Although I desire to have a small amendment made to the Bill in Committee, I have pleasure in supporting the measure because I know what a wonderful relief it will be to the board to be free of the Treasury and to have power to borrow its own money.

On motion by Hon. A. Thomson, debate adjourned.

House adjourned at 10.3 p.m.

Legislative Assembly.

Wednesday, 16th November, 1938.

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

QUESTION—WHEAT, LIGHT-WEIGHT.

Special Storage, Separate Sale.

Mr. WARNER asked the Minister for Lands: As there is a grave probability of a quantity of wheat being light weight in the north-eastern wheat areas, will he make the necessary representations to Co-operative Bulk Handling to ensure that light weight wheat shall be received and specially stored so that its sale can be separately negotiated?

The MINISTER FOR AGRICULTURE (for the Minister for Lands) replied: Yes.

QUESTION—TRAFFIC ACT, NEW PARKING REGULATIONS.

Mr. NORTH asked the Minister representing the Minister for Police: In view of the new parking regulations affecting the central portion of the City of Perth and Cottesloe, will he inform the House of the reasons underlying the change?

The MINISTER FOR AGRICULTURE replied: Regulation 294, restricting parking, has been in existence for years, but has never been enforced during the night time, especially regarding vehicles parked adjacent to places of entertainments, etc. The only alterations concerning restricted parking within the City Block that has recently taken place are those referring to King-street, east side; Queen-street, west side; Howard-street, west side, and Sherwood-court, east side (now a two-way street). There have been no changes regarding parking restrictions in Cottesloe since regulations of 1936.

QUESTION—METROPOLITAN MARKETS.

Mr. SAMPSON asked the Minister for Agriculture: 1, What amount has been taken from the revenue of the Metropolitan Markets each year since their establishment and paid into consolidated revenue or otherwise appropriated? 2, Are additions and alterations charged against revenue received and, if so, what amounts each year have been expended for these purposes and what additions and alterations, if any, have been carried out?

The MINISTER FOR AGRICULTURE replied: 1, Profits received in to the Treasury from Metropolitan Markets since establishment are shown hereunder:—1930-31, £2,423; 1931-32, £1,165; 1932-33, £454; 1933-34, £159; 1934-35, £37; 1935-36, —; 1936-37, £1,483; 1937-38, £1,113; total, £6,834. 2, No.

QUESTION—POULTRY FARMERS.

Losses by Theft.

Mr. SAMPSON asked the Minister representing the Minister for Police: Having in view the reply to my question regarding the theft of poultry that but one complaint had been lodged, is he aware that not only more than one case has been reported but that in at least three instances following reports the

police have attended and made inquiries on the spot?

The MINISTER FOR AGRICULTURE replied: Further investigations reveal that there have been other cases than the one mentioned and the information supplied was based on erroneous particulars furnished to the Commissioner.

BILL—WHEAT PRODUCTS (PRICES FIXATION).

Returned from the Council without amendment.

BILL—INCOME TAX (RATES FOR DEDUCTION).

Introduced by the Premier and read a first time.

MOTION—NATIVE ADMINISTRATION ACT.

To Disallow Regulations.

MR. NEEDHAM (Perth) [4.36]: I move—

That Regulations Nos. 134 to 138, inclusive, of the regulations made under the Native Administration Act, 1905-36, as published in the "Government Gazette" of the 1st November, 1938, and laid upon the Table of the House on the 1st November, 1938, be and are hereby disallowed.

Perhaps I should quote the regulations that I seek to have disallowed because members may not have read them. They are as follows:—

134. No mission for the evangelisation of the natives or for other kindred purposes shall be established or attempted to be established until the governing authority, church, society, or individual concerned is first in possession of the authority of the Minister to establish such mission. Such authority shall be in Form No. 21 in the Schedule and notification of its issue and tenor shall be published in the "Government Gazette."

135. Whenever a mission has been declared by the Governor to be a native institution within the meaning of Section 2 of the Act and a manager or superintendent is to be appointed thereto, the governing body or church shall supply to the Commissioner the name of the person desired to be appointed in the capacity of manager or superintendent. If upon receiving a recommendation from the Commissioner the Minister is satisfied that the person so appointed is suitable, he shall issue to him a permit in the Form No. 22 in the Schedule accordingly, applicable only to the institution concerned and covering such period as shall be named therein, and notification of its issue and tenor shall be published in the "Government Gazette."

136. No worker other than a native, but including native missionaries, appointed by any governing body or church authority, superintendent, manager or missionary to work in any mission, itinerant or otherwise, shall enter upon his duties unless he has been granted in like manner a permit in the Form No. 23 in the Schedule. For the purposes of this regulation "worker" shall include any person in charge of any authorised mission which has not been declared an institution under the Act.

137. (a) Wherever a permit in accordance with Regulations Nos. 134, 135, and 136 has been issued and the Minister desires for any reason to revoke such permit before its date of expiry as indicated thereon, due notice thereof shall be given to the authorities or persons concerned and the permit shall be thereupon withdrawn and the fact of its revocation published in the "Government Gazette."

(b) When a permit as aforesaid has been revoked it shall be returned immediately to the Commissioner.

138. Any person other than a native working at any mission without being in possession of any permit aforesaid commits a breach of these regulations. Permits issued in respect to superintendents, managers or workers are not transferable.

When the original regulations were published in April, 1938, my intention was to move for the disallowance of those the rejection of which I am now urging. But in response to questions by the Leader of the Opposition and myself, the Premier informed the House that all the regulations that had been gazetted but not laid upon the Table of either House, had been withdrawn and were being revised. I have compared the original regulations Nos. 134 to 138 with the alleged revised regulations, and I find that there is about as much difference between them as there is between 2s. 6d. and half-a-crown, or between six of one and half-a-dozen of the other. When the regulations were broadcast to the Press a wave of protest spread throughout the State against them. The alleged revision is somewhat in the nature of a camouflage. A few days ago when I gave notice of my intention to move for the disallowance of regulations Nos. 134 to 138, several members suggested that other regulations should also be disallowed. I content myself, however, with dealing with the regulations I have mentioned because I have some knowledge of the subject matter. I observe that according to the notice paper other members intend to

move for the disallowance of other regulations in the same "Gazette."

The only difference I can perceive between regulations Nos. 134 to 138 that were published on the 1st November and those of the earlier part of the year is that the word "license" has now been omitted and the word "permit" has been inserted. I repeat that the difference between those two words is the difference between 2s. 6d. and half-a-crown. I consulted the dictionary yesterday to find out the meanings of the two words. I discovered that the word "license" is defined as follows:—

> To be lawful; authority to act at discretion; permission; leave; a document issued by the proper authorities to do something that otherwise would be contrary to law; a legal permit.

When I looked up the word "permit" I found that these were the meanings given to it—

> To let go; to let through; to send; to allow by not trying to prevent; consent to; tolerate; to give leave to; authorise; to give consent; an official written warrant or license.

Members can thus see the result of the revision of the regulations for which we have been waiting for a number of months.

The Minister for Justice: What word would you use?

Mr. NEEDHAM: I am not so much concerned about the use of the word "permit" or the use of the word "license" as I am at the attempt to compel the churches in this country to seek either a license or a permit to do certain things.

Hon. P. D. Ferguson: You would not use any word in that connection would you?

Mr. NEEDHAM: I consider it is an indignity inflicted on the churches of this State and on their missionaries and officers. I emphasised the meaning of those words, not to buttress up the case I am trying to present, but to show the insincerity of the Department of Native Affairs towards the Premier of the State when it informed him that the regulations were being revised.

The Minister for Justice: An objection was raised to the word "license." The hon. member should make that clear. The word has been altered.

Mr. NEEDHAM: I am making the position clear by giving the dictionary's meaning of the words "license" and "permit," and I repeat that the only alteration in these particular regulations has been the substitution of the word "permit" for the word "license." I want to assure the Minister that I am not concerned about the word used, whether it be "permit" or "license," but I am concerned about any church authority having to ask leave to work amongst the natives. The regulations are of a very important and far-reaching description. They provide that no person shall be allowed to preach the Gospel of Christ or do benevolent work among or educate natives without a permit from the Minister. I do not know of any similar regulation in any other State of the Commonwealth. If the Minister representing the Chief Secretary can produce a similar regulation operating elsewhere in Australia I would like to see it. The proposal is an extraordinary one and is strongly resented by the Christian community.

Regulation 135 stipulates that the issue of permits is dependent on the recommendation of the Commissioner. What does that mean? It means that the Commissioner of Native Affairs is for the time being a sort of dictator. If he says that a certain missionary can work among natives, that is all right. If he says no, quite the opposite position prevails.

The Minister has to depend on the recommendation of the Commissioner. I know of nothing in the Act empowering the Minister to override the decisions of that officer. The power is too great to give to one official. I have no intention of reflecting upon that officer, nor am I questioning his ability. I have had very little to do with him. Whilst I have been in public life I have never attempted to belittle an officer of any department when he has not been present to defend himself. I am speaking generally of the effect of the regulation, which is to give the Commissioner too much power. The regulations place missionaries in the hands of a Government official, who must make recommendations to the Minister. I am under the impression that the recommendation is the final decision. Under these regulations one man has power to grant a permit to a minister of religion to attend to the spiritual needs of natives, and even their temporal needs in the way of education and in other directions. These regulations are all the more repellent and extraordinary when we know that many of the missionaries affected are recognised as foremost authorities on anthropology, and particularly on

matters affecting Australian aborigines. The Minister may be able to inform the House how many officers there are in the Department of Native Affairs possessed of any knowledge of anthropology. These regulations will deprive the State of men who are well known and recognised as authorities. As I have indicated, the natives themselves will be deprived of the assistance of learned men. It is not right that either these missionaries or their churches should have to seek a permit or a license at the hands of any Government official so that they may go amongst the natives and cater for their spiritual and temporal needs. The missionaries are well known and they have done and are still doing wonderful work amongst the natives. In justification of these regulations it has been stated that a minister of religion must have a permit to marry, and that the ministers concerned have made no complaint about being obliged to conform to that law. I remind members that the permit to marry refers only to the civil contract and not to the religious ceremony, whereas the regulations under discussion include both the spiritual and civil proceedings. It is that phase of the regulations to which I and other members object, and to which the Christian community of the State objects.

I notice one alteration in the regulations that is the subject of another motion. I refer particularly to Regulation 139 (a), (the board of reference). As constituted, the board is really an appeal from Caesar to Caesar. I will, however, leave that for the member for Kanowna (Mr. Nulsen) to deal with. There is no necessity for these regulations. We should rely upon the various denominations in our midst, with which are associated capable men and women who have done and are doing good work amongst the natives at the various missions. We should allow them to carry on as they have been doing. If it is discovered that their actions are detrimental to the welfare of the natives, or injurious to their spiritual or temporal welfare, a report can be made to the Minister, who will be able to handle the matter. The present regulations inflict an indignity upon various denominations and their respective missionaries, and I trust the House will disallow them.

On motion by the Minister for Justice, debate adjourned.

MOTION—NATIVE ADMINISTRATION ACT.

To Disallow Regulations.

HON. P. D. FERGUSON (Irwin-Moore) [4.58]: I move—

That Regulations Nos. 6, 17, 18, 23 and 24, 28, 30 and 31, 32, 39, 47, 54, 56, 59 to 65, both inclusive, 69 and 70, 72, 73 to 81, both inclusive, 85, 88, 89, 99, 108, 139, 139A, and 141 to 145, both inclusive, of the regulations made under the Native Administration Act, 1905-1936, as published in the "Government Gazette" of the 1st November, 1938, and laid upon the Table of the House on the 1st November, 1938, be and are hereby disallowed.

I have always taken a keen interest in the aborigines of the State and have endeavoured to assist them in any way I could. Ample scope is provided for quite a lot of voluntary work in the amelioration of the unfortunate position in which many of our aborigines, half-castes and quadroons find themselves. In the South-West Land Division particularly, in what may be regarded as our agricultural areas, because of the several years of depression the lot of half-castes and quadroons has been rendered worse than it was in days gone by. My electorate contains the largest Government native station outside the Kimberleys, namely, that at Moore River, where between 300 and 500 natives, half-castes and quadroons are in residence. I also have in my electorate the New Norcia Mission, which has done wonderful work for 80 or 90 years on behalf of the aborigines. Anybody who knows anything at all about rural Western Australia is aware of the work that has been done at New Norcia by the monks and brothers in the amelioration of the conditions of the natives there. Since that institution was first established away back in 1847 I suppose some thousands of natives have passed through the hands of the monks there, and all the work that has been done has been for the benefit of the natives. Really the monks and brothers have carried out a remarkable work, a work that could not possibly have been done by any Government department. I also have in mind several similar camps, like Karramarra, and Walebing, and during the first couple of decades of my life I lived adjacent to the Swan Boys' Orphanage, where there were a lot of half-caste children. I had a good deal to do with them in my youth, and during the last 40 years I have employed many half-castes and quadroons on my property.

I merely mention this to indicate that I have had some experience of the question we are discussing. I have had many opportunities of observing and investigating the habits of the natives and their descendants, and I have endeavoured during those years to form a reasonably intelligent opinion as to what should be done in their interests.

The regulations I am moving to disallow are many and varied. It has been suggested that the whole of the regulations should be disallowed. I do not believe in that attitude at all; I believe that some of the regulations are founded on common-sense and are calculated to be of considerable benefit to the people it is intended to assist. Because of that it would be absurd to disallow all. The duty of Parliament is to disallow any objectionable regulations, but it is wrong to disallow a regulation that might conceivably be beneficial just because it is associated with other regulations that we condemn. I have known the Commissioner of Native Affairs for many years, and I am not prepared to endorse the wholesale condemnation of every action taken by that officer. I believe that for many years the Commissioner has devoted himself wholeheartedly and to the best of his ability, to the work of assisting the natives, and because of that I do not subscribe to the doctrine that everything that emanates from him must of necessity be bad. There can be no shadow of doubt, however, that the majority of the regulations promulgated by the Commissioner of Native Affairs, and published in the "Government Gazette" on the 1st November last, are obnoxious and, in my opinion, should be disallowed. The first one I am moving to disallow is No. 6, which reads—

> The application shall be lodged with the magistrate to whom it is desired to apply for the order, and the magistrate shall thereupon fix a date for the hearing of the application which shall not be less than five days after the day when notice is served on the native as hereinafter prescribed.

That regulation deals with an application declaring a quadroon to be classed as a native. In the first place, there seems to me to be an anomaly, perhaps an unintentional one, that the application shall be lodged with the magistrate to whom it is desired to apply for the order. The Commissioner of Native Affairs may be dealing with the declaration of a quadroon in any part of Western Australia, and yet he may desire that the application be dealt with by a particular magistrate. It does not say that the magistrate shall be the magistrate of the district in which the quadroon resides; that would be only fair to the quadroon. It gives the quadroon five days after service of the notice when the application may be dealt with by the magistrate.

The Minister for Justice: "May be" dealt with, not "shall be" dealt with.

Hon. P. D. FERGUSON: But the regulation says the period shall not be less than five days after the day when notice is served on the native. It might be to the detriment of the quadroon to have only five days in which his application can be dealt with. A perusal of the regulation will show that wherever application is made to a magistrate, and the Commissioner is concerned, the Commissioner is invariably given not less than 30 days to reply to the application. If 30 days is a fair and equitable period for the Commissioner, why allow only five days for the quadroon? Perhaps the Minister will be able to tell us in the course of his reply. To my mind, it is unfair, and the regulation is not of the type that this Parliament can afford to allow. It is conceivable that the quadroon might be many miles from where the magistrate is hearing the case. The quadroon might have a long distance to travel, and he might be engaged on some important work. Altogether, the regulation is unfair to the person whose interests this House should conserve. Therefore I trust it will be disallowed.

Another regulation—No. 17—deals with a removal under warrant. It says—

> At any time after the Minister has decided, pursuant to Section 12 of the Act, to cause any native to be removed to and kept within the boundaries of the reserve, district, institution or hospital, or to be removed from one reserve, district, institution or hospital to another reserve, district, institution or hospital, and kept therein, he may issue his warrant according to Form 6 in the Schedule hereto, directed to all or any officers of the police directing them to remove such native and convey him within the boundaries of the reserve, district, institution or hospital, or from one reserve, district, institution or hospital to and within another, and him safely to keep during the Minister's pleasure within the reserve, district, institution or hospital to and within which he shall be conveyed pursuant to the warrant.

This applies to removing natives from one mission to another, and it is peculiar to notice that in this particular instance it is not necessary that an aboriginal shall be charged

with any offence or be proved guilty. Any person can be moved by the head of the department without any charge having been made against him. There is another regulation of a similar nature which debars certain natives from the opportunity of living anywhere on God's earth. They are not allowed within any institution or outside of any institution, and it is difficult to see what is to become of them. I think the only alternative is for those natives to go out and hang themselves.

Another regulation, No. 24, reads—

> Whenever any person other than a native, for any stated reason desires to enter a reserve, the Commissioner may require such person to enter into a bond in respect to any sum which may be named therein, or to deposit a like sum guaranteeing the observance during occupation of the reserve of such conditions as may be required to be included in an authority to enter.

It is well known that no one but a native is allowed to remain in occupation of a reserve. So where is the commonsense in asking any man who receives a permit to enter a reserve, to deposit a sum of money with the Commissioner and then declare that he will do certain things on the reserve when the law prevents him occupying a reserve?

Regulation No. 28 reads—

> Any person charged with insubordination, indecent or unseemly behaviour, disorderly or immoral conduct, or the use of abusive, threatening or obscene language within an institution or reserve for natives, or being in possession of firearms or poison, shall be liable to a penalty in accordance with these regulations.

I do not believe there is a regulation comparable with that in any part of the British Empire. I have never before heard of anyone having, by regulation, been proved to be guilty of breaking a law, merely because he was charged with having broken the law. A person may be charged with insubordination, but until such charge is proved, surely the person, much less an aboriginal, should have a reasonable chance of proving whether or not he is guilty. We know very well how terms such as those that appear in this regulation can be stretched. The Commissioner might construe into an act of insubordination the fact that a native did not raise his hat to him upon entering a reserve. He can punish the native without any trial. All he has to do is to charge him with an offence and he becomes guilty of it.

Another regulation deals with the taking of photographs on reserves. Is there any great harm in doing that? A lot of people from overseas and elsewhere like to have photographs of aboriginal mission stations where sometimes are to be seen magnificent specimens of manhood. Photographs of those people have already been taken and sent to the Old Country and the physique of the natives has been admired. Many of us would like to be built on similar proportions, yet no one is to be permitted to enter a reserve and take photographs.

Mr. Watts: Would there be any fortifications on those reserves?

Hon. P. D. FERGUSON: Regulation 32 sets out—

> No person shall, either within or without the boundaries of any institution or reserve for natives, contract or negotiate with any native whilst he is residing in such institution or reserve for the manufacture for such person, or purchase or attempt to purchase or negotiate for the purchase from such native of or obtain or attempt to obtain by gift or otherwise from any such native any weapon, implement or other object of native manufacture . . . without the permission in writing of the Commissioner.

This regulation will have the effect of preventing the development of industrious habits on the part of natives, half-castes or quadroons. No one will be permitted to buy anything that the natives may have made. We are aware from experience that some natives are quite adept at carving. We have seen walking sticks carved by natives and excellent jobs have been made of them. It is only natural that many of the industriously-inclined natives would want to develop that side of their ability and perhaps make a few shillings thereby. Instead of that, we find the Commissioner promulgating a regulation which will absolutely debar a native from selling anything. Surely that is utterly absurd. There is another regulation that is equally absurd. It reads—

> All letters to and from the inmates of an institution shall pass through the hands of the superintendent or manager, who may in his discretion withhold them from transmission or return them to the writers.

This is a civilised country, a British country, and we have no right to inflict on any section of the community a regulation of that description. I know half-castes and quadroons who are capable of writing just as good letters as any member of this House.

Mr. Cross: Better than some members.

Hon. P. D. FERGUSON: Better than some, including the hon. member. How would that hon. member like to be told, per medium of a regulation, that he—or, for that matter, I—was not allowed to post a letter to a friend unless it had gone through the hands of the superintendent of an institution or those of the Commissioner of Native Affairs?

The Minister for Justice: You will find that is the case in many institutions.

Mr. Watts: Only gaols.

The Minister for Justice: Institutions other than gaols.

Mr. Watts: It should not be so, then.

Hon. P. D. FERGUSON: In my opinion that regulation is over the fence, and should be disallowed. Now I come to Regulation 53, which reads—

> Any native who has obtained employment outside an institution or reserve, and whose dependants within an institution or reserve are being maintained at the cost of the department, shall during his absence in employment be liable to pay such weekly sum towards the support of his dependants as may be considered equitable by the Commissioner.

The Minister for Justice: What is the number of that Regulation?

Hon. P. D. FERGUSON: No. 53. You had better take it down, because you will have to reply to this.

The Minister for Justice: That number does not appear on the notice paper.

Hon. P. D. FERGUSON: I stand corrected. That number is not mentioned in my notice of motion.

Mr. Watts: It is included in that of the member for Canning.

Hon. P. D. FERGUSON: I hope I am in order in saying that although the regulation in question is not contained in my motion, it is one that the House should not support. Absolutely at his discretion the Commissioner is to decide who the dependants of any native are, and if the native is at work somewhere else he is to pay for their maintenance, also absolutely at the Commissioner's discretion. I defy any man to say who are the descendants of any native in this country. One might be able to pick out the descendants of the Minister for Mines, but not those of any native. The Commissioner of Native Affairs has no right to arrogate to himself that power.

There are various regulations under the heading "Wards at Institutions." One states that any ward who has been sent to a particular institution may be removed by the Commissioner, at his own sweet will, to some other institution. In justice to institutions which are doing their utmost to promote the development and welfare of these natives—for, after all, the Department of Native Affairs contributes only a portion of the cost of their keep—I say the regulation is utterly unfair and should be disallowed.

Now as to employment of natives and payments to them. The regulations dealing with that subject are numerous, and they are mentioned in my motion. I am totally opposed to the requirement that a permit must be obtained by an employer for the employment of any half-caste or quadroon or native in the South-Western Division of the State. That employment which everyone would desire natives to secure is absolutely reduced in volume because of the necessity to secure permits. The permit system is abhorrent to most of the aboriginals, and it is equally resented by those who have to secure permits.

Hon. C. G. Latham: The system is not in keeping with the Labour Party's policy of the right to work.

The Minister for Mines: You made a mess of the Act that was passed last year.

Hon. C. G. Latham: I should never have given in. I made a mistake in giving in.

Mr. SPEAKER: Order!

The Minister for Mines: The hon. member was asleep half the time.

Mr. SPEAKER: Order! I have called for order.

Hon. P. D. FERGUSON: Regulation 70 provides—

> The casual employment of a native is permitted providing such employment does not exceed two weeks for the same native within three consecutive months . . .

Is not that utterly absurd? Should not every encouragement be given to the agricultural and pastoral communities to employ aborigines whenever suitable employment is available? As I said before, the industrial side of the aboriginal should be developed in every way: and this is one of the best ways in which it can be developed. I would go so far as to say that encouragement should be given to every would-be employer to employ natives, rather than require him to pay 5s. for a permit. No obstacle whatever should be put in the way of employment of natives.

It is fair neither to the native nor to the would-be employer. It is a system of compulsory unionism promulgated by the Commissioner of Native Affairs, and is abhorrent to everyone who has had anything to do with it.

Regulation 72 is a gem—

(a) Wherever a contract is entered into between any person and a native, subject to a permit having been taken out a protector may require an agreement to be entered into in accordance with the Act and these regulations, or he may substitute therefor a contract agreement to be signed by both parties in accordance with Form No. 16 in the Schedule.

Just imagine an intelligent half-caste making an agreement with a farmer for the performance of certain work—clearing an area of land, digging potatoes, harvesting a crop, putting up a fence, or sinking a well—and being subject to such a regulation as that! He has an agreement, but the Commissioner of Native Affairs under this regulation takes power to cancel the agreement made between the native and the farmer and to substitute an agreement of his own, in any shape or form he likes. There are hundreds of intelligent natives—many in my own district—quite as capable of making a contract for work as the Commissioner of Native Affairs is. In fact, in most things they can buy and sell the Commissioner any day of the week.

The Minister for Mines: This is a different story from the one we had when the Bill was put through.

Hon. P. D. FERGUSON: Another regulation provides that a native must secure a permit before he can employ another native. Most members of the farming community know that when they give a contract to a native to do a certain job, he always employs members of his own family, if he has one, to help him, and sometimes employs members of other families as well. Under the regulation he would not be allowed to employ his wife or anyone else to help him without first obtaining a permit. I know numbers of natives who do a lot of this type of work in my district. Recently I heard of a case in the South-West where a farmer wanted a lot of potatoes dug and let a contract to a native with a large family, several sons and several daughters. The farmer paid the native the regulation rate—I believe it is 1s. per bag—the same rate as paid to white men in the district. The native got half a dozen of his own family to come along and help him in the work. They were being well treated, just as well as the native himself; but the Commissioner of Native Affairs said the farmer had no right to do what he had done. The farmer thereupon said, as many more have said, "I shall never employ another aboriginal. The game is not worth the candle."

Several members interjected.

Mr. SPEAKER: Order! I think the member for Irwin-Moore is quite capable of making his case without assistance.

Hon. P. D. FERGUSON: One regulation gives a long list of medical requirements to be provided by men who employ aborigines. It is very nearly an inventory of a chemist's shop. When the place of employment is close to a township where medical and hospital facilities exist, and possibly a chemist's shop as well, there is no necessity for the provision of all these items. Most of them have to be purchased periodically, and are apt to deteriorate if kept for any length of time. The best time to purchase them is when the employer or the native goes to the townsite.

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.

That regulation is an absolute insult to any intelligent half-caste or quadroon. When he gets a job and does the work, he is entitled to receive the remuneration he has earned, and no Commissioner of Native Affairs ought to have the right to say that the money shall be paid to him, either wholly or in part, in any manner he may think fit. Parliament will be well advised to disallow that regulation.

By Regulation 89 it is provided that—

A native proceeding to employment from any place within a radius of 20 miles of the General Post Office, Perth, or an institution may be supplied by the Commissioner with a second-class single railway ticket to his destination, the cost of which shall be a charge against the employer, who shall make payment to the Commissioner so soon as he is advised of the cost.

That is an entirely unnecessary regulation. In country districts nearly every native has his own conveyance. He would not thank anyone for a second-class railway ticket. He would not use it if it were provided for him. He prefers to travel by the means of trans-

port he has been using for generations—an old horse and sulky, with his dog trailing behind. There is no necessity whatever for that regulation; and, if there were necessity, it is wrong to stipulate that the person for whom the native is going to work shall be called upon by the Commissioner to pay the cost of the native's transport. That is not done in the case of white men, and should not be done in the case of natives. Besides, as is well known, many natives have their own motor cars.

The Commissioner seems desirous of having the control of estates of natives deceased intestate. I fail to see any necessity at all for that. At the Crown Law Department there is a properly constituted authority for dealing with intestate estates, namely the man who deals with estates of white men dying intestate. He should deal with intestate natives' estates as well.

Again, a regulation states that no person other than a mission worker shall establish, attempt to establish, or conduct a school for natives without the consent of the Minister. Surely that is wrong. If any person is desirous of devoting his time and his money to an endeavour to improve the education of half-castes or quadroons or aboriginals, surely he should be encouraged to do it instead of being debarred, by this regulation, from doing it unless he has a permit from the Minister. Several regulations deal with certificates of exemption, for which application must be made. I suggest, in all fairness, that those regulations are entirely the wrong way round. Instead of a native having to take the trouble of establishing his respectability and his place in the community, it should be the duty of the Commissioner of Native Affairs to put the native in his place if the native is in the wrong. The native should not be put to the trouble and expense of proving that he is respectable.

Mr. SPEAKER: Is the hon. member dealing with the regulations set out in his motion?

Hon. P. D. FERGUSON: It is possible I have made one or two mistakes. The regulations with which I have just dealt come within my motion. I desire to deal with only one further regulation, that which states an employer must provide a native with all sorts of conveniences. Among other conveniences, the employer must provide suitable sanitary arrangements for the use of his native employees. The best way for me to deal with that regulation is to quote the words of a man who has had a lifelong experience with natives. He put it to me in this way: "You might get an aboriginal to enter a sanitary convenience once out of curiosity, but a double dose of chloroform would be required to get him there a second time." So much for the utter absurdity of such regulations. Another regulation says that the employer must provide natives with mosquito nets. Members know very well what a buck nigger in the far North would do if he were given a piece of mosquito netting. One could see him going bush very quickly. He would probably wrap a piece of the mosquito netting round a certain part of his anatomy; the rest would be left bare.

Member: He would leave it hanging on a bush.

Hon. P. D. FERGUSON: No. The remainder of the netting would be divided as another historical garment was divided 2,000 years ago, by lot. I feel I have said enough to indicate to members that, in the interests of aborigines, half-castes and quadroons, the regulations I have discussed should be disallowed.

On motion by the Minister for Justice, debate adjourned.

MOTION—NATIVE ADMINISTRATION ACT.

To Disallow Regulations.

MR. NULSEN (Kanowna) [5.34]: I move—

That Regulations Nos. 6, 17, 39, 59, 85, 139, 139A, 141, 142, 143, 145, 148, 151, inclusive, of the regulations made under the Native Administration Act, 1905-1936, and published in the "Government Gazette" of the 1st November, 1938, and laid upon the Table of the House on the 1st November, 1938, be and are hereby disallowed.

I do not desire now to deal with regulations Nos. 6, 17, 39, 59, 85, 139, 139A, 141, 142, 143, and 145, as the member for Irwin-Moore (Hon. P. D. Ferguson) has dealt with them.

Mr. SPEAKER: The hon. member may proceed as though his motion had been amended.

Mr. NULSEN: I have now to deal only with Regulations 148 and 151. I presume

I shall be allowed to review what the member for Irwin-Moore has already said.

The Minister for Railways: The hon. member should not be allowed to deal with all the regulations.

Mr. SPEAKER: I will put the hon. member right if he does not confine his remarks to the motion.

Mr. NULSEN: I am not in the habit of complaining about Government departments, but I am dissatisfied with the policy of two departments. I have already dealt with one, the Licensing Court; now I wish to deal with the Department of Native Affairs. I have nothing against the Commissioner of Native Affairs personally, but in my opinion he lacks discretion and the department could be administered much more smoothly. I have been associated with natives perhaps as long as any member of the House. I first came in contact with them in 1898. I respect them in more ways than one. I came into contact with natives a long time ago at Lake Way; I treated them fairly and justly. Had I not done so, probably I would not be here to-day. I was travelling from Lake Way to Yamell station when I came across three or four hundred natives of the district who were hunting in the shape of a V. One native was leading and there were two wings of natives stretching out for two or three miles. Everything that got inside the V was caught. I happened to be one of the victims. Although I had my rifle, when I saw the natives I thought I was lost: but to my surprise I heard a voice calling out, "That is Yamell coming, he all right, he good fellow." That was because I had treated them fairly. The year before eight white men were killed in the district: they had not treated the natives fairly, but had taken advantage of them, especially of their women, so one cannot blame the natives for what they did.

Hon. C. G. Latham: What type of administrator would you have now?

Mr. NULSEN: I do not think the Commissioner would live very long if he went among the natives. I was carrying on storekeeping for a long time at Norseman and had several native customers. One of them, named Jackaboy, ran up accounts to the extent of £24 or £25. He was a kangaroo hunter, a shearer and also worked on stations. He always paid his accounts. I never had any trouble with him. A half-caste named Jimmy Graham was another customer of mine; he always paid his bills. A full-blooded black who worked on the trans-telegraph line also ran an account with me and he, too, always paid. As a matter of fact, I made only one bad debt. The debtor was a half-caste, and the amount he owed was only about £2 15s. My experience has been that if these people are treated fairly, they also will be fair. Their material culture is not high. It is low, compared with that of the whites. The spiritual culture of the natives, however, in most instances is higher than is ours. They strictly observe their laws when in their natural environment. It is the pernicious influence of civilisation that has brought them down to their present degradation. For that the whites are to blame. The whites are responsible for the diseases from which the natives are suffering. Natives have not been given an opportunity to acquire dignity; if they were dignified we would have to get rid of them. A white man may hit a native, but if a native hit back he would probably be shot.

I had a native working for me on one occasion at Wiluna. His name was Coil and he was one of the finest men I ever met. I did not know, however, that he was outlawed. He told me that on one occasion he had had a fight with a white man at Mt. Sir Samuel as a result of which the white man died. It was not the fault of the native. He left my service and when his identity was discovered, he was shot. Members will note he was shot for defending himself. I feel very sympathetic towards our natives. We should have some guarantee of the qualifications of our officials who administer the Act and of their capacity to do the work required of them. I am far from satisfied with the qualifications of our present officers. Not very long ago, a very esteemed friend of Australia, Mr. Bush, visited us. The Leader of the Opposition was present on an occasion when Mr. Bush gave a fine exposition of his experience with the black men. Mr. Bush is an Englishman and is now living in the Old Country. He spoke very highly of our natives.

I give great credit to the United Aborigines Mission for the work they have done and are doing for the natives. I have visited the mission on three or four occasions; it has grown to a small town, and is very clean. The natives are kept employed. The

raffia work they do is a credit to them. The Minister for Employment saw some of this work when he visited the mission. The natives also weave cloth from wool. They have engaged in goldmining and produced gold to the value of nearly £1,000. That all redounds to their credit. It is merely a matter of giving them an opportunity to do something; I am perfectly satisfied they will make good. Much more should be left to the missions. My experience is that the missions do the work better and much more cheaply. I believe another depot is to be started to the north-east of Laverton, and my advice is that it should be handed over to the mission, which would do the work practically for nothing. Regulation No. 6 is capable of working an extreme hardship. It provides that an application declaring a quadroon to be classed as a native shall be lodged with the magistrate to whom it is desired to apply for the order, and the magistrate shall fix a date for the hearing, which shall be not less than five days after the notice has been served on the native. I may give an instance to show how unfairly that will work, although the member for Irwin-Moore dealt with the matter at length. I may have a native working on my farm, which is 519 miles from Perth. A notice may be served on the native on Monday and it would be impossible for him to appear before the magistrate in the required time. Thus he would be penalised by not being present. Further, the Commissioner reserves to himself the right to choose the magistrate. That does not appear to be just. A particular magistrate may have spoken adversely of the native regulations and we can rest assured that the Commissioner would not select him. I see no reason why most of the offences referred to in the regulations cannot be dealt with under common law or even under the Criminal Code. There should not be any differentiation between the whites and the people who really belong to the country. Regulation 139A might also be quoted—

(a) The person desiring to appeal shall within one month after the refusal of the permit or after the receipt by him of the notification of the revocation of his permit, as the case may be, serve upon the Commissioner in writing under his hand notice of appeal stating therein the grounds of such appeal.

(b) Upon receipt of such notice of appeal, the Commissioner shall forthwith inform the Minister thereof, and the Minister shall as soon as reasonably may be cause a board of reference to be constituted to hear and determine such appeal.

(c) A board of reference for the purposes of this regulation shall consist of five persons, namely—

(i) The Commissioner of Native Affairs or his deputy;

(ii) One person nominated by the governing body of the Church of England in Perth;

(iii) One person nominated by the governing body of the Roman Catholic Church in Perth;

(iv) One person nominated by the governing body of the Presbyterian Church in Perth; and

(v) One person nominated by the governing bodies of all the undenominational churches in Perth acting together as one body for the purposes of making such nomination.

I have always heard of a church of a certain denomination but never have I heard a church described as "undenominational." Surely there is something wrong there. There is no mention in that regulation of the United Aborigines Mission, and yet that body controls and comes into contact with most of the natives in Western Australia. The Church of England, I believe, has six workers, the Roman Catholic Church six, and the Presbyterian Church three. The United Aborigines Mission, however, has no fewer than 33 workers and yet that body has no representation on the board. That is decidedly unjust and therefore the regulation should be disallowed. It would appear that the U.A.M. has not always been persona grata with the department and here we have evidence of bias on the part of the department against anybody with which it does not agree.

Regulation 148 is another to which I take exception. It reads—

(a) Within one month of a native being advised by the Commissioner that the Minister has refused to grant him a certificate of exemption or has revoked a certificate of exemption previously issued in his favour, he may appeal in writing to the magistrate of the magisterial district in which he resides.

The modus operandi adopted by the Commissioner is that he neither grants nor refuses, and leaves the native hanging in the air with no ground for appealing to a magistrate, which, of course, a native is prepared to do. I know of such a case which has been left suspended, so to speak, for six months, and it may go on for six years. It is the case of a man who earns his living, supports

his family and educates his children. There seems to be nothing to compel the Commissioner to deal with such matters, and consequently he will hold up correspondence for as long a period as he likes and the native has no redress. Regulation 151 reads—

(a) At any hearing of any appeal the appellant is required to be present in person, and the Commissioner may be represented by a protector or an inspector. No legal practitioner shall be engaged by either side, but the appellant may be assisted by an agent who is not a legal practitioner. Nothing in the foregoing shall prevent the Commissioner from himself appearing and opposing any appeal.

That is grossly unfair because the Commissioner may have been handling the matter and no one would know more about it than he. An agent may be employed, but the agent may not be at all suitable. No legal assistance is to be allowed although the native will be opposed by the records and the knowledge possessed by the Commissioner. All along, the Commissioner's line of reasoning is most unfair. I submit the motion in its altered form.

On motion by the Minister for Justice, debate adjourned.

MOTION—NATIVE ADMINISTRATION ACT.

To Disallow Regulations.

MR. CROSS (Canning) [5.57]: I move—

That in the opinion of this House, the whole of the regulations made under the Native Administration Act, 1905-1936, laid upon the Table of this House on the 1st November, be withdrawn, and that a committee of five members, representing the Government and the religious bodies in the State more directly interested in native mission stations, be appointed to draw up suitable regulations in lieu of those withdrawn.

In the whole course of my experience I have found the average Australian to be one of the fairest minded persons in the world. In this instance, however, we have had a set of regulations framed by a protector of natives, or as he is styled, the Commissioner of Native Affairs, regulations that have given rise to expressions of abhorrence on the part of those people who have read them and many of whom are to be expected to work under them. It is not to be wondered that the regulations are not popular, because they are extremely unfair. We need not go very far to obtain expressions of resentment at the gazettal of such a set of regulations. I do not know whether my experience has been that of other hon. members, but I have received many communications from people expressing disgust and dissatisfaction with the regulations as they have been framed. It is this feeling that prompts me to ask the House to disallow all. I heard a remark by someone—not sitting in this Chamber—that I was only the member for South Perth. I represent the electorate of Canning and in that electorate there is Sister Kate's home, an institution that takes care of aboriginal and half-caste children. I may not be permitted to quote from "Hansard," but I do not think there can be any objection to my reading from the minutes of the proceedings of this Chamber. A few days ago questions were asked with regard to Sister Kate's Home. The member for Kanowna (Mr. Nulsen) asked the Minister representing the Chief Secretary the following question:—

Have the children in Sister Kate's Home been ordered by a magistrate to be classed under the Native Administration Act?

The answer to that question by the Minister for Justice was, "No." Then the hon. member asked, "If so, who was the magistrate that so ordered?" The Minister's answer was, "Answered by No. 1," which was "No." The final question asked by the member for Kanowna was, "Were the relatives of the children given an opportunity to appear," to which the Minister replied, "Answered by No. 1," which again was "No." To me it appears particularly dangerous and reprehensible that such a situation could arise and that the Commissioner of Native Affairs has attempted illegally to control the children and those in charge of Sister Kate's Home.

The Minister for Justice: Your quarrel is with the Act.

Mr. Watts: No, it is not.

Mr. CROSS: It is with the regulations under the Act as well. Perhaps it is true to say that my quarrel is also with the Act, because I find it difficult to determine just what the Act means, particularly as it affects quadroons. In the definition section, a quadroon is referred to as over 21 years of age "unless that person is, by order of a magistrate, ordered to be classed as a native under this Act, or requests that he be classed as a native under the Act." It

further refers to "a person of less than quadroon blood who was born prior to the 31st day of December, 1936, unless such person expressly applies to be brought under this Act, and the Minister consents." As if such proceedings would make a person a half-caste or a quadroon!

The Minister for Justice interjected.

Mr. CROSS: The Minister has a lot to learn.

Mr. Marshall: My word, he has!

Mr. CROSS: Before the debate is finished, he will have an opportunity to learn quite a lot.

The Minister for Justice: I can see that I shall not learn anything from you.

Mr. CROSS: The quadroons in Sister Kate's Home are in my electorate.

The Minister for Justice: Where did they come from?

Mr. Marshall: From the member for Canning's electorate.

Mr. CROSS: The children at Sister Kate's Home neither associate with natives nor do they live in the manner of the original inhabitants of the State. They have not been classed as natives by a magistrate, and therefore they should not be treated as such.

The Minister for Justice: Where did they come from?

Hon. C. G. Latham: Immediately you took them away, they ceased to be natives.

Mr. CROSS: In those circumstances, the Commissioner of Native Affairs should have nothing whatever to do with Sister Kate's Home, nor with the children there. Every connection he assumes with them is illegal under the terms of the Native Administration Act. Although I claim the Commissioner has acted illegally in pursuing these activities, Sister Kate has had to obtain permits from the Department, so that the institution may be assisted in the work it is carrying on. I have with me three permits that she has had to secure. She has to pay 7s. 6d. per week for each of the children for whom she has been granted a permit, and that money has to go into the Commissioner's trust fund.

Hon. C. G. Latham: Why does she do it? Is she terrified of this man?

Mr. CROSS: Perhaps she has been bluffed into doing so by the Commissioner.

Hon. C. G. Latham: He would not do that.

Mr. CROSS: Just in the same way as this House was bluffed into passing the Native Administration Act on the advice of this official.

Hon. C. G. Latham: No, on the advice of the Minister.

Mr. CROSS: But the Minister got his advice from the Commissioner.

Hon. C. G. Latham: Yes, usually that does happen.

Mr. CROSS: In my opinion, the children at Sister Kate's Home should be treated in exactly the same way as are children in the various orphanages. As the money has been illegally obtained from those associated with Sister Kate's Home, we realise it can be regained by process of law. Can any member explain to me the meaning of Section 3 of the Act, which sets out that persons of quadroon or less than quadroon blood may in certain cases be brought under the provisions of the Native Administration Act? Subsection 2 reads—

> Any person who was born prior to the 31st day of December, 1936, and who is of less than quadroon blood may apply to the Minister to be classed as a native, and may be classed as a native if the Minister consents.

I am of opinion that the real meaning of the definition is obscure, and certainly it does not apply to the children at Sister Kate's Home. The action taken presumably was in pursuance of the definition as interpreted by the Commissioner of Native Affairs, who does not understand his own Act. The House should realise the peculiar manner in which the regulations under the Act have been applied. To my mind, the Act creates a remarkable and ridiculous situation when it sets out that a person who was born prior to the 31st December, 1936, and is of less than quadroon blood, may be classed as a native, whereas if he were born a day later he could not be so classed. The truth is that the Commissioner of Native Affairs has never taken the slightest notice of the amending Act passed by Parliament, and I hope that, in the interests of the 26,000 souls who comprised the native population, the regulations will be disallowed. Under Regulation 35 the Commissioner "may direct that the wages of any native shall be paid to him in trust in any manner he may think fit, and the wages shall be paid by the employer accordingly." In the Canning electorate, upwards of 40 half-castes reside. On one occasion I was visited by two young ladies who are actually half-castes, although no one could detect their native blood unless informed of the position. They saw me at the

time the amending legislation was under consideration last year, and told me that each had a good position in the city, but nevertheless had to pay part of their earnings to the Commissioner. If either wished to buy a pair of shoes or any article of clothing, she had to submit a request to the Commissioner or to a protector of aborigines. They claimed that was unfair.

Hon. C. G. Latham: And might be quite awkward at times.

Mr. CROSS: As a matter of fact, those two young ladies live in a very toney part of South Perth. Very few people with whom they associate know that the young ladies are of aboriginal extraction, and I agreed with them that their position was most humiliating. I promised I would take whatever action I could to assist them to control their own affairs. These girls live among Australians and work with them. I doubt whether some of those working with them know that the girls are actually half-castes. Certainly it is degrading to think that they should have to go to the Commissioner with a request if they desire to buy an article of clothing. They should be treated on exactly the same basis as whites. The experience of those two girls is not singular.

Hon. C. G. Latham: It is a dreadful thing to know that they are natives now.

Mr. CROSS: Yes, it is. I regret that some members seem to be treating this question facetiously. To me it is a serious matter.

Mr. Marshall: The subject is pretty black.

Mr. CROSS: The more one reads the regulations, the more convinced one becomes of their distinct unfairness. They contain provisions that no member would agree to for one moment if they affected white people. After the tea adjournment, I intend to indicate some of the unfair features of the regulations, with a view to securing more favourable treatment for the natives, and to satisfying the public demand for fair play.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. CROSS: The regulations give the Commissioner some extraordinary powers. I propose to cite a few examples chosen at random. A quadroon may in his absence be classed as a native. Paragraph (d) of Regulation 6 states that—

> If the quadroon fails to appear, the magistrate may on proof of service——

That is service of the notice——

> ——proceed to determine the matter in his absence.

I have yet to learn where else such a momentous decision affecting the whole life of a person could be decided in his absence. That is so, however, in this instance. Then the Commissioner has power to board out any of his wards to any person. Any native placed under his care or any individual classed as a native and under his control, can be boarded out if he is under 16 years of age, and the Commissioner does not have to ask the person concerned at all. The suitability of the individual with whom the native is boarded out is left entirely for the Commissioner to decide. Regulation 10 gives the Commissioner full power in connection with the matter and that is entirely wrong.

Another regulation distinctly un-British is No. 47, which states that—

> A protector may inflict summary punishment by way of confinement for not exceeding 14 days.

I have never heard of anybody else in the British Empire able to do that except a magistrate.

Hon. C. G. Latham: It should not be done without a trial, anyway.

Mr. CROSS: No, and I do not know of any place in the British Empire where it can be done.

Hon. C. G. Latham: Except, of course, by the Commissioner of Native Affairs under a Labour Government.

The Minister for Agriculture: I thought there would be some catch in it!

Mr. CROSS: Under Regulation 56 the Commissioner can compel a native child to work even though he is under the age of 14. The regulation reads—

> No ward under 14 years of age shall be allowed or compelled to work or be placed out at employment except with the consent of the Commissioner.

If I understand that aright, it means that someone can go to the Commissioner with a request that a certain child should do certain work and the Commissioner can direct the child to do the work.

The Minister for Justice: It is as bad as teachers making children do homework, is it not?

Mr. CROSS: Particularly distasteful to me are Regulations 109 to 113 dealing with the marriage arrangements of natives. Every

quadroon desiring to marry has to write and obtain permission from the Commissioner, who might never have met the parties concerned. I do not propose to comment further on that. It is too ridiculous and should not receive one minute's consideration from members of this Chamber. Regulation 110 sets out that every notice of marriage on behalf of the contracting parties shall be in writing addressed to the Commissioner. Amongst other things, the parties have to state whether there has been any previous marriage legally contracted or whether there has been a union sanctioned by tribal custom and the names, ages and nationality and/or caste of any children born to such unions must be supplied. When the Commissioner receives the notice he has to cause an acknowledgment to be sent to the person from whom the notice has been received. These particular regulations provide that if the Commissioner has an objection to the marriage, he can prevent it. That is entirely wrong. Consequently, this Chamber should have no hesitation in agreeing to the disallowance of the regulation.

The regulations dealing with the establishment of mission stations and the issue of permits to missionary workers should also be disallowed. They are distasteful, not only to churches and missions, but to all fair-minded people. True, a certain amount of Governmental oversight of mission institutions should be exercised, but suitable regulations should be imposed.

Hon. C. G. Latham: Reasonable ones.

Mr. CROSS: Yes. Reasonable regulations to cover such matters as inspection, hygiene, hospital attention, the training and education of the natives and so on. The regulations should be framed by people possessing a knowledge and understanding of the natives. The care of the aborigines should be placed on a higher plane. A great responsibility rests on the people of this State to ensure that the job is done properly. The public is interested in the welfare of natives; the churches are especially concerned. That fact should be recognised by the Government which should seek the advice and take advantage of the knowledge of interested people in the framing of new regulations.

To refer once more to Sister Kate's home. Every person knows that not only Sister Kate, but other people associated with that lady, have devoted their whole lives to the welfare of native children. They have made the subject one of a life's study and incidentally they have utilised the whole of their resources in caring for these youngsters. Consequently, it is only reasonable that they should expect the Government to treat the children under their care in a similar manner to that in which the orphans at other orphanages and homes are treated. When a code of regulations is to be established, it is only fair that people who have devoted their time to working amongst the natives and have rendered most unselfish service without thought of reward should be consulted and that their opinions should receive respectful attention. I suggest that the present regulations be withdrawn holus bolus.

Hon. C. G. Latham: And a select committee from this House should frame some more.

Mr. CROSS: A committee should be set up to frame regulations that would be fair and humane to the unfortunate aborigines themselves. The committee should include representatives of the leading churches and missions and of the Government. I have mentioned a committee of five, but that could be added to.

Hon. C. G. Latham: I think that would be unworkable.

Mr. CROSS: It could be made workable. If such a committee were appointed, there would be no more complaints from the public, the churches or the missions. The opinions of those who have made a life study of the natives should be respected. I was informed that the motion must appear on the notice paper in the form in which it has been printed. I was told that the motion must begin with the words "That in the opinion of this House." I do not want that.

Hon. C. G. Latham: Why not send this to the Bureau of Industry?

Mr. CROSS: I should like the motion to read as follows:—

> That the whole of the regulations under the Native Administration Act, 1905-1936, laid upon the Table of this House on the 1st November, be withdrawn, and that a committee of five members, representing the Government and the religious bodies in the State more directly interested in native mission stations, be appointed to draw up suitable regulations in lieu of those withdrawn.

I ask your ruling, Mr. Speaker, as to whether it is possible for me to move the motion in that way.

Mr. SPEAKER: I am sorry that the hon. member cannot omit from the beginning of the motion, the words "that in the opinion of this House." It is necessary that those words should be included in the motion and they were inserted because of the requirements of the Standing Orders.

Mr. CROSS: In that event, I move the motion standing in my name.

On motion by the Minister for Justice, debate adjourned.

MOTION—NATIVE ADMINISTRATION ACT.

To Disallow Regulations.

MR. COVERLEY (Kimberley) [7.45]: I move—

That Regulations Nos. 53, 67, 86A, 86B, and 100 made under the Native Administration Act, 1905-1936, and published in the "Government Gazette" of the 1st November, 1938, and laid upon the Table of the House on 1st November, 1938, be and are hereby disallowed.

I realise that regulations must be framed so that the Act may be properly administered. No doubt many of these regulations are in the opinion of the department requisite to enable it to carry out its administrative duties. Several of them would be all right if we were in a position to alter words here and there. That appears to be impossible, and in my opinion, as they are worded, they are not applicable to many parts of the State. Unfortunately, these regulations apply to the whole State, and if they were not administered with discretion would cause chaos in many districts. I intend to refer only to particular regulations that apply unfairly to the northern parts of Western Australia. No. 53 reads—

Any native who has obtained employment outside an institution or reserve, and whose dependants within an institution or reserve are being maintained at the cost of the department, shall during his absence in employment be liable to pay such weekly sum towards the support of his dependants as may be considered equitable by the Commissioner.

This is most objectionable. In the north of the State many natives are employed at from 6s. to 10s. a week and keep. If this regulation is persisted in the Commissioner can elect to take from the native 2s. or 3s. of his weekly earnings for use by the department. I do not think the House requires any information as to what would happen if this provision were enforced, and part of the pittance now earned by natives were taken from them.

Mr. Patrick: How could the Commissioner ascertain who the dependants were?

Mr. COVERLEY: The Commissioner can prove many things. No doubt he would find dependants regardless of who the native was.

The Minister for Justice: Suppose he gave an increase in wages.

Mr. COVERLEY: I would probably be prepared to assist the Commissioner in this direction. When in Broome I was invited by the doctor to inspect the home of a married native, who had a wife and two children. The man was in a permanent position receiving 10s. a week, which was all he had for his family. The children were ill and the doctor was attending them. All the food in the cupboard was a piece of dry bread and a little oatmeal, and that was what the family had to live on until the next pay, some three days off. Not many of the business people of Broome will give the natives food on credit. The children were suffering from sores, which the doctor explained were due to undernourishment. The Commissioner should not have power to take portion of the native's wages when he has dependants in an institution that belongs to the Government. There is no need for me to stress my objection to this regulation, except to add that had I confidence in the Commissioner being able to apply the regulations with discretion I would probably not object to them. I would realise that he must have this particular regulation for the control of natives in the South-West, where they probably earn good money. If the regulation were necessary in the South-West and the Commissioner could prove that, I would advise him to include in it the words "this regulation will not apply north of the 20th parallel." If he agreed to that I would be satisfied. He might be able to prove to members representing electorates in the South-West that the regulation was necessary for that part of the State, and on such proof being afforded they would probably agree that it was necessary.

Regulation 67 reads—

No native under 21 years of age shall be employed on board any vessel under an Asiatic master. Unmarried male natives over 21 years of age may be employed on board a vessel under an Asiatic master approved by an in-

spector or resident magistrate provided they are engaged under permit or permit and agreement in accordance with these regulations and such other conditions governing same as may be required by a protector.

Hon. C. G. Latham: That is ultra vires, is it not?

The Minister for Justice: No; read Section 6 of the Act.

Hon. C. G. Latham: I do not know that there is any provision for this under Section 6.

Mr. COVERLEY: The Act stipulates that a permit must be given to employ any native under the age of 21 on board a vessel or boat. This regulation is framed to assist in governing the pearling industry in Broome. Prior to the passing of the Act of 1936 half-caste boys of 16 and 18 were employed on the pearling luggers. Their wages were on a par with those paid to indentured Asiatics, and were equal to about 30s. a month and keep. I object to the regulation because of the age limit. The Commissioner is prepared to grant a permit for half-caste boys over the age of 21. I need hardly point out that the training age for any human being is under 21. If there is work for the half-caste lads they should not be deprived of the chance to fill positions occupied by indentured crews who are imported to act as ordinary seamen on the luggers. An opportunity is afforded to the department, if it would use its discretion, to see that these youths are employed by the pearling fraternity rather than that it should place difficulties in their way. It should be the duty of the department to find work for these young people instead of restricting them as the regulation does. I hope the Minister in his reply will give some reason for the department's refusal to allow half-caste boys after leaving school to take up training in the pearling industry, for which they are well fitted. Five or six lads have been employed fairly regularly and have proved their capabilities as seamen. Most of the pearlers who have employed them say they are as good as Koepangers and Malays. The department is in error in depriving these youths of the right to obtain useful experience.

Hon. C. G. Latham: They would only be displacing imported labour.

Mr. COVERLEY: Yes: The half-caste is deprived of the opportunity to get early education such as he desires, and so many restrictions are placed upon employers that they will not be bothered with natives.

Regulation 86 reads—

(a) A female native who is not the consort according to native custom or legal rights according to the laws of the State of a male native or whose consort according to native custom or husband according to the laws of the State is absent shall not be engaged as a houseworker at any place where a white woman is not resident and in control of the domestic staff.

I do not know the object of the department in debarring native women from being engaged as houseworkers. A certain inference can be drawn from the regulation, and to this I do not subscribe.

Hon. C. G. Latham: That would not prevent their employment, for they could camp outside.

Mr. COVERLEY: There is only a suspicion on the part of the department. Actually the regulation does not debar a native woman from being employed as a garden worker or goat shepherd, or in other avocations that are available on stations. If the Commissioner thinks he is going to protect native women by this regulation, I counsel him to reconsider the matter. Actually he did not go far enough. He should consult with those who probably have some idea of the duties performed by natives, when he might learn something and probably go further than he has gone by this regulation. Native women can be employed in many directions around the homestead. The only thing this regulation will do is to impose still harder burdens upon the native women he is seeking to protect.

Regulation 86 continues—

(b) Wherever a native woman is required to work as a house worker where no white woman is resident and in control of such staff, such native woman shall not be parted from her native husband according to the laws of the State or consort according to native custom and shall be provided with living accommodation for both together.

This is another question on which the Commissioner has missed very badly. The stockmen are frequently away from home for weeks at a time, and on the majority of the stations throughout the Kimberleys there are no white women at all. The stockmen, when mustering, go out and with the native boys remain away for weeks at a time, and probably on occasions for two months. During that time, according to the regulations, the wives of those boys are not to do

anything at all about the house. They are prohibited from doing any class of housework, even washing clothes, and of course they must be sent out amongst the bush natives until their legal husbands return to the homestead from the mustering expedition. This regulation will have the effect of throwing a number of people out of work.

Hon. C. G. Latham: Don't you think that is the tendency of all these regulations?

Mr. COVERLEY: I endeavoured to intimate to the House that the effect of the regulations would be to debar the natives from getting work in any shape or form. The object of the department should be to look after the welfare and upkeep of the native races, but in actual practice the administration is driving the natives out of employment and making them a burden on the taxpayers of the State.

Members: Hear, hear!

Mr. COVERLEY: If there were any commonsense in the department, the officers there would be doing their utmost to find work for all able-bodied natives within the State, and not do anything that would make them a burden. The department's administration is resulting in the natives being brought up as good-for-nothing, whereas its job should be to see that all natives were employed and given a chance to follow some kind of occupation. The course that is being adopted now can only result in these unfortunate people becoming useless to themselves and to everyone else. If they are not taught what it is to have work to do, they will never want to work.

The next regulation to which I object is No. 100. It reads—

> Upon a protector refusing to issue a permit to, or cancelling a permit already issued to, any person, such person upon being so advised may within one month of receipt of such advice appeal in writing to the magistrate having jurisdiction over the magisterial district within which he resides. Such appeal shall contain the grounds of the complaint, and bear the signature and address of the appellant and the date of the appeal.

I have no objection to that. As a matter of fact, I argued that a white man employing natives and who had his permit cancelled should have the right of appeal; but what I cannot subscribe to in the regulation is the wording of it. What I object to is this, "Such appeal shall contain the grounds of the complaint." Anyone who knows anything about the issue of permits will be aware that the holder of a permit is never given any reason for its cancellation. Under the Act the Commissioner has the right to refuse or to cancel or to remit, without giving any reason of any description. The Commissioner carries out that part of the Act in its entirety. I have known of the cancellation of permits but I have never known of an instance of the reason having been given for the cancellation. The holder of a permit merely receives an intimation that the permit has been refused or cancelled. The regulation which I have quoted sets out that the appeal that may be made against the cancellation shall contain the grounds of the complaint. How can there be any grounds when the appellant has never been furnished with any reason? All he can say is, "I can give no reason whatever because I do not know why my permit was cancelled." This regulation is typical of the rest. If we were able to object to certain words and include others, I might not raise any opposition to the regulation. I can quote a number of instances of the cancellation of permits without any reason having been given verbally or in writing. Is it not, therefore, ridiculous to invite people who desire to appeal to give reasons when they know nothing whatever of the cause of the cancellation? Speaking generally, I consider that the publicity given, and the objection raised through the public Press to the regulations, are enough to indicate what is likely to happen when the House votes on the question of the disallowance. I would prefer to support a motion on the lines of that moved by the member for Canning (Mr. Cross). I am confident that some good would result from a suggestion such as that advanced by him. At the same time, I realise that to pass a motion of that description would amount to nothing but a pious request to the Government. There would be no obligation on the part of the Government to withdraw the regulations, nor to carry out the suggestion embodied in the motion. The proposal in itself is good and a discussion between the various members interested—for instance the members for Beverley, Katanning and Irwin-Moore—and other organisations interested would be of great value and at the same time would be of material assistance to the Commissioner of Native Affairs. Unfortunately, it is my experience that the Commissioner does not desire advice from any person; and so long as he adopts that attitude, I am afraid this House will con-

time to refuse to grant him the authority that he seeks. If he had any discretion at all, he would have "taken the office" from the Press comments and sought a conference with those who are as much interested in the native question as he is. Those are the people possessing practical knowledge and who know what regulations should be applied to the natives. They could give the Commissioner valuable help and it should be accepted by him. I submit the motion.

On motion by the Minister for Justice, debate adjourned.

BILL—ROAD DISTRICTS ACT AMENDMENT (No. 3).

Read a third time and transmitted to the Council.

BILL—ROAD DISTRICTS ACT AMENDMENT (No. 2).

Second Reading.

Debate resumed from the 26th October.

MR. WATTS (Katanning—in reply) [8.13]: The Minister, when addressing himself to the Bill—I will not say it is his usual practice, but he did it on this occasion—dragged some small red herrings across the track. In the course of his remarks he said that lands to seaward of high-water mark were not vested in the Crown by the Land Act although they might belong to the Crown at common law. I very definitely suggest that that is merely a red herring. There is no land to seaward of high-water mark included in this matter. I would go further and say that the Lands Department has given this subject careful consideration and that it was under no misapprehension as to what was desired. There are no fewer than five of the vesting orders issued by the Lands Department and they were issued after the department had received the letter from the Gnowangerup Road Board dated the 14th August, 1936, reading—

> I am directed to make application for the Beaufort and Wellstead Estuaries (Pallinup and Bremer Rivers) to be placed under my board's control, or alternatively for the reserves containing the estuaries to be placed under the board's control.
>
> For some considerable time we have been endeavouring to have net fishing in the estuaries by professional fishermen stopped, and although the Fisheries Department have promised on several occasions to take adequate measures to properly police same, the fishing continues unabated.
>
> Both estuaries are frequented by a large number of visitors annually (some coming from as far away as Wiluna) and are among the few easily accessible places where even the novice fisherman can catch fish, they have therefore a considerable value as holiday places, and my board is anxious to preserve them as such. By having the estuaries placed under our control, it is hoped to bring illegal fishing within the scope of the board's by-laws, and by so doing to supplement the powers of the Fisheries Department, and at the same time provide a measure of local supervision.

From the terms of that letter—and it was upon that request the vesting order was issued—it is apparent that the Lands Department knew what the board had in mind, what the circumstances were, and that the department was perfectly assured it had authority to issue the vesting order which it did issue. I have so worded the Bill which is collateral with the one now under discussion, that it will be within the power of the Crown, if at any time it so desires, to terminate the powers of any local authority which has ceased to operate under the proposed law, by simply cancelling the vesting order: because Section 37 of the Land Act provides—

> . . . the Governor may cancel or amend the boundaries of any reserve not classified as of Class A, and may change the purpose for which any reserve not so classified was made: Provided that notice of such cancellation, amendment of boundaries, or change of purpose shall be published in the "Gazette."

So, as I said before, there is no intention to deprive the Crown of any supervision in this matter. The Crown's course is easy. If there should be the improper supervision, the lack of expert attention, and the general unsuitability suggested by the Minister on the part of the board of management, supposing the Bill became law, then unquestionably the Lands Department could at very short notice put an end to the authority of the board concerned. But I venture to suggest that only in those circumstances would it be necessary for the Lands Department to take such action.

The Minister for Works: It would be very unfair of the department to do so. The board might have made vast improvements on the land.

Hon. C. G. Latham: Then the Government should not cancel.

Mr. WATTS: The board cannot make vast improvements on the water where the fish are going to be. I would point out to the Minister that there are separate vesting orders for the land around the water and the land that is covered by water. It would be only necessary to cancel the reserve of the land covered with water in order to prevent the board from taking any active measures in regard to the fish inside that water. I take it that there are no fish upon the land, and that the improvements the board would effect would be quite likely, in years to come, to be upon the land. In consequence, the two interests would not clash; and there is nothing whatever in the Minister's suggestion that cancellation would be unfair, because the board would lose nothing except that the department would have established that the board's administration of the waters was unsatisfactory.

The Minister also said that there is another objection to the formation of the present Bills in that neither prescribes which set of regulations shall be paramount. If the hon. gentleman will look more carefully at the Bill to amend the Fisheries Act to which he made reference when making that observation, he will find in it a very definite statement that when by-laws are made by the board in regard to the two sections of the Fisheries Act concerned, the regulations under the Fisheries Act will be no longer of any force in that particular district. It seems to me that there is no warrant whatever for the Minister's observation, because the Bill clearly lays down that the Fisheries regulations would cease to be operative if regulations under the Bill were made. The Minister also said—

> . . . it is recognised that the only people competent to form an accurate opinion as to what methods are necessary for the conservation of fish-life are the experts who have had the requisite training and experience in this particular branch of science.

The circumstances I brought to the notice of the House some weeks ago when introducing these Bills were that the Bills would never have been brought forward at all had there not been an utter disregard, so far as we can ascertain, for the fish life in the waters concerned. So far from the closing of the waters having prevented the loss of fish life, those waters, as I endeavoured to explain, show definite evidence of illegal fishing having made the position worse than it was before the waters were closed to fishing. So I submit there cannot be any worse situation than exists to-day. I venture to suggest also that the reason why the Bills have been brought forward is that the local authorities concerned desire to preserve the fish and are certainly not going to do anything which will have the opposite effect. I repeat, if they did do anything of the kind, if the department was satisfied of their having done so—I believe it to be quite unlikely—was convinced that their efforts had resulted in a change for the worse, the department would have its remedy.

The Minister also said that the House would be granting power to a road board to issue licenses to all and sundry. I have no doubt that is so; and I see no objection to it, because once again I say that the local authorities are unlikely to do anything of the kind. Local governing bodies are more likely to be extremely careful in handling the matter, because it is for that reason they seek authority, being unable to obtain the necessary authority from the Fisheries Department itself. The Minister further stated—

> Unless the department can devise some ways and means of control, the local authority has a grievance.

The local authority undoubtedly has a grievance, and the local authority has been asking the Fisheries Department over a long period—dating back prior to my entering this House—to devise some satisfactory means of control. But that satisfactory means has not been provided; and therefore it becomes necessary, in the absence of any other satisfactory means, to attempt to alter the existing position as proposed by the Bill. The Minister then objects that there may be other authorities in the State which, he suspects, may desire some similar authority: and he agrees that if this legislation is put on the statute-book they would only have to get certain areas vested in them, and these powers would apply. I agree that that is quite so. If they do get the necessary areas vested in them, the law will apply. Once again I submit that unless the department is prepared to do the necessary things, the law will not apply. But even supposing that we know the position, I do not see any grave objection to local authorities in these other particular places handling a similar difficulty in the same way. In fact, I suggest that in

time to come, even if these Bills are not passed, it will be necessary to vest in the local bodies of the South-West authority not only over the estuaries or waters close to the coast but also over fish now being acclimatised in the rivers of that part of the State. So there are more grounds than I can personally suggest why this Bill should be placed on the statute-book.

The Minister also made reference to the inability of the Fisheries Department to do very much on account of lack of funds. I have perused the department's report, and I find that its revenue is approximately double its expenditure during the last period of 12 months. So I do not find there any justification for the department's refusal to take any action, or for its neglect to take any action of its own. The extra cost of policing the waters would not by any means absorb the whole of the amount unexpended. If the department will not give anyone else the right to assist it in policing the waters, then I suggest that it cannot reveal a surplus of 100 per cent. above its expenditure and yet expect us to believe that it has done all it can do in the circumstances. If there had been a permanent officer appointed to that part of the State with the necessary transport to get about, and with means otherwise of efficiently dealing with the difficulties that arise down there, this Bill would never have come before the Chamber. However, there has been nothing done except the appointment of honorary inspectors. One honorary inspector appointed was 150 miles away from the site. He had the best of intentions, no doubt, but without any explanation from me the House can realise his difficulties. The Minister can only suggest that further honorary inspectors be appointed. I suggest that unless those honorary inspectors are going to be actuated by some driving force other than has actuated the present honorary inspectors, then for the reasons I have just mentioned, and in view of the difficulties existing, they will do no good whatever. I have no doubt that the local authority, with the aid of its officers, who are most zealously interested in the preservation of the rights and privileges of their own people and in the betterment of their district by making it a tourist resort, will do a great deal more than any honorary inspector has done in the past. I feel sure that an inspector permanently appointed can take on the job.

The Minister for Justice: I understand that the honorary inspectors are officers.

Mr. WATTS: Most likely that is so; but even if it is so, they are more than a hundred miles from the job. The local authority, I understand, will not put anybody on the job at the place unless it has some control. I understand that if it gets this legislation it is prepared to appoint someone to take on the job as a paid officer. In that way it anticipates getting what it wants. It is admitted that the local authority, if it gets the power to make bylaws, will make certain bylaws in reference to allowing net fishing on a very small scale. For six months in a year nets up to 2,000 yards have been used by foreign fishermen. The board would allow only very small nets to be used, practically only nets large enough to catch fish for the men's family requirements. If the local authorities make bylaws that are unreasonable, ample demonstration has been given this evening that once they are laid on the Table here, the House will have an excellent opportunity to disallow them as unreasonable and improper. Except for arguments which are specious and which, in my opinion, are brought forward merely to cloud the issue in regard to the Bill, there is actually no objection to the measure. The Crown does not lose a reasonable measure of control. The local authority obtains only a reasonable measure of control. From the circumstances it is quite apparent that the department cannot deal with the matter. Experience extending over a number of years has proved that. I venture to suggest that the time is coming when other local authorities will seek such legislation as this, which will be a definite advantage. I trust the House will agree to the second reading of the Bill.

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

Ayes	19
Noes	17
Majority for	2

AYES.

Mrs. Cardell-Oliver	Mr. Rodoreda
Mr. Doney	Mr. Sampson
Mr. Doust	Mr. Seward
Mr. Ferguson	Mr. Styants
Mr. Hill	Mr. Thorn
Mr. Latham	Mr. Warner
Mr. Mann	Mr. Watts
Mr. Marshall	Mr. Willmott
Mr. McDonald	Mr. Boyle
Mr. Patrick	(*Teller.*)

Noes.	
Mr. Coverley	Mr. Nulsen
Mr. Cross	Mr. Panton
Mr. Fox	Mr. Sleeman
Mr. Hawke	Mr. F. C. L. Smith
Miss Holman	Mr. Tonkin
Mr. Lambert	Mr. Willcock
Mr. Leahy	Mr. Wise
Mr. Millington	Mr. Wilson
Mr. Needham	*(Teller.)*

Pairs.	
Ayes.	Noes.
Mr. Stubbs	Mr. Troy
Mr. J. M. Smith	Mr. Hegney
Mr. Keenan	Mr. Collier

Question thus passed.

Bill read a second time.

In Committee.

Mr. Sleeman in the Chair; Mr. Watts in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 204:

The MINISTER FOR WORKS: I desire the Committee to understand exactly what the clause means. If passed, road board authorities will supersede the Government. The Fisheries Department will be divided into half a dozen departments. We shall have the spectacle of the Fisheries Department making regulations and the road boards over-riding those regulations. The difficulty may have arisen from the fact that the Fisheries Department has not had sufficient funds at its disposal; but we shall not make the position better by divided control. The principle is entirely wrong. The Bill is brought forward to control fishing in a few small inlets. If the Bill passes, applications will be made by other local bodies for similar authority, and I fail to see that the Government will have any justification for refusing their request. That would mean we would have six authorities acting along our coast, each of which would frame its own regulations. Honorary inspectors have been appointed who are officers of local authorities. The Nornalup and Denmark Inlets are now supervised and policed by honorary inspectors. I have heard something of the history of this matter and it is not always advisable that local authorities should have control. In this case it would not be advisable, if the whole story were told.

Member: But the regulations to be made by the local authorities must be tabled.

The MINISTER FOR WORKS: Unless we are passing the Bill for amusement, the regulations that the local authorities may make will supersede the regulations made under the Fisheries Act.

Hon. C. G. LATHAM: I point out that the local authorities must obtain a vesting order, which may be granted or refused by the Minister in charge of the department. It is not a question of a road board taking authority unto itself; the authority rests with the Government. Any regulations that may be promulgated by a road board must be approved by the Executive Council. Having been approved, they must be gazetted and laid on the Table of the House. I have been in the House for some time now and know of the complaints against the department for not checking illegal fishing.

The Premier: Nonsense!

Hon. C. G. LATHAM: Has not the Premier heard of that?

The Premier: I have heard of many prosecutions for illegal fishing.

Hon. C. G. LATHAM: Each year, when the Estimates for the Fisheries Department have been under consideration, the question of illegal fishing with nets has been raised. Such fishing occurs particularly at Rockingham, Nornalup and Denmark. If our desire is to make the State attractive to tourists desiring to follow the sport of fishing, we must take steps necessary to do away with illegal fishing. New Zealand encourages tourists who desire to engage in the sport of fishing.

The Premier: Trout fishing.

Hon. C. G. LATHAM: Yes. I voted for the second reading because I desired to ascertain if the local authority would make a better job of this business than has the Fisheries Department. I am not blaming the present Administration, because complaints were made about illegal fishing when the Minister was on this side of the House.

The Minister for Works: I have heard complaints about what has taken place in the district concerned.

Hon. C. G. LATHAM: It is not desired to take power away from the Government.

The Minister for Works: It is.

Hon. C. G. LATHAM: A vesting order cannot be obtained except with the approval of the Minister in charge of the department. There is protection enough as the position exists now.

The Minister for Works: You are bound to give the local authorities control. If this is passed there will be no option.

Hon. C. G. LATHAM: I know of many regulations made by local authorities that have been rejected by the Minister. The

Government will still be the big policeman, and if it will not do its job it is no use throwing the responsibilities on the local authorities. The Government will still have control, and at any rate Parliament will also have a say because the regulations must be laid on the Table of the House. I support the clause because in the past the department has not conserved for the people of the State a very important industry, and it has actually driven people away to other parts of Australia to get an amusement that we could well provide for them.

Mr. FOX: I can see a lot of difficulties arising if the clause is passed. It will be possible to have the whole of the coast from Fremantle to Albany closed to fishing, and the result will probably be that the price of fish will be increased. A road board would have control of territorial waters. Have not members any consideration for those people who make a living out of fishing? At Safety Bay fishermen are not able to go out at all for months at a time, and if those waters were closed—and the road board would have authority to close them at any time they liked—many men would be thrown out of work altogether. We are all aware that for years past very little money has been made available for the Fisheries Department, and consequently it has not been possible to appoint inspectors. I hope the road board authorities will not be given control of fishing along the coast, but that it will be left in the hands of the department as it is at present.

Mr. WATTS: Assuming that the two Bills were law, no local authority could do anything until it approached the Government to have certain areas vested in it. The Executive Council can refuse to vest any land in any local authority, and if the land is seaward as prescribed by the Land Act, it cannot be vested at all. I have already said that it is essential that the Crown should retain some authority in this matter, and I made certain that the Crown did hold some authority.

Mr. McDONALD: The coastline of Western Australia is about 3,000 miles, and the full effect of the Bill will relate to about five miles of it only. The clause applies to an area covered by water which is vested in one road board, and that cannot be extended to any other area unless the Government chooses to vest that particular land covered by water. The Government need not extend the operations of the Bill one foot beyond the very limited application to our fisheries resources. I welcome the proposed experiment of trusting the local authority with the policing of some portion of our coastline, and I want to see how it is going to be done. I hope it may be possible to extend the Act to allow other Government authorities the exercise of control in collaboration with the Fisheries Department. The proposal may greatly relieve the work of the Fisheries Department, for road board authorities have a sense of responsibility, despite what the Minister inferred. They will confer with the department, and will endeavour to discharge their responsibilities in a reasonable way. I welcome the possibility of the policing of part of the inland waters that are covered by the sea being delegated to a road board. I do so in the hope that the Fisheries Department will then be able to concentrate upon its real business, that of developing the piscatorial resources of the State. Experts have suggested to me the absurdity of a State with such a wealth of fish life as we possess along the Western Australian coastline, importing immense quantities of fish from the Eastern States and overseas. The department should concentrate upon making the fishing industry one of the important activities of the State, and we can well afford to allow the policing of a paltry few miles of coastline to be placed in the hands of a road board.

The MINISTER FOR WORKS: Before the Committee proceeds any further, it might be as well to understand the Bill. At present one road board only, the Gnowangerup Road Board, holds a vesting order over inland waters; namely, the Wellstead and Beaufort Inlets. Immediately we agree to the powers outlined in the Bill, I can see other road boards applying for vesting orders over inlets within their boundaries.

Hon. C. G. Latham: You do not grant every application made by a road board; you exercise your discretionary power.

The MINISTER FOR WORKS: The Leader of the Opposition advises the Government to accord preferential treatment to the Gnowangerup Road Board.

Hon. C. G. Latham: Not at all.

The MINISTER FOR WORKS: Is Wilson's Inlet to be vested in the Denmark Road Board? What will be the position

regarding the Walpole and Nornalup Inlets? Will the Torbay Inlet be vested in the Albany Road Board and the Peel Inlet in the Murray Road Board?

Hon. C. G. Latham: Perhaps the control would be better than under the department.

The MINISTER FOR WORKS: That would not be so, because at Mandurah, for instance, the Government has to go to the expense of opening up the bar annually.

Hon. C. G. Latham: Simply because you take all the revenue.

The MINISTER FOR WORKS: The Murray Road Board might take control and levy a charge on everyone who fishes there. The proposal is to amend Section 6 of the Fisheries Act, which deals with regulations, and under it the Governor may from time to time make regulations for the purpose, among other things, of—

(b) prescribing the limits in or about the mouth of or within any river, creek, stream, estuary or other inlet of the sea within which it shall not be lawful for any person to fish by means of any net or fixed engine;

(c) determining the times and seasons at which the taking of any species of fish shall commence and cease, or be permitted or prohibited.

At present the Act vests the authority solely in the Fisheries Department. Now members opposite say that despite the power contained in the Act, this particular local authority shall have power to promulgate regulations that will supersede those of the department.

Hon. C. G. Latham: They must be in conformity with the Act.

The Premier: But you propose to amend the Act.

Mr. Watts: And to make regulations under the Act.

The MINISTER FOR WORKS: The Leader of the Opposition suggests that there is no danger in passing the Bill because the Governor need not agree to the board's regulations.

Hon. C. G. Latham: If reasonable, you will agree to them.

The MINISTER FOR WORKS: The departmental regulations should prevail.

Hon. C. G. Latham: I have refused to agree to regulations that have been presented to me, and so have you.

The MINISTER FOR WORKS: The Leader of the Opposition said we should agree to this proposal because we need not agree to the board's regulations.

Hon. C. G. Latham: If the regulations were unreasonable, you would not agree to them.

The MINISTER FOR WORKS: But they would be reasonable, and the hon. member desires to hand over these powers to a local authority.

Hon. P. D. Ferguson: You do not want to lose those powers.

The MINISTER FOR WORKS: The hon. member suggests giving the board power because it is all right, as the Government still has the major pull.

The Minister for Agriculture: The suggestion is to delegate authority.

The MINISTER FOR WORKS: If this proposal be agreed to, the Lands Department will accept it as an instruction to vest other inland waters along the coast in the various local authorities concerned. Under such conditions we would have six or seven different authorities controlling these waters. Another danger arises from the fact that a local authority may be disposed to farm out rights under such legislation. Already the Fisheries Department has information that that is just what the Gnowangerup Road Board intends to do. It desires to make money out of this proposal. The board will have power to license people who desire to fish. By that means it will turn the inlet into a commercial concern. Already there have been complaints regarding the local authority there. Is the member for Katanning aware of that fact? One of the officers of the road board should have been proceeded against, but the authorities were generous.

Hon. C. G. Latham: Which road board are you referring to?

The MINISTER FOR WORKS: The one interested in this Bill, the Gnowangerup Road Board. Now it is proposed that we shall hand over powers to a guilty party.

Mr. Watts: You have not proved him guilty. I know nothing about this although I am in close touch with the local authority.

The MINISTER FOR WORKS: They would not tell the hon. member about the incident. However, that is the position.

Hon. C. G. Latham: You told the road board delegates that they were doing splendid work and that the Government intended extending their powers.

The MINISTER FOR WORKS: The road boards are doing good work because

the Government has kept them within the ambit of their operations.

Mr. Patrick: Why did you not tell the delegates that?

Hon. C. G. Latham: You said you were going to provide them with additional powers.

The MINISTER FOR WORKS: The Road Districts Act is up to date, and I could not have made the promise the hon. member suggests.

Hon. C. G. Latham: It is some time ago since you made the promise.

The MINISTER FOR WORKS: I did not suggest the Government would hand over the control of the Fisheries Department to the road boards.

Mr. Thorn: You went pretty close to it.

The MINISTER FOR WORKS: I will stand to anything I promised. I still say that the road boards carry out excellent work in directions that they understand. I do not know that one of the qualifications of a road board secretary is the ability to control the Fisheries Department.

Mr. Patrick: They are pretty good at fishing.

The MINISTER FOR WORKS: The experts at the Fisheries Department understand that work. They understand matters connected with the breeding of fish, and this measure has to do with such matters. There must be some uniform policy. The member for West Perth did not quote any authority to indicate that control of fisheries is anywhere divided amongst local authorities. Is it so in the Old Country?

Hon. C. G. Latham: Yes. There is a Private Fisheries Act and the United Kingdom Act.

The MINISTER FOR WORKS: Is the Private Fisheries Act controlled by the local authorities?

Hon. C. G. Latham: Yes, by the County Councils.

The MINISTER FOR WORKS: Well, is the control divided in any Australian State?

Hon. C. G. Latham: Why not let us make a start, and not always be looking for somebody else to give the lead.

The MINISTER FOR WORKS: No. I take a conservative view of these matters. If I were Minister for Lands now and any one of these road boards applied for any inlet, I would hand it over and invite them to take control and farm it to the best of their ability. Then we should see what would happen. I ask members not to pass this measure on the understanding that the regulations the road boards will be authorised to issue can be vetoed by the Government. Regulations issued by road boards must be agreed to by the Government. The Act says so. Where there are two sets of regulations, the road board regulations will prevail.

Mr. WATTS: The observation of the Minister that the Act says the Government must agree to the regulations local authorities may make calls for considerable qualification. The Minister knows that all the Bill does is to add a paragraph to that section of the Road Districts Act which enables the road boards to make by-laws; and when a road board makes by-laws, those by-laws have to go to the Minister for his approval and submission to the Executive Council.

The Minister for Works: You said yourself that they would supersede regulations under the Fisheries Act.

Mr. WATTS: When the Minister has agreed to them, they will supersede certain regulations under the Fisheries Act. But the Minister said the Government had to agree to them, and that is hardly a correct statement. Five or six years ago, the Katanning Road Board made an alteration to a regulation relating to petrol pumps. That was forwarded to the Minister for approval, but was rejected because the department had decided to publish by-laws of its own for State-wide use. Unquestionably the department can, at any time it likes, reject such regulations. The Minister's statement is not fair.

The Minister for Works: You said yourself that these regulations will supersede those under the Fisheries Act.

Mr. WATTS: The regulations cannot have force unless the Government gives the necessary approval. The Minister made observations concerning the Gnowangerup Road Board deciding to farm the fish. I do not know what the Minister meant, but I do know that for years past the fish in those parts have been so depleted that there have been none to catch, let alone farm; and those fish have been caught by persons acting completely illegally, thus rendering a disservice to the persons close to the waters,

who are entitled to some consideration. I know nothing about an officer of the board nearly being prosecuted, although my inquiries have been extensive; but I do know that illegal fishing is being carried on outside that district, and that very few prosecutions have been launched in the last six or seven years. So far as I know, the officers of the local authority are reasonable men who do not go out of their way to break the law.

Mr. MARSHALL: If the Minister's prognostications are correct and this limited area under one single road board is going to pan out as suggested, it is a matter, of course, of the local people stewing in their own juice, and giving the Minister all the reasons he wants for preventing an extension of their powers.

Mr. Watts: And for repealing the Act, if necessary.

Mr. MARSHALL: If road board control is going to be so inefficient, we can repeal the Act and revert to control by the Fisheries Department. I do not know how long the Minister has been a member of this Chamber, but I have not listened to the discussion on the Estimates on more than two occasions out of the eighteen, when there was not a particularly severe attack upon the lackadaisical and inefficient control of the Fisheries Department.

Hon. C. G. Latham: I agree.

Mr. MARSHALL: The Minister talks about the Fisheries Department's policy. What is its policy, unless it is to permit a continuance of the breaking of the law? I would not have voted for this measure if I had not had an opportunity of observing what was going on, not at Gnowangerup, but at the very doorstep of the Fisheries Department, between Fremantle and Rockingham. I camped at Rockingham two or three times at Christmas, and for a short time at South Fremantle, and I saw what occurred. I informed Mr. Aldrich of the position. He said he knew what was going on, but added, "What can I do?" He indicated the number of men at his disposal, and said it was utterly impossible to prevent the law being broken.

The Premier: The department does prevent its being broken, and there have been many prosecutions.

Mr. MARSHALL: The Premier says the department does prevent the law from being broken, but I have just pointed out that I saw what was going on at Rockingham and South Fremantle and reported it to Mr. Aldrich. Mr. Aldrich said, "What can I do?" Yet the Premier says it is all right.

The Premier: No; I said there have been many prosecutions. What more can we do?

Mr. MARSHALL: The Fisheries Department knows the inefficiency of the Act and of its own by-laws. Undoubtedly in the near future there will be no need for a Fisheries Department at all, because there will be no fish within miles of the coastline of this State.

The Premier: How many inspectors should we have?

Mr. MARSHALL: I have not the slightest idea, and I do not propose to be drawn into an argument about something of which I have no knowledge, but I defy the Premier or anybody else to tell me that what I saw was not a fact. Members representing areas along the coastline, including the member for Bunbury, have also complained about the inefficient control of the department.

The Premier: And the member for Swan has complained about the theft of chickens in his electorate.

Mr. MARSHALL: Does the Premier conscientiously believe that the policing of the Act by the Fisheries Department has been efficient?

The Premier: It has been carried out. As Minister for Justice, I received 50 applications for the return of confiscated nets, and I suppose the present Minister for Justice could say the same.

Mr. MARSHALL: I do not doubt that. That does not mean that the control is efficient. The quantity of fish along the coast and in the inlets within a reasonable radius of this city is infinitesimal to-day compared with what it was in years gone by, obviously because young fish are being hauled out and left on the beach.

The Premier: That has stopped.

Mr. MARSHALL: So that has been stopped! That has been stopped because this discussion has arisen. The Bill therefore has done some good. It has stopped that practice. I voted for this measure because it is confined to a very circumscribed area. Why does the Minister hesitate to make this experiment? He must know that the Fisheries Department has failed dismally

to police the industry and protect the fish in our waters. If the road board can do the work in its own district, why not give it the necessary authority?

The Premier: Suppose it licenses only residents of its own district?

Mr. MARSHALL: That would be all right so long as the industry was protected. The fish would not mind. We certainly do not want to give preferential treatment to anyone.

The Minister for Works: That is what you are talking about.

Mr. MARSHALL: Strange how little opportunity the Minister can find to vest control in local authorities. I do not stand for preferential treatment; what I want is to protect the industry. I do not mind who are licensed so long as the fish are given an opportunity to multiply. Nets are used in closed waters at all times of the year.

The Premier: No.

Mr. MARSHALL: I have seen a great deal of that going on. Old fishermen at South Fremantle frequently speak of the manner in which the regulations are enforced, and of the lack of fish as compared with many years ago. In a few months we shall know how the Gnowangerup Road Board has controlled the situation. We can then determine whether to rescind the legislation or allow it to continue. The Fisheries Department has failed in its control of the industry.

The Premier: No.

Mr. MARSHALL: The Treasurer can find money to maintain a department that has existed for years, whether it is efficient or not, but cannot find money for anything else. Parliament can always disallow any by-law that is unsuitable. Five motions for the disallowance of regulations were dealt with to-day.

The Minister for Justice: But those motions have not yet been carried.

Mr. MARSHALL: No; but the Minister will get very red in the face before he succeeds in preventing them from being carried. I am prepared to give this Bill a trial. The department will lose only a little authority on its becoming law, and that can be handed back to it should the road board fail to carry out its obligations.

Mr. STYANTS: The impotence of the Fisheries Department adequately to protect the interests of the people is forcing members to take a risk by trying something else in the hope of having our waters protected. I corroborate the statement of the member for Murchison. If I were a fisheries inspector, I could catch men at Mandurah fishing with nets in closed waters every night in the week. The department could also catch them if the staff were big enough.

The Premier: An inspector is stationed there.

Mr. STYANTS: He has three rivers to control. How can one man police all those waters?

The Minister for Justice: Can he not see what is going on, just as you did?

Mr. STYANTS: I may have been on the Murray River and he may have been policing the Serpentine. The interjection shows the lack of knowledge on the part of the Minister. Those who are illegally using nets have a bush telephone system, and can tell to within half a mile where the inspector is.

The Premier: When the inspector went to Gnowangerup everyone within 100 miles knew about it.

Mr. STYANTS: I know that foreigners have fished these waters with impunity. When I was at Augusta two years ago, I could buy fish from men who had netted it in closed waters. At Rockingham and Safety Bay I have seen heaps of small fish lying on the shore. The department was warned by the "Sunday Times" of what was being done by foreign fishermen. The department is worse off than is the Traffic Department because of its lack of staff. Some months ago applications were invited to fill the position of a fisheries inspector and the magnificent salary of £240 a year was offered, the successful applicant being obliged to provide his own transport. The salary is only a little above the basic wage. With the money at his disposal and the small staff he controls, the Chief Inspector is probably doing as well as can be expected.

The Premier: There has been a big improvement in the last year or two.

Mr. STYANTS: Too much elusive fishing is going on. I cannot agree that the department is carrying out its work efficiently.

The Premier: It spends £5,000 a year.

Mr. Marshall: That is no indication of efficiency.

Mr. STYANTS: The amount is too small for the supervision of the waters of this State.

Hon. P. D. Ferguson: It amounts to about £1 per thousand miles.

The Premier: We do not want to control the Nor'-West Cape.

Mr. STYANTS: As the department is not able effectively to control the situation at Gnowangerup, we should pass this Bill as an experiment. The Act can always be repealed if necessary. Opponents of the measure say the idea of the local governing bodies is to control their own waters, turn the districts into tourist resorts, and make money out of the visitors. One opponent said it was likely the local authority would issue permits only to local residents. Some members experience difficulty in finding a logical reason for voting against the clause. We can prevent any extension of the principle, and in addition there is nothing to prevent this House repealing any Act that it may pass. The position is very well safeguarded. Any regulation that a local authority wishes to bring into force must first receive the approval of the Minister, and then the approval of this House. There is no great danger attached to what is proposed: it is an experiment worth trying, because the whole of the waters where excellent fishing could be obtained 20 or 25 years ago have been denuded of fish. Ask any of the old residents at Fremantle what in their opinion is the cause of good fishing not being now obtainable, and 90 per cent. will reply that the waters have been fished out by foreigners. If the proposal contained in the Bill is not a success, there is no need to stick to it for all time. There will be ways and means of getting out of the legislation: but it is worth a trial. We cannot have a worse position than the lack of supervision on the part of the Fisheries Department in recent years. I shall support the clause.

Clause put and passed.

Title—agreed to.

Bill reported without amendment, and the report adopted.

BILL—FISHERIES ACT AMENDMENT (No. 2).

In Committee.

Resumed from the 12th October. Mr. Sleeman in the Chair; Mr. Watts in charge of the Bill.

The CHAIRMAN: Progress was reported after Clause 1 had been agreed to.

Clauses 2 to 7, Title—agreed to.

Bill reported without amendment, and the report adopted.

BILL—INTERPRETATION ACT AMENDMENT.

Second Reading.

MR. WATTS (Katanning) [9.55] in moving the second reading said: This is a small Bill to amend Section 36 of the Interpretation Act, 1905-18. Section 36 describes what shall be done with regulations and it provides that such regulations shall be made by the Governor and published in the "Government Gazette." The section goes on to say that any such regulation—

(c) Shall, subject to Section 2 hereof, take effect and have the force of law from the date of such publication, or from a later date fixed by the order making such regulation.

(d) Shall be laid before both Houses of Parliament within 14 days after such publication, if Parliament is in session, and if not then within 14 days after the commencement of the next session of Parliament.

Subsection 2 which is referred to in paragraph (c) that I have read, reads—

Notwithstanding any provision in any Act to the contrary, if either House of Parliament passes a resolution disallowing any such regulation, of which resolution notice has been given at any time within 14 sitting days of such House after such regulation has been laid before it, such regulations shall thereupon cease to have effect, but without affecting the validity or curing the invalidity of anything done or of the omission of anything in the meantime.

It was always thought until recently that if such regulations did not comply with all the conditions contained in paragraphs (a), (b), (c) and (d) of the first subsection of Section 36, they could not have any force or effect if any one of those requirements had not been complied with. Lately, however, there appears to have grown up the impression that because paragraph (c) which states "shall have the force of law from the date of such publication," and that because the remainder of the section does not say that if the regulations are not laid on the Table they shall no longer have the force of law, that even although they are not laid on the Table, they still have validity. A question was recently asked by the Premier in connection with the native regulations, and in his reply he certainly gave the impression that in his opinion the regulations, although not laid on the Table, were still in force, although,

he said, action was not being taken under them. If there is a prospect of regulations of any kind being issued by the Government or by a Government department and being enforced after the period has elapsed during which they should be laid on the Table of both Houses, it is time we woke up to what might happen unless the position is clarified by an amendment of the Act. We profess to believe that government by Parliament in a democratic country such as we claim we have is most desirable, and we say that nothing should be allowed to take place that is going to limit the authority of the duly elected representatives of the people speaking here as a House of Assembly. Therefore, if we are to carry that into full effect, we must make certain that the intention of the framers of the Interpretation Act to allow both Houses of the Legislature within a requisite time to consider regulations and, if thought fit, to disallow them shall not be departed from. If we are going to leave any loophole for that power of disallowance to be in any circumstances avoided, we are going to undermine the principles of democratic government, because we shall be saying that a very small fraction, in fact only one section concerned in the government of the country, shall have power to prevent Parliament from deciding whether regulations are fair and reasonable or not, and, without laying them on the Table of the House, to keep them in force, possibly to the public detriment.

Therefore, in order to make it quite clear in the Interpretation Act that if regulations are not laid on the Table of the House within the time prescribed by paragraph (b) of Subsection (1) of Section 36, I have brought forward this Bill. It will seek to insert in Subsection (2) of Section 36 the words—

> Or if any such regulation is not laid before both Houses of Parliament in accordance with the requirements of subdivision (d) of Subsection (1) of this section.

That will have the effect of providing that in those circumstances such regulations shall thereupon cease to have effect. So far as I see, there can be no objection whatever to the Bill. It merely carries out what was the intention of the framers of the Interpretation Act, but it will preserve in an unmistakeable way the rights of Parliament insofar as its right of disallowance of any regulations is concerned. I have pleasure in moving—

> That the Bill be now read a second time.

On motion by the Premier, debate adjourned.

MOTION—COMPASSIONATE ALLOWANCE.

The Late Paul Casserley's Dependants.

Debate resumed from the 2nd November on the following motion by Mr. Lambert (Yilgarn-Coolgardie):—

> That in the opinion of this House, the Treasurer should make a substantial compassionate allowance to the widow and children of the late Paul Casserley, who lost his life in an heroic attempt to rescue a fellow-worker overcome by fumes in a mine at Edwards' Find outside of Southern Cross.

THE PREMIER (Hon. J. C. Willcock—Geraldton) [10.5]: I had inquiries made regarding the workers' compensation claim arising out of this deplorable fatality, and found that the claim had not been lodged at that particular time.

Mr. Marshall: The lodging of such a claim involves many formalities.

The PREMIER: From my inquiries, and from what is known of the circumstances of the case, it appears there is every probability that when the claim is presented it will be recognised and compensation under the Workers' Compensation Act be available to the dependants of the deceased miner; so that the widow and children will not be destitute. It would be very undesirable if every member of the House, when any accident of this nature occurred in the district which he represented, came here and moved that in the opinion of the House a compassionate allowance should be granted in respect of that particular incident out of the many incidents of the kind that might occur throughout the length and breadth of the land. The view taken seems to be that because an incident comes to the notice of some member, a motion should be moved asking the House to express an opinion. This practice would lead us into all sorts of invidious distinctions between motions carried and motions not carried. No member would like to oppose a motion of this kind, especially in view of the circumstances in which the death occurred. Then there would be comparative difficulties in regard to other

motions moved in similar circumstances. The highly undesirable position would be created that because a motion relating to a fatality was brought before the House, the dependants of the deceased would receive compassionate allowances, whereas unless somebody in the House was sufficiently interested they would not receive anything. If this motion were put to the House, I hardly think any member would feel disinclined to support it. A remark was made last evening in regard to the variety of motions brought before the Chamber. We all have desires to do different things. We are all anxious to do what we can to help people. We are not anxious to oppose the granting of something if it can possibly be granted.

Though the mover of the motion is actuated by the very best of motives, the principle is bad. It must be bad, because if a somewhat similar incident occurred at Marble Bar or Hall's Creek and was not reported here while Parliament was sitting, no similar consideration would be given to it. Our industrial laws provide that if men lose their lives in such circumstances as those which mark this case, their dependants shall be a charge on the industry and payment shall be made to them in accordance with the Workers' Compensation Act. When some other feature is apparent, a greater amount of compensation may be awarded under common law. Generally speaking, however, a case of this kind appeals to the generous instincts of the community, and there is no difficulty in arousing a great deal of sympathy and collecting subscriptions. What happens then in such lamentable circumstances is that the friends and associates of a man who has done a wonderfully heroic act induce some man in a public position to take the responsibility of starting a list of subscriptions. In this case especially, such an appeal would meet with a ready response. I am sure members of this House would be glad to contribute. But to have it laid down as a general rule that State funds are to be made available in varying degrees because of varying circumstances means that we shall be adopting a highly dangerous principle.

I do not want the motion defeated. I do not think members would be prepared to defeat such a motion. As Treasurer I do not want to have the responsibility of turning down a suggestion of which I personally am very much in favour. I suggest that the bringing of the matter before the House has obtained for it considerable publicity. The reports of the heroic deed caused a feeling of admiration and of gratitude to spread through the whole community, and the sympathy of the entire public of Western Australia went out towards the dependants of this brave man. In my opinion, if some responsible body were prepared to start a subscription list, something tangible would result for the dependants of the brave man. My belief is that such an appeal would lead to a general response, which would be ever so much more satisfactory than the doing of something that might land the State in all sorts of difficulties by having to provide compassionate allowances of varying amounts in varying circumstances. I do not want to vote against the motion, and I am sure other members would not desire to do so. At the same time, I do not wish members to feel that they are in duty bound to support the expenditure of money by the State in directions of this kind. Now that the matter has been discussed, and the necessary publicity given to it, the hon. member would be well advised to allow the motion to stand over. Many people have an admiration for this magnificent deed, and no doubt will desire to recognise it in some tangible form. No amount of monetary compensation could make up to the widow for the loss she has sustained, but public recognition by the people of the State would show their admiration for what was done by her late husband. The heroic deed illustrates the meaning of the Australian word "mate," and shows the dominant factor in the make-up of the Australian people. If this matter were brought prominently before the public by responsible people, I am sure there would be a ready recognition of the heroism displayed by Casserley, and that would be not only a gratification to the widow but some solace for her loss.

On motion by Mr. Marshall, debate adjourned.

MOTION—WORKERS' COMPENSATION ACT.

To Disallow Regulation—Discharged.

Order of the Day read for the resumption from the 2nd November of the debate on

the following motion by Mr. McDonald (West Perth):—

That Regulation No. 19, made under the Workers' Compensation Act, 1912-1934, as published in the "Government Gazette" on the 30th September, 1938, and laid on the Table of the House on the 12th October, 1938, be and is hereby disallowed.

Mr. McDONALD (West Perth) [10.12]: I move—

That this Order of the Day be discharged from the notice paper.

Question put and passed.

BILL—NATIVE FLORA PROTECTION ACT AMENDMENT.

In Committee.

Resumed from the 2nd November. Mr. Sleeman in the Chair; Mr. Sampson in charge of the Bill.

The CHAIRMAN: Progress was reported after Clause 1 had been agreed to.

Clause 2—Amendment of Section 6:

The MINISTER FOR AGRICULTURE: It is desired to make some amendments to this clause, which seeks to amend Section 6. Typewritten copies of the amendments have been prepared, but members can hardly be expected to follow their exact implication at such short notice. I can perhaps briefly explain the effect of the amendments. The first is a proposed new clause, which reads as follows:—

Subsection 1 of Section 5 of the principal Act is amended by adding the following words:—"or that on any specified Crown lands or in any State forest or specified portion thereof or on any specified land reserved for a public purpose under the Land Act, 1933, or any other Act or on any road, all wildflowers or native plants are protected under this Act."

To Clause 2, now under discussion, it is proposed to move an amendment by inserting after the word "amended" in line 10 the following words and paragraphs:—

(a) by inserting after the word "who" in line 1 the words "on any road or";

(b) by deleting the word "four" in line 2 and inserting in lieu thereof the word "five";

(c) by deleting the word "subsection" in line 6 and inserting in lieu thereof the word "section."

The first part of these paragraphs involves the picking of wildflowers which have been gazetted as protected flowers on any road, etc. It is also proposed to add a proviso, as follows:—

Provided further that notwithstanding anything contained in this Act this section shall apply where such wildflower or native plant is picked on any land comprised in a pastoral lease granted under the Land Act, 1933, or any Act thereby repealed, or in a forest lease granted pursuant to Section 40 of the Forests Act, 1918-1931, and such land shall be deemed not to be private land for the purpose of this section.

It is hardly fair to expect members to follow the implication of these amendments.

Hon. C. G. Latham: They will amend the Act; not the Bill.

The MINISTER FOR AGRICULTURE: Clause 2 amends Section 6. One of these amendments is due to amendments that were made in Committee when the original Act was before the House. The figure "4" in the parent Act should have read "5," because Section 4 is the definition section, whereas Section 4 previously was Section 5 now in the Act. The word "subsection" has no place in the section, because no subsection exists. Progress might be reported so that the amendments may appear on the notice paper.

Mr. SAMPSON: I am quite prepared to accept the first of the amendments referred to by the Minister.

Hon. C. G. LATHAM: Is it intended to deal with the new clause now or later?

The CHAIRMAN: That will be taken last.

Hon. C. G. LATHAM: We can hardly deal with these amendments until they have appeared on the notice paper, and have been compared with the Bill and the Act.

Progress reported.

MOTION—LOAN COUNCIL.

Verbatim Reports of Meetings.

Debate resumed from the 2nd November on the following motion by Mr. Marshall (Murchison):—

That in the opinion of this House proceedings at Loan Council meetings should be reported verbatim and such reports should be made available to the various Houses of Parliament; and that the Western Australian representative on the Loan Council should vigorously endeavour to have such proceedings reported and submitted as stated, for to treat such matters as are discussed at Loan Council meetings as confidential is a direct negation of democratic principles.

THE PREMIER (Hon. J. C. Willcock—Geraldton) [10.22]: The motion asks that proceedings of the Loan Council shall be reported verbatim. The Loan Council is not a deliberative body that complies with strict rules of debate. Set speeches are not made. Perhaps at one stage of the proceedings delegates might give expression to their opinions upon the particular subject under discussion. Usually, it is a matter of negotiation. The function of the Loan Council is not to decide the monetary policy of the Government or some of the matters that some people seem to imagine. The Loan Council first obtains information of the amount of money that must be raised. It then consults with the Commonwealth Bank, which has been appointed by the Council to underwrite the loan after the amount and the terms have been settled. It would be unconstitutional for the Loan Council to discuss the monetary policy of the Government. That is a matter vested in the Commonwealth Parliament, which is the only authority that can deal with it. The various States and the Commonwealth present schedules showing what loan money they require. If all the money that it is desired to raise cannot be made available, then the Council agrees upon the amount to be raised and allocated to the various States. The negotiations with the Commonwealth Bank are not carried on by the Loan Council. They have always been delegated to the Commonwealth representative, the chairman, who is usually the Commonwealth Treasurer. He ascertains how much money it is possible to raise. The Commonwealth Bank advises the Loan Council. The Loan Council is not obliged to accept the advice of the Commonwealth Bank. The Loan Council has often been informed by the Commonwealth Bank Board, through the Commonwealth Treasurer, that the amount which the Bank advises can be raised in the local market is the amount which it will underwrite; but if the Loan Council were to go on the market itself, or raise the money in any other way, the Commonwealth Bank would not stand in its light. However, if the Commonwealth Bank underwrites a loan, it does so upon terms that will ensure the success of the loan. We have been told, and I have no reason to doubt the accuracy of the statement, that very often the Commonwealth Bank has to find a substantial balance itself to complete the loan. Of the last loan floated, the Commonwealth Bank had to find considerably over £2,000,000.

Hon. C. G. Latham: The Bank takes the responsibility of raising a limited amount.

The PREMIER: Yes. If all the money is not raised by public subscription, the Commonwealth Bank makes up the balance. Of course, the Bank charges an underwriting commission, which is comparatively small, to recompense itself for the services that it renders. The Commonwealth Bank cannot be compelled to underwrite a loan. The matter of currency control is, under the Constitution, reserved to the Commonwealth Parliament. If it should be desired to take that power away from the Commonwealth Parliament, then it would be necessary to alter the Constitution, and we would do that with our eyes open.

There is nothing very secret about the proceedings of the Loan Council, except during the time the Council is actually sitting. The exact financial position of the States and the advice tendered by the Commonwealth Bank in regard to market fluctuations are not matters that should be published abroad at the time, because to do so would defeat our object to secure the best terms possible. After decisions have been arrived at and arrangements made with the Commonwealth Bank, there is no further need to keep secret anything that has transpired at the Loan Council meetings. Each Premier, Treasurer, or Minister who attends on behalf of each State, gives to his Government a resume of the business that has taken place at the Loan Council. Sometimes, when Parliament is sitting, the matter has even been discussed in the House. Until the negotiations are completed, however, it is advisable that proceedings of the Council should not be made public. The delegates from each of the States discuss in a very friendly way the responsibilities and difficulties of each State. If we had to do so in a formal way, we would defeat the very object for which the Loan Council was established. If the Loan Council cannot agree upon the allocation of loan moneys, what is known as the formula can be put into operation; but so far no meeting of the Loan Council has resulted in a deadlock. The terms of each loan and its allocation have always been decided upon without the application of the formula. I have no quarrel regarding the manner in

which the Loan Council proceedings are conducted. While we are at a disadvantage from the standpoint of what is referred to as semi-governmental borrowing, which is indulged in extensively by other States, I have always found that Western Australia has been able to secure a fair deal in the allocation of money provided through the Loan Council. Instead of receiving one-fifteenth of the money available, which would be our quota on a population basis, we have succeeded in securing about one-eighth. At any rate, that was our proportion of the last two loans. The Premiers meet and discuss business informally. They acquaint each other with their respective difficulties, and the effect upon their various policies of the lack of finance. Generally speaking, a very friendly spirit prevails at the gatherings. Nothing really secret takes place there, but it is inadvisable to have the proceedings disclosed at the time. The public are not disadvantaged, as within a comparatively few days of the termination of the Loan Council meetings they are made fully acquainted with what has transpired. If the proceedings were accorded publicity in the Press, the whole spirit of the gatherings would be changed, and instead of friendly informality, a more formal procedure would have to be adopted. There would be a probability of agreements not being reached so readily and informally between the various Premiers and there would be the possible application of the formula, the necessity for which nearly all States seem to desire to avoid. Many people seem to think that at Loan Council meetings the Premiers discuss the monetary policy, the expansion and contraction of credits and the problem of inflation or deflation. Those subjects are not dealt with there, but are fought out in the Federal Parliament. If members desire to pass the motion, I can have the matter brought up for discussion at the Loan Council meeting, but I can assure the House that the proposal is impracticable, would be expensive and could do no good. Members would be wise to reject the motion.

On motion by Hon. C. G. Latham, debate adjourned.

House adjourned at 10.36 p.m.

Legislative Council.

Thursday, 17th November, 1938.

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

BILLS (2)—THIRD READING.

1, Financial Emergency Tax.

2, Financial Emergency Tax Assessment Act Amendment.

Passed.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Reports of Committee adopted.

BILL—WORKERS' HOMES ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. H. V. PIESSE (South-East) [4.38]: I have only a few words to say about the measure. I am very pleased that the Government has introduced the Bill, and that authority is given for the board to build houses of a lower value than has hitherto been the case. Many men employed on sustenance work cannot afford to enter into a contract for the purchase of high-priced houses such as have been erected under the provisions of the Act. The Bill will give men on sustenance who are able to find £5 an opportunity eventually to become owners of the houses in which they live. I commend the Government for its action and feel sure members will support the second reading.