great a part in the progress and development of the State.

Hon. G. W. Miles: The Commonwealth Government is bringing down a mortgage bank Bill.

Hon. J. NICHOLSON: It may be necessary to allow this matter to be dealt with in another way. Perhaps some member will move for the adjournment of the debate.

HON. E. M. HEENAN (North-East) [9.50]: I supported the Bill that came before us last year, and, after listening to the debate, I feel it is necessary to support this measure. I was greatly impressed by Mr. Dimmitt's remarks, and consider that his arguments carry a lot of weight. The position as he put it has already been represented to me by various people who hope this legislation will be re-enacted. I agree that we should not continue legislation of this kind indefinitely, but we must be clear that when it is discontinued the time is opportune. If

many people foreclose on their properties, a state of chaos will probably be created, and we must be careful to prevent such a happening. I hope if a similar Bill comes before us next year, I shall be in a position to vote against it. A great deal of water will run under the bridge during the next 12 months. Mr. Piesse should know the conditions that prevail in the country. He said that a state of emergency still exists there, and from my own observations I imagine there is a good deal of truth in the statement. That being so, I support the Bill.

HON. J. T. FRANKLIN (Metropolitan) [9.52]: I regret the necessity for this Bill, but can see no course other than to vote for it. It has my hearty support. Should it fail to become law, a great catastrophe will occur. When the Act was passed in 1931, the amount of registered mortgages was £20,000,000, but in 1937-38, the amount was only £5,000,000. Nevertheless, a vast amount of money would have to be found if the mortgages were called up.

Hon. H. V. Piesse: The trustee companies would have to call them up.

Hon. J. T. FRANKLIN: Yes. That would reduce Western Australia to a condition of chaos. For the progress of the State we are dependent upon the building trade. I do not say that is the only trade in the country, but it is a wonderful barometer of the prosperity of any country. If the building trade is booming, the State is also booming. Should this Bill not be passed, mortgages will undoubtedly be called up and much hardship inflicted upon many people. In 1931 property was valued at a higher figure than it is to-day. At that time it was possible to obtain a mortgage to the extent of 60 to 65 per cent. of the capital value. Let us assume that all mortgages have to be paid up. Mortgagors are in no better position than they were eight or nine years ago, and possibly many of them have not been able to save a penny in the meantime.

Hon. J. Cornell: Will they ever be in a better position?

Hon. J. T. FRANKLIN: The Act should be extended for another two or three years, with certain provisos. Mortgages ranging between £250 and £350 should be paid up in the first year. I make the amount small to meet the circumstances. Possibly a widow invested her capital of £300 in a property thinking that it was the best way to secure a fair and reasonable return. She would thus be given an opportunity to reclaim her money within the 12 months at its full face value. For the second year, I would make the amount £500, and in the third year would include the larger amounts. A man may have lent £600 on a £900-property. He will have no chance of recovering £600, but he might get back £450, arrange another mortgage, and find the balance out of his own capital. I have been a builder.

Hon. J. Nicholson: And your buildings were good.

Hon. J. T. FRANKLIN: During the past eight years, buildings have diminished in value. Many people who began to purchase the homes are still on the breadline. At the time, they thought they would like to own a home of their own, and set about purchasing a new one. In most instances they bought substantial dwellings. They paid a deposit, and gave a mortgage for the balance at a certain rate of interest. If the mortgages are called up they will be obliged to hand their properties over to the lenders of the money, and to walk out penniless.

Hon. G. W. Miles: They will drive out in their motor cars.

Hon. J. T. FRANKLIN: Unfortunately a lot of those who have purchased houses are not in a position to own motor cars.

Hon. J. Cornell: But many have got them.

Hon. J. T. FRANKLIN: They may have motor cars, but I honour those who make it their ambition to secure homes for their wives and families. The day may come when they will find themselves not in that position and will have to vacate their premises; the houses will be sold and some one will make money out of the transactions. If the Bill is not passed, there will be little new building undertaken. If mortgages must be paid off, a slump will occur in the building trade, because money will not be available for building construction.

Hon. H. S. W. Parker: There will be more.

Hon. J. T. FRANKLIN: That is not so. People will find it impossible to borrow money for the erection of new buildings, in addition to which there will be no necessity for new structures, because with the calling up of mortgages houses will be vacated and sold more cheaply than the figure at which new premises could be built.

Hon. H. S. W. Parker: But those premises will be occupied and the tenants will be paying rent.

Hon. J. T. FRANKLIN: Certainly, but I am trying to impress upon the House that no new building operations will be undertaken for some considerable time. In those circumstances, how will our artisans be provided with work? If members regard the position calmly, they will realise the injustice that will be done if we fail to pass the Bill. I trust the Act will be continued for a further year and in the meantime the Government could introduce legislation under which mortgages could be paid off in two or three years. If that course were adopted, no injustice would be done, because those who lent the money would receive their full interest, whereas that is not their position to-day. I hope the second reading of the Bill will be agreed to.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West—in reply) [10.4]: When I moved the second reading of the Bill, I mentioned my regret at the need for the continuance of the Act. Any member who examines the position of this State impartially must recognise the necessity for the continuance of this legislation for a further year. Some members suggested that the Act should apply to the country areas and not to the metropolis. The need for the legislation is just as urgent in the metropolitan area as it is in country districts. When I listened to Mr. Dimmitt's suggestion, I was at first inclined to regard it as logical and fair, but on second thoughts, I came to the conclusion that, if adopted, his proposal would apply mainly to one section of the community, those who in years gone by had raised small loans on their homes. If his suggestion were adopted and mortgages for under £1,000 were the first to be called up, or were exempted from the protection of the Act——

Hon. J. A. Dimmitt: It would also ease the position of the small investors.

The CHIEF SECRETARY: And also that of those who raised larger sums of money on mortgage. On second thoughts, Mr. Dimmitt's suggestion does not appear quite so equitable. At any rate, the Bill seeks to continue the Act for one year only and I hope the measure will meet with the approval of the House, without the necessity for amendment. Some mortgagees can do with the return of their money, and cases could be cited of many mortgagors who would suffer severely if they were called upon to raise money in order to redeem mortgages, the benefit of which they have had for some time past.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Continuance of Act:

Hon. H. S. W. PARKER: I move an amendment—

That in line 2 of Subclause 1 the word "December" be struck out and the word "June" inserted in lieu.

In my opinion, the Act is long overdue for repeal. I wish to reply to some of the speeches made during the second reading of the debate to show how essential the amendment is. One suggestion was that chaos would prevail on the 30th June when everyone would call up mortgages. I cannot believe that for one moment, but let us assume that will be the position. Notice has to be given for periods extending from 14 to 30 days; then matters have to proceed for a further 14 days, after which proceedings are commenced that will take about three months.

Hon. J. A. Dimmitt: That represents the harvest for the law.

Hon. H. S. W. PARKER: The benefit of that goes to newspapers in advertising and to the Government in fees. If the mortgagor has any equity he has nothing to fear. If he has no equity, why should the mortgagee continue to carry him? If it is suggested that all mortgages will be called up on one day, what have the mortgagors been doing during the last eight years to keep their securities in order?

Hon. H. V. Piesse: In the country districts a lot has been done.

Hon. H. S. W. PARKER: When I asked one man, who said he was interested in a concern that had £60,000 out, what had been done to keep the securities in order during the past eight years, he replied that nothing had been done. Any mortgage will be renewed if there is a margin in the security.

Hon. G. Fraser: Probably at a higher rate of interest.

Hon. H. S. W. PARKER: No, that cannot be so because of the Financial Emergency Act.

Hon. G. Fraser: But that Act has gone.

Hon. H. S. W. PARKER: If this Act is to continue, I propose to move an amendment when the Bill to continue the Financial Emergency Act is introduced that will force people to do something. If they have to pay the full rate of interest they will soon wipe out their mortgages.

Hon. H. V. Piesse: But what if they have not the money to enable them to do so.

Hon. H. S. W. PARKER: There may still be some poling indulged in. For the moment, I am speaking about the position in the metropolitan area. Is it too much to ask these mortgagors to reduce their mortgages so as to leave a margin of one-third in favour of the mortgagees? Most mortgages on house properties are for amounts from £400 to £800. Persons with money to invest are only too pleased to lend it on reasonable security. Many new houses are now being built; in fact, the building trade is in a most flourishing condition.

Hon. J. Nicholson: Rents also are high.

Hon. H. S. W. PARKER: Ample money is available upon the security of new houses at approximately the same rate of interest as mortgagees are permitted to charge under the old mortgages. If the term of the measure is fixed to expire on the 30th June next, no difficulty can arise. If the threatened chaos takes place, Parliament will meet in July, long before any of the mortgagees can possibly take action to foreclose.

Hon. L. B. Bolton: The new Government may not meet as early as July.

Hon. H. S. W. PARKER: Even so, the mortgagees could not take effective action before Parliament met; so that if there was chaos, Parliament could re-enact the legislation.

The Honorary Minister: We cannot afford to take the risk.

Hon. H. S. W. PARKER: But the unfortunate mortgagees to whom I have referred must take the risk. I have received a letter from an elderly lady who invested her life savings, £875, on mortgage. She is unable to obtain the repayment of the principal. She consulted a solicitor, but who he is I do not know. I have been unable to check her statement, but she said she could not get an order from the court. She also said she had to borrow money to provide herself with the necessaries of life.

Hon. V. HAMERSLEY: I have an amendment on the notice paper.

Hon. H. V. Piesse: You are too late.

Hon. V. HAMERSLEY: Does Mr. Parker's amendment take precedence over mine?

The CHAIRMAN: I understood that Mr. Hamersley did not intend to move his amendment. He did not rise to explain why he did not move it. Does he desire to move the amendment standing in his name?

Hon. V. HAMERSLEY: I certainly do.

The CHAIRMAN: Then Mr. Parker had better withdraw his amendment temporarily.

Amendment, by leave, withdrawn.

Hon. V. HAMERSLEY: I move an amendment—

That after the word "force" in line 1 the words "only in respect of agricultural and pastoral lands" be inserted.

The amendment would have the effect of making it possible for mortgagees of city lands to secure repayment of the principal owing to them, but would not affect country mortgagors.

The CHAIRMAN: The amendment does not conform to the subject matter of the Bill. I therefore rule it out of order.

Hon. H. S. W. PARKER: I move an amendment—

That in line 2 of Subclause 1 the word "December" be struck out and the word "June" inserted in lieu.

Hon. H. V. PIESSE: I hope members will not vote with Mr. Parker. The value of properties in the country has declined greatly, and where trust funds have been advanced, it is almost impossible to get a sufficient valuation to warrant a new mortgage. This year business is worse, and to raise money is more difficult. I shall call on Mr. Parker to-morrow to ascertain where the money of which he spoke is to be obtained.

Amendment put and a division taken with the following result:—

Ayes	8
Noes	15
Majority against	7

AYES.	
Hon. E. H. Angelo	Hon. G. W. Miles
Hon. L. B. Bolton	Hon. J. Nicholson
Hon. L. Craig	Hon. H. S. W. Parker
Hon. J. M. Macfarlane	Hon. C. B. Williams (*Teller.*)

NOES.	
Hon. J. A. Dimmitt	Hon. W. H. Kitson
Hon. J. M. Drew	Hon. W. J. Mann
Hon. J. T. Franklin	Hon. H. V. Piesse
Hon. G. Fraser	Hon. H. Tuckey
Hon. E. H. Gray	Hon. C. H. Wittenoom
Hon. E. H. H. Hall	Hon. G. B. Wood
Hon. V. Hamersley	Hon. E. M. Heenan
Hon. J. J. Holmes	(*Teller.*)

PAIR	
AYE.	NO.
Hon. H. Seddon	Hon. A. Thomson

Amendment thus negatived.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

House adjourned at 10.36 p.m.

Legislative Assembly,

Wednesday, 30th November, 1938.

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

ASSENT TO BILLS.

Message from the Lieut.-Governor received and read notifying assent to the following Bills:—

1, Supply (No. 2), £1,200,000.

2, Sailors and Soldiers' Scholarship Fund.

3, Basil Murray Co-operative Memorial Scholarship Fund.

4, Auctioneers Act Amendment.

5, Land Tax and Income Tax.

6, Returned Sailors and Soldiers' Imperial League of Australia, W.A. Branch Incorporated (Anzac Club Control).

7, Fremantle Gas and Coke Company's Act Amendment.

8, Local Courts Act Amendment.

QUESTION—RAILWAYS.

Newcastle Coal.

Mr. NULSEN asked the Minister for Railways: How many tons of Newcastle coal were used by the Railway Department between Esperance and Coolgardie, and between the sections Coolgardie-Leonora-Laverton, for the period from the 1st July, 1937, to the 30th June, 1938?

The MINISTER FOR RAILWAYS replied: Kalgoorlie-Esperance, approximately 2,500 tons; Kalgoorlie-Laverton-Leonora, approximately 1,200 tons.

BILLS (7)—FIRST READING.

1, State Transport Co-ordination Act Amendment.

2, Main Roads Act Amendment.

3, Municipal Corporations Act Amendment (No. 2).

Introduced by the Minister for Works.

4, Financial Emergency Act Amendment.

5, York Cemeteries Act Amendment.

Introduced by the Minister for Lands.

6, Life Assurance Companies Act Amendment.

7, Profiteering Prevention.

Introduced by the Minister for Labour.

BILL—TRAFFIC ACT AMENDMENT.

Leave to Introduce.

THE MINISTER FOR WORKS (Hon. H. Millington—Mt. Hawthorn) [4.37]: I move—

That leave be given to introduce a Bill for an Act to make provision in the Traffic Act,