will appreciate the seriousness of the question when I tell him that on the 29th August last there were five cases in the Port Hedland hospital, with 20 gallons of water to see them over to the 5th September. If the Minister would make provision for two additional tanks, it would save the town from being short of water. Port Hedland cannot hope for rain till the end of the year, except perhaps an occasional shower. Things would be made more secure if the additional tanks were supplied. This request I do not regard as in any way excessive, and it is made for the sake of preventing the town suffering from shortage of water. There is no doubt about the gravity of the position. Here is a town with a population of approximately 270 people, not counting the travelling public, without any drinking water to draw upon until its arrival by train from Marble Bar, a train that runs only every seven days. Last year I mentioned, on the Estimates, that I would like the Minister for Railways to make provision for concession tickets on State ships for gangers and fettlers employed on the Marble Bar railway. All railway employees in the South enjoy the privilege of free railway travel throughout the State but before a railway employee in the North can take advantage of that privilege, he has to pay £12 on the State or other boats to bring him down when on accumulated annual leave. He does come south only once in three years and concession tickets on State ships would be of distinct advantage to those employees. They cannot take railway trips in the North, except possibly to visit Marble Bar, which is not a very desirable excursion, particularly in summer time. I suggest that this concession might well be granted every three years. Railway employees in the North now have to pay their own fares to come South, and therefore I consider it only just that concession tickets on State ships should be granted to them, especially as every other Government employee has a free pass on State ships.

Progress reported.

House adjourned at 10.31 p.m.

Legislative Council,

Tuesday, 6th October, 1936.

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

QUESTION—AUDITOR GENERAL'S REPORT.

Hon. E. H. ANGELO asked the Chief Secretary: Can he give any indication when the Auditor General's report for the last financial year will be placed before Parliament?

The CHIEF SECRETARY replied: It is expected that the report will be available towards the end of the present month.

QUESTION—STATE BATTERIES. TAILINGS.

Hon. C. G. ELLIOTT asked the Chief Secretary: 1, What was the average cost per ton of tailings treated at State batteries for the year ended the 30th June, 1936? 2, What was the profit per ton made by State batteries during the same period for treatment of tailings?

The CHIEF SECRETARY replied: 1, The average cost per ton of tailings treated at State batteries for the year ended the 30th June, 1936, was 7s. 2.68d. 2, The profit per ton solely on the treatment of tailings was 7s. 3.24d. Against this, however, there was a loss on milling of 4s. 8.09d. per ton, and payment of cartage subsidies totalling £18,647 10s. On these figures the Department showed a net loss of £2,820 8s. 9d. for the year referred to.

BILLS (2)—THIRD READING.

1. Land Act Amendment.

2. Cue-Big Bell Railway.

Passed.

BILL—STATE GOVERNMENT INSURANCE OFFICE.

Received from the Assembly and read a first time.

BILL—TENANTS, PURCHASERS AND MORTGAGORS' RELIEF ACT AMENDMENT.

Second Reading.

Debate resumed from the 29th September.

HON. H. V. PIESSE (South-East) [4.40]: There are two of the financial emergency enactments remaining on the statute book, namely, the Mortgagees' Rights Restriction Act and the Tenants, Purchasers and Mortgagors' Relief Act. It has been found necessary to re-enact each on account of the continued financial emergency. When the Chief Secretary moved the second reading of the Bill now before members, he referred to the position of the people in his province who still required the relief provided in the measure and made use of the legislation. Although many members have referred to anomalies and injustices under the Act, I am still of the opinion that we should carefully consider the position before deciding not to re-enact the present measure. I certainly would not agree to the amendment embodied in Clause 2, because I consider it would be wrong for the House to endorse the principle involved. The Act in its present form does not apply to any contract entered into since the passing of the original measure. When the Bill was before another place, the suggestion was made that it should be referred to a select committee to consider disabilities that had arisen under the Act. I do not think that course is necessary, because the Act has worked satisfactorily, although not many people have taken advantage of its provisions. Nevertheless the legislation has been availed of, and we should therefore agree to re-enact it for a further period. The Act is before us for review year by year, and in due course a Bill will be presented to members having a similar object with regard to the Mortgagees' Rights Restriction Act. I will support the second reading of the Bill now under discussion, reserving the right to oppose Clause 2 that I have already referred to. Members in both Houses have stated they would like the Bill to be amended along the lines of the Victorian Act, and thus place the burden on the individual who owes money to show the circumstances that entitle him to protection. I have always taken exception to such a proposal, because I consider the provisions of our Act are more equitable. In view of its restrospective application, the amendment embodied in Clause 2 will require very careful consideration, because if endorsed by Parliament it will have a detrimental effect on those who lend money on mortgage. So much will that be so, that I was informed a few days ago by a local solicitor that he was preparing four or five mortgages and had been instructed not to complete them until the decision of Parliament was known regarding Clause 2. When the Honorary Minister moved the second reading of a Bill the object of which was to permit a Fremantle organisation to raise money on mortgage, I was struck by an interjection by Mr. Holmes, who asked the Honorary Minister whether those who were to lend money to that Fremantle body were aware that the Bill now under discussion was to be introduced. The Honorary Minister stated that he did not know. It would be interesting to hear whether the money would be available if this clause were brought into operation. If retrospective legislation were passed, it would deprive the people of the State of freedom of contract permitted under the Act since 1930. I discussed this matter with a city man who deals considerably in finance and subsequently he wrote me a letter which reads—

> It is understood that the intention of the Government is to deal with tenancies only in repealing existing Section 24 and substituting for it the following:—
>
> 24. Every contract or agreement, whether made before or after the commencement of this Act, which purports to abrogate or prejudicially affect the rights of any tenant under the provisions of this Act shall be absolutely void insofar as it abrogates or prejudicially affects such rights.
>
> There is some doubt as to whether the proposed new section would be confined to tenants, so it may be that the word "tenant" could be extended to include mortgagors. In many mortgages there is an attornment clause which creates a tenancy between the mortgagor and the mortgagee from day to day at a rental commensurate with the interest chargeable from day to day. This may make the mortgagor a tenant in the terms of the Act.
>
> Consequently, if the new section is enacted, the contracting-out which has been incorporated in mortgages since the Act became law

in 1930 will go by the board. In regard to further advances, if banks and other lenders cannot take a mortgage under which the mortgagor contracts out of the benefit of the Act, they will be forced to exercise greater discrimination against borrowers and limit assistance to persons whose position is such that there is little likelihood of their ever being forced into a position to be able to obtain protection under the Act. Thus the section would operate to the disadvantage of the wage earners and small business men for whose benefit the Act was framed, because they would not be able to obtain advances for the purchase of or improvement to their homes or the improvement of their prospects by being able to obtain finance for the starting in business.

I think members will agree that the proposed new section should be voted out in Committee. I shall support the second reading, reserving to myself the right to vote against that provision, though I shall consider any further arguments which may be advanced during the debate.

HON. J. NICHOLSON (Metropolitan) [4.49]: When the measure to continue the principal Act was introduced last session, various speakers said they would vote for the continuation for one year only on the distinct understanding that there would be no further renewal of measures of this kind. The present Bill not only seeks to continue the operation of the original Act of 1930, but goes much further. A new section is proposed which is of very material importance. It seeks to repeal Section 24 of the Act, which gives persons the right to contract outside the Act. We have to cast our minds back a little. The conditions that existed when the principal Act came into force—in December, 1930, or shortly before—were very different from those which existed afterwards. Towards the end of 1930 matters began to assume a somewhat different complexion. There had been a period of marked prosperity accompanied by a considerable rise in the value of land and, with that rise, there had also been a consequential rise in rents. At about that time it was found that, owing to the conditions which had supervened, many people who during the more prosperous period had entered into obligations, particularly as tenants and lessees, were in difficulties. There was a marked falling off in trade as well as a lack of employment, all of which contributed to the justification for passing the measure in 1930. While the principal Act may not be regarded as an emergency measure such as we understand the emergency legislation passed in the following year, it did partake of the nature of an emergency. An emergency had arisen and the measure was passed in the hope of meeting the emergency to some extent. It was found that by making the provision contained in Section 24 of the Act, the position which had arisen would be met, because the conditions which followed the passing of the Act were quite different from those which had preceded. Rents had begun to fall, the value of property also had begun to fall, and accordingly where people had to enter into such obligations, they did so on more moderate terms than those of a year or more previously. Therefore it was only fair that Section 24 should be brought into existence. But it is now sought by this Bill to revoke that section. Existing conditions are not marked by the advance in prices or rents that prevailed at the period referred too. To my mind there is no justification for the introduction of the Bill. During the last year or so emergency legislation has almost wholly passed from the statute-book. Apart from the Act relating to this measure, the only Act in existence is that to which Mr. Piesse referred, the Mortgagees' Rights Restriction Act. Members should insist upon giving effect to the idea expressed last year and should refuse to recognise the Bill in its entirety. Certainly the repeal of Section 24 is a factor which, in itself, should condemn the Bill. Because of what passed last year, I think we are justified in saying there should be no further extension of this legislation. The sooner it is wiped off the statute-book, the better, and the earlier we can hope for a restoration to more normal conditions, which we all desire to see. I hope, therefore, that members will bear in mind what took place last year and will vote against the second reading.

HON. H. SEDDON (North-East) [4.58]: This Bill is the measure annually brought forward for the extension of tenants' relief legislation. Personally I cannot see that there is any justification for a continuance of the Act. Members may recall that last year I asked certain questions regarding the number of stay orders issued with a view to determining to what extent the measure had operated. The answers indicated that there had been a considerable number of stay orders issued in 1931, the year in which the Act came into operation, and that the number decreased considerably in the following year. I should

like to quote the figures. In 1931 no fewer than 468 stay orders were issued on behalf of tenants who, through unemployment, were unable to pay their rent. Only four orders were issued on account of purchasers or persons who had given mortgages and were unable to meet their commitments for payments on their homes. In 1932, 116 stay orders were issued on behalf of tenants, but no orders were issued on behalf of purchasers or mortgagors. In 1933 there were 71 tenants' orders issued, in 1934 there were 18, and in 1935 only ten. Of these ten, only two were in force at the time the Government were asking this House to extend the legislation. I noticed from figures quoted by the Minister when introducing the Bill in another place that 12 orders had been granted during the last 12 months. Those 12 were granted as against applications totalling 27. In view of the fact that the Government have lifted all the other emergency legislation, I fail to see any justification for the continuance of this Act. We have to recognise that there has been a considerable improvement in the position with regard to unemployment, and measures taken by the Government are intended to arrange for every person to be employed who can possibly be employed. I have always regarded this legislation as distinctly discriminatory. The class of persons affected is the small house owners. It is frequently the thrifty man who, looking for an opportunity to invest his money, invests it in small houses from which he hopes to receive a certain rent which will be of benefit to him in his old age. These are the persons who are obliged to carry the unfortunate tenants who, because they are out of work, are unable to pay their rent. There are two remedies open to the Government. One is to arrange that the money provided in the way of sustenance to the unemployed should be sufficient to enable them to pay their rent. Another concerns the dwellings built by the Workers' Homes Board. A number of those dwellings have been passed in. If the Government wish to continue this legislation, they might very well make these houses available to tenants who, through unemployment, are unable to pay their rent. It would be a good way for the Government to show their bona fides, and certainly it would be fairer than making a certain section of the community—and that a thrifty section—bear a burden which should be borne by the whole community. Unless the Minister can give more cogent reasons than are at present advanced for the continuance of this Act, I intend to vote against the Bill. I am surprised at the arguments put forward by Mr. Piesse. Although he put forward a good case against the introduction of the new clause preventing contracting-out, I cannot see how he can reconcile his statement that he supports the renewal of the legislation when he is opposed to the conditions provided. In these circumstances, I find him somewhat inconsistent in the attitude he adopted. I would like to ask the Minister if, when he is replying, he will indicate in what portion of the country stay orders have been issued. I am of opinion that the only stay orders issued during the existence of the legislation have been entirely confined to the metropolitan area. I have not heard of any case where they have been obtained in the country. There has been a considerable amount of unemployment in the country, yet apparently country tenants have not taken advantage of this legislation, the benefits of which have been confined to the metropolitan area. We should realise that owners, as a rule, are good to their tenants. My experience over a number of years has been, where a tenant is in difficulties through unemployment or sickness, the owner has extended to him every consideration, and in quite a number of cases has foregone any rent, recognising the hardships of the tenant. Under these conditions, I do not consider the continuation of this legislation is necessary. I contend that the idea of imposing emergency legislation was that the whole community should be asked to bear a part in the sacrifice. If that be so, when the legislation is lifted from one portion of the community, it should be lifted from all. There has been considerable talk of the shortage of houses, repeated complaints having been made that housing accommodation is totally inadequate to the demand. I would like members to consider whether there is not some connection between restrictive legislation of this type and the amount of money invested in the building of houses. When a man is considering investing his money, he naturally wishes to have some assurance that he will receive

a return. If he knows that there is legislation on the statute-book to prevent him receiving the return from his investment to which he is entitled, he is likely to reconsider the position and refrain from embarking on the enterprise. I think this fact has had something to do with the shortage of houses, because investors have been no longer willing to place money in investments singled out by the Government for discriminatory legislation. I feel compelled to vote against the continuance of this legislation.

HON. H. S. W. PARKER (Metropolitan-Suburban): I propose to be brief in my remarks. I oppose the Bill for various reasons. One is that I have always understood that we desired to encourage the man of small means to save sufficient to build houses. Small houses are generally owned by people with little capital. Why legislation should be aimed at those who endeavour to invest their money in our country by providing homes for the people, while at the same time others are allowed to buy shares in gold mines or bonds, or invest their money in commercial enterprises outside of Western Australia, I cannot understand. This legislation would undoubtedly hinder the desire for the building of small houses. It is a curious thing that this suggested new clause is aimed at the landlord only. The Act as it stands at present is designed to give relief more particularly to the unfortunate individual who has fallen on evil days and hard times through unemployment. The hardship the legislation was intended to relieve was that of the man who had paid say £300 towards the purchase of a house and had only another £100 to pay to complete the purchase, but who, because of unemployment, was unable to find the money. The new clause does not affect such a position at all. At any rate that is my reading of it. It does not refer to the purchaser and one is rather inclined to think that the clause has been drafted to meet some special case that has come under the notice of the Minister who introduced the Bill. Many cases of hardship have come under my notice, but in another way, such as where a person has relied for his maintenance solely on the rent of a small house, and the tenant being unable to pay, or pay only a portion of his income, the owner has been unable to secure a pension because of his ownership of property. If the clause were allowed to go through it would be found that no person would be permitted to become the occupant of a house unless he had the very best of references, and also, in all probability, unless he paid a considerable amount of rent in advance. The ultimate result would be to the detriment of those it was desired to assist. For the reasons I have given I shall vote against the second reading of the Bill.

HON. J. CORNELL (South) [5.12]: Last session I expressed the opinion that all financial emergency legislation should be wiped out, and I went so far as to say that the time had arrived to follow the course adopted by the Commonwealth Government, who wrote down the interest on Commonwealth bonds to what was considered a fair rate, and in accordance with the existing conditions. So the best way to deal with mortgages under the financial emergency legislation, where hardship is being worked, is to treat them as Commonwealth bonds have been treated. When one comes to analyse the financial emergency legislation, both State and Commonwealth, we find that the Civil Service, members of Parliament and others have got back to the position they were formerly in. We have been told that we have turned the prosperous corner. Therefore I cannot see the necessity for continuing this legislation. If the question of exhorbitant rent arises, let us establish a fair rents court. The part of the world I represent will not be affected because the Bill has never had any application there as the house shortage is so acute. I knew of a case in Kalgoorlie a little time ago. One man told his bosom friend where he was living, and what rent he was paying. About a fortnight afterwards that man got a note from the landlord asking him to quit because the other man was coming into the house. I must confess that I do not understand the new clause. If it were dealing with a purchaser on time-payment, it could easily be understood. The position as it first appeared to me was that the purchaser had entered into an agreement for the erection of a house at a price and on terms that would now be considered exorbitant. But that is not the case. In New South Wales a brother of mine bought a farm on the Riverina 21½ years ago, and entered into an obligation that he would not take advantage of the farmers' debts adjustment legislation. The latest advice is that

land at Riverina is almost back to its pre-depression price, and so a farm purchased at £4 per acre during the depression could now be sold for £7 10s. per acre. Of course it is well known that a house built in Perth during the depression could be built cheaper than the price would be to-day. I will be consistent and vote against the second reading.

HON. J. J. HOLMES (North) [5.18]: I entirely disapprove of the Bill, and will vote against it. During the depression the Act served a useful purpose, but in view of the fact that we have since repealed practically all the other emergency legislation, I am at a loss to know why it is suggested that we should re-enact this piece of legislation and so impose conditions that the Act never sought to impose. We were told by the Government that we had turned the corner, that everything was all right, and so we felt justified in restoring salaries to the pre-depression rate. But the unfortunate people who are living on small mortgages and small rents have by no means recovered their financial status. Surely there must be something wrong somewhere, or alternatively somebody must be pushing his barrow to get legislation of this kind with a sting in its tail put through. Last session this House virtually notified the Government that members were not prepared to re-enact this measure, except for a further 12 months. That 12 months has not yet expired, so I cannot understand why the Government have put up the Bill with the additional clause, except it be with the object of inviting the House to wreck this unreasonable measure. The Bill proposes to deal retrospectively with contracts that were made during the worst period of the depression, when the landlord or the mortgagee was prepared to accept almost anything to keep the premises occupied. Those contracts have remained between the two parties, but the Bill now comes along and proposes to repeal the contracts. In view of the fact that we have been told by the Government that we are back to normal conditions, I do not see how the Bill can be justified. It is not the wealthy man who deals in property of the kind referred to in the Bill—small houses to be let to tenant purchasers anxious to acquire their own homes. Then there is the widow who invests her small sum of money in property of a class that will bring her a better rate of interest than she would otherwise get. It was between such people that contracts were made during the depression, and now here we have a retrospective Bill to upset all those useful contracts. From the experience of the company with which I am associated, I know it is the small investor who wants to get the best results from his money, and the small purchaser who wants to acquire his own home and who avails himself of the provisions that were not included in the Act, but which by their inclusion in the amendment contained in the Bill will upset all those contracts that were so usefully arranged. It seems to me this piece of legislation is repudiation pure and simple, and I do not think the House ought to agree to it.

HON. L. B. BOLTON (Metropolitan) [5.23]: Without repeating the arguments that have been used in favour of the Bill, I propose to support the second reading, but in Committee will vote against the new clause contained in the measure.

On the motion by the Chief Secretary, debate adjourned.

BILL—BOAT LICENSING ACT AMENDMENT.

Second Reading.

Debate resumed from the 1st October.

HON. A. THOMSON (South - East) [5.25]: I have looked through the Bill, and have read the section in the Act which it is proposed to repeal. I see no objection to the provisions of the Bill, so I will support the second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—ABORIGINES ACT AMENDMENT.

Second Reading.

Debate resumed from the 1st October.

HON. V. HAMERSLEY (East) [5.27]: After years of control we do not seem to have succeeded in improving the conditions

of the aborigines. No one can understand why it is that under our care the conditions of the blacks in the southern districts have not improved, whereas the natives living under wild conditions in the Kimberleys have held their own, except for the disease rampant amongst them, which was introduced by our own people. I have a little sympathy with the remark made by many members that since we took the country from the aborigines we should do more for them. But the question arises, what can we do? I had hoped that this measure would point the way, but on looking through the Bill I fail to see that it is going to work very much of an improvement. In taking the blacks' country from them we have made it possible for them to live very much better lives. Where in many localities they had no water supplies, we have improved that country beyond measure by furnishing such supplies. So from one end of the State to the other their conditions have been very much improved because of the development that has been brought about by white people.

Hon. E. H. Angelo: That is a question.

Hon. V. HAMERSLEY: I claim that where they had huge waterless tracts we have succeeded in watering those areas. We have enabled the native game to increase. Kangaroos have increased enormously from one end of the State to the other, and the same can be said of emus. We have introduced horses, cattle, sheep, and even rabbits and foxes. This has opened up for the natives avenues for trade, and the means of getting a living that did not exist before.

Hon. T. Moore: Foxes would be a doubtful food.

Hon. V. HAMERSLEY: Natives would not mind eating foxes. They eat native cats.

Hon. J. M. Macfarlane: And iguanas.

Hon. V. HAMERSLEY: Yes, and snakes. We have opened up these avenues of trade. The trade in foxes is a considerable item, not only for natives and half-castes, but for many of our own people. If we had not taken the country someone else would have done so. Had we left it to the natives they would not have introduced these things for themselves. Under the improved conditions the natives do not seem to have improved in themselves, otherwise we should not be called upon to deal with so many Bills relating to them. The Swan River natives are practically extinct. Those we have in this part of the State have drifted in from further north.

Hon. E. H. Angelo: And that is how we have improved their well-being.

Hon. V. HAMERSLEY: Their conditions are far and away better than they were before. These changes should have enabled them to exist better. We know that the white man has given them various fruits and other foods they never had before. For the most part the natives are well fed, and yet they seem to be dying out. They have died out altogether in the Swan River settlements. Those who are scattered about in this particular area were not originally inhabitants of this part of the country. Under the wild conditions of the Kimberleys the natives seem to be holding their own. Unfortunately there is a fair amount of disease amongst them. That is a very difficult problem for them, as well as for the Government. Taking the natives by and large, they are an honest race, and served the early settlers well. They were of a lovable disposition, and happy as children, though, as children are, they were sometimes unreliable at that age. The reliability of the natives has been recorded in many instances. Surveyors have recognised the fact. The early settlers found them extremely useful and very reliable, but recognised the necessity first to understand them. That is probably one of the difficulties we have in dealing with the question, the difficulty of understanding the natives. We have to get hold of people who take sufficient interest in them to make an endeavour to understand them thoroughly. The older settlers, to a marked degree, made a point of understanding them. We find that particularly in the history left to us by G. S. Moore. There are records of the early days which show the intentions of the settlers, and to what pains they went to understand the native on his own ground, and the attempts made to treat them so they would become useful citizens, and that the country would be better for them, as well as better for the white race which had taken possession of it. The natives generally responded to kind treatment, but they hated bondage. Under the system adopted by the Aborigines Department, of licensing employers as fit and proper persons to engage natives, a good deal of inconvenience is caused.

and employers are gradually eliminating the employment of natives and half-castes on their property. I have come across many people who in the old days regularly employed natives, but the rule to which I have referred has caused so much inconvenience that that type of employment is going out of use. A person in the back country has not a post office at his back door, and people find it difficult to get into touch with the department prior to engaging a native. When a native applies for a position all kinds of trouble are put in the way of the would-be employer. He would rather pass over the natives than go to all the trouble necessary. I am not referring to the big stations where natives are constantly employed, but to other people who, but for these restrictions, would find all kinds of employment for natives. There has ceased to be that feeling towards the natives from the settlers that used to exist. These are small obstacles, but they mount up, and lead to a lot of trouble on the part of settlers to whom I have spoken recently.

Hon. G. B. Wood: There is only a small charge of about 6d. a year.

Hon. V. HAMERSLEY: A native cannot be employed without a permit. It would be far better if he could be put straight on to the job. Many people find these restrictions too great an inconvenience. The Bill appears to aim at the further aggrandisement of the Protector, and to degrading half-castes by placing them on a lower scale than before. I should like to read a letter written to me by a half-caste in connection with this Bill. It is as follows:—

In 1928 or 1929 a deputation of natives and half-castes waited on the then Premier, Mr. Collier. He was told that the worst enemy of the natives and half-castes was Mr. Neville. The reasons are: Inadequate protection of inmates in the Mogumber settlement, especially girls, too many of whom have become mothers out of wedlock, and his desire all the way to have those out of his control deemed aborigines; and his neglect to develop the inmates in the native settlement, natives and half-castes which would fit them to take their place alongside the whites. After 22 years as Chief Protector, we cannot find one person, male or female, whose name is on the electoral roll.

Hon. H. Seddon: That is not Mr. Neville's fault.

Hon. V. HAMERSLEY: That is in the Constitution, but the half-caste does not know that. His point is that many half-castes are able to take their place in the world, and do the work of whites; they are ratepayers, but have no vote. The letter continues—

I would strongly urge the Minister controlling the Aborigines Department to furnish records as to the number of children born to settlement-trained girls out of wedlock at Mogumber, also the number of runaways from the settlement, as well as the number of convictions at Moora due to runaway matches. Natives and half-castes living as whites should not be subject to the Act, a magistrate to decide if a person is fit to assume full responsibilities of citizenship, and should not be influenced in his decision by anyone connected with the administration of the Aborigines Department.

Hon. H. S. W. Parker: Give them a fair go.

Hon. V. HAMERSLEY: That is what the half-caste is asking for. The letter continues—

Mothers and fathers should have control of their children until it can be proved they are incapable of caring for them. These rights should be sacred. The children of half-castes born in many cases are white. It is often been said that the children who are born at Mogumber settlement and were considered too white to be there, are sent to an institution in or around Perth, and there they are called quarter-castes. Those who are of darker hue are kept at Mogumber and called half-castes. The Minister should be asked if there was any truth in these rumours. The permit system should be abolished. Natives should not be exploited to help fill the coffers of the Treasury.

Hon. H. S. W. Parker: The whites should not be exploited either.

Hon. V. HAMERSLEY: The letter continues—

Mr. Moseley's recommendations should be supported by appealing to a magistrate for exemption, and under no consideration should the magistrate be in a position where he can be influenced in his decision by anyone connected with the administration of the Aborigines Department.

The writer of the letter specially asks me not to mention his name, saying that he does not want to be earmarked. That is to say, he fears that penalties might fall upon him from the department if his name were given.

Hon. G. W. Miles: Evidently he has seen that picture in the "Bulletin."

Hon. V. HAMERSLEY: Many half-castes are really good citizens, paying rates and so forth. Many of them have ideals, and are living good lives under white condi-

tions. Those are the people who object to the department having control of their children. I personally would prefer a board independent of the Chief Protector, because something has grown up that makes all these people, not only in the South but also in the North, object to the system in vogue which forces parents to hie from station to station, or from district to district, in order to retain their families. In my opinion, there are many cases where half-caste children would be far better left out in the back country. It is all very well to talk about our civilising them and educating them, but they are snatched away from their parents. I have had statements from some of them on the subject. They are brought down to the larger centres, where they probably pass their own brothers and sisters in the street without knowing them. They get completely out of touch with their parents. They feel —and I think the idea has a great deal to commend it—that they would be living happier lives and doing more good for the country and for themselves if they remained on the stations away in the back country, where they could be trained by people living a more natural life than obtains in cities and towns. I know numbers of half-castes who make quite a good living at catching rabbits. Many of them earn good money. Now, they like to have control of their own money. I have been told that they strongly object to being forced, when in employment, to send their wages down to headquarters. They say that when they come down to headquarters and want to draw some of their own money, they have great difficulty in collecting it.

Hon. G. W. Miles: It has gone into Consolidated Revenue, has it not?

Hon. V. HAMERSLEY: They say they do not know why their money is kept from them. They are told that it is being retained on their behalf in case they fall sick or any accident happens to them. They feel that the system is rather unfair. When they would like to buy things, they are not allowed a sufficient amount of their own earnings. Complaints have been made to me that when girls come to the city and go to the home, they have to pay 25s. a week for their keep and are put on to do the work of the premises. They say that in addition to paying the 25s. per week, they have to do a lot of cleaning up. This they consider is rather rough on them. Whether it is true or not I do not know, but the statement has been made to me repeatedly in the back country.

The Chief Secretary: Why not inquire before making that complaint here?

Hon. V. HAMERSLEY: I am not making a complaint, but am repeating to hon. members the statement that has been given to me in all honesty. I believe it to be quite possible that the impression described is one which the girls receive. One cannot wonder that they feel the department are not giving them altogether fair treatment. With regard to the Bill, I feel that the question of classing all half-castes—many of them apparently pure white—as natives is a mistake. We should adhere to the term "aboriginal." I do not quite gather the reason why everybody should be classed as a native. I claim to be a native of Western Australia. My people before me were born in this country and I take it they were natives of the State. Seeing that the aboriginal is now to be classed as a native and that the half-castes would rather be placed in a different category from the pure aboriginal I personally while wishing to be classed as a native of this country have no desire to be classed as an aboriginal. In that respect the Bill certainly does not appeal to me. In years to come it will doubtless be somewhat difficult for us to prove exactly to what race we belong. The passing of that portion of the Bill would go a long way to confirm an opinion which has often been expressed by many people in the Old Country that all Australians are black. I have heard it repeatedly. It would be just as well for us not to run the risk of appearing to support such a view. White people prefer not to be mistaken for original inhabitants of Australia. There is a good deal to commend Mr. Moseley's view that it would be well to have two or three heads of the Aborigines Department instead of, as at present, only one, who is stationed in Perth permanently. It would be preferable to have a head appointed in the South, and another in the Kimberleys. The latter would be in closer touch with settlers, and his appointment would save the need for referring everything to Perth. Native children, I repeat, should be left in the back country. This arrangement would influence many aboriginals, who at present feel that they are being hounded from one district to another, to realise that they were in touch with someone whom they

could look upon as their particular friend. At present they view departmental control as something in the nature of slavery. From the report of the Chief Protector of Aborigines I note that Western Australia does not spend anything like so much on its aborigines per head as is spent by Victoria, in which State a sum of £8,090 is spent annually on 612 aboriginals, representing £13 4s. 4d. per head as against £1 10s. 2d. per head spent on Western Australian aborigines. However, I look upon that comparison as rather a joke. I have not gone into particulars as to how the Victorian money is spent, but I imagine that most of it would go in cost of administration. New South Wales spends £5 5s. 3d. per head of aborigines, Queensland £2 10s. 7d., and South Australia £5 10s. 10d. I was greatly struck with the following remarks on page 12 of the report of the Chief Protector of Aborigines for 1935:—

> La Grange Bay Feeding Depot . . . . . Blankets and Clothing.—These have been forwarded regularly and always found to be of excellent quality. The clothing supplied by the department is not sufficient, as one issue for the year for the indigents does not allow the natives to keep themselves reasonably clean.

With one issue, as I take it, for the year, there is no occasion to wonder at such a comment appearing in the report. Many observations could be made on the subject. No doubt the Chief Protector would claim that he has not had sufficient money to provide all the clothing and so forth required for the natives. I believe, however, that as regards Moola Bulla Station and several other stations in the Kimberleys there is a prospect of the establishments becoming self-supporting. When an establishment was made in the southern portion of the State, I hoped that it also would become self-supporting; but there is no gainsaying the fact that Mogumber is a dreadful establishment, absolutely hopeless as regards producing all that the natives require; not such a settlement as we expected to see. I consider that a number of establishments represent the right solution of the native problem.

Hon. G. W. Miles: Who selected Mogumber?

Hon. V. HAMERSLEY: I do not know. However, it is a dreadful place to have been selected.

Hon. G. W. Miles: The land is very poor.

Hon. E. H. H. Hall: It is in the East Province.

Hon. V. HAMERSLEY: Yes. I do not mind if another establishment is located in the East Province. However, I certainly took exception to the choice of Mogumber as a site. When I first saw the place, I considered it would merely be a waste of money to carry on operations there. The same applies to other propositions. The aborigines should be given an opportunity to show what they can do. Even an aboriginal objects to going on with the growing of vegetables or crops when he knows it is futile to expect any return from the land. The natives should be encouraged to grow their own foodstuffs. The impression that seemed to be uppermost regarding the native institutions was that they were not expected to be self-supporting as the Government would provide sufficient funds for the purpose. In his report, however, the Chief Protector stresses the fact that he has not had sufficient money. If finance is necessary, it is for the State to provide it, and the natives should be placed on properties where they will have a reasonable chance to become self-supporting. Many of the aborigines have rendered efficient services on stations and farms, and there is no reason why they should not make their own holdings wholly productive. They do not like too much control, but they appreciate their freedom. Some of them like to have their own properties. One or two have stations, while others have farms, and they pay rates to the local governing authorities Many of the half-castes are anxious to do their work side by side with the whites, and there is no doubt that many of them are first-class hands and good tradesmen. They do not desire to be classed as aborigines. I am opposed to some of the clauses in the Bill, and when the measure is being dealt with in Committee. I shall suggest some amendments. In the meantime, I support the second reading of the Bill.

HON. T. MOORE (Central) [6.3]: The Government are to be commended upon their decision to at least grapple with the position of the aborigines, and the Royal Commissioner, Mr. H. D. Moseley, is to be thanked for his very exhaustive inquiry into this important subject. The Commissioner went to a great deal of trouble to ascertain the real position regarding the natives and half-castes, and his report is most valuable. As Mr. Hamersley said, this is really a Committee Bill, and its

clauses can be dealt with exhaustively at that stage. Speaking generally to the Bill, however, we should do everything possible to make happy the lot of the aborigines we still have in our midst. When our forefathers arrived in Western Australia, they found a native population roaming in the wilds and a particularly happy people. They went in for sports and, despite what Mr. Hamersley has stated, I maintain they were much better fed in those early days than they have been since civilisation dawned for them. I regard the proposal to place aborigines in camps as a step in the wrong direction. They are, by instinct, nomads, and if they are to be confined in camps, we can assume that in the course of a very few years the race will become extinct. It is natural for them to desire to roam in the wilds, and only a few will necessarily have to be kept, more or less, in confinement. When we talk of the condition of the aborigines and half-castes, can they not turn the tables on us? Is it not rather remarkable that in Western Australia we have shops full of foodstuffs, factories replete with goods, and yet our people are in want? The aborigines would never allow that, and never have. They are not selfish. What they have they share amongst themselves until their supplies are exhausted. They do not hoard or dispose of what they have at a profit to some other section of the native community.

Hon. G. W. Miles: Do you want to get back to that stage?

Hon. T. MOORE: No attempt has been made in the Bill to differentiate between those who are married in a Christian church and those who are not. It is proposed to amend the legislation in that respect. Formerly the right of the Chief Protector of Aborigines to interfere was confined to the interests of the female, who proposed to be married in a church. Now the suggestion is that every aboriginal shall be required to secure permission before he or she can be married. If those who were allowed to be married were to be permitted to carry on subsequently in accordance with Christian ideas, it would be all right, but under the Bill it is proposed to go further than that, and to take charge of the offspring of those who have been married in a Christian church. That is wrong in principle.

The Chief Secretary: But that applies only in some instances.

Hon. T. MOORE: I contend that natives who are married in a Christian church should be dealt with in the same way as white people who, in some instances, do not act properly after marriage. The same procedure should be adopted for the black as for the white, once the Chief Protector has allowed the natives to be married in a church. I hope the Minister will give careful consideration to that point, and permit the Christian churches to take charge of the natives who are married under their auspices. Naturally, there are some natives who will not act rightly after marriage, but that applies also to whites. Merely because some may act in a wrongful fashion is no reason why all should be subject to this restriction, or receive the same treatment as those who live in accordance with their tribal laws.

Hon. G. W. Miles: Do you think the Protector should have power to prevent natives marrying outside the church?

Hon. T. MOORE: I do not think that is proposed in the Bill; I am dealing with the provisions of the Bill only. I have received a letter from a very intelligent half-caste and I propose to quote some extracts from it. Referring to the Bill now before Parliament, he writes—

> Is it that they want to pass a law to say we half-castes, whether we are 90 per cent. white by blood caste and are living in a position as good as many white people, are still aborigines, and are still on the same footing as those on the fringe of civilisation? If we are law-abiding and are getting an honest living, are we not British subjects? I think we are entitled to citizenship.

That is a perplexing position. There are many who are quite as intellectual as some whites and they are much concerned because they do not desire to lose any freedom that they possess to-day. I commend them upon their attitude. Then the writer also states—

> The plight of the half-caste to-day is due to this department. They have taken charge of the half-caste aborigines for the last 29 years or so, and what have they done for us? The result is: "You are a good dog, but keep in your kennel."

He next refers to the Mogumber or Moore River settlement, and, dealing with the proposals in the Bill regarding the guardianship respecting children, states—

> Now the Chief Protector wants legal guardianship over all our children, whether born in

wedlock or not. Our children are our most sacred rights. We are all married in churches. It seems the effective control the Aborigines Department wants is to take charge of all their earnings and to make sure they will be serfs for the State.

That is one phase about which I am concerned. It is proposed to take the children from the unfortunate half-caste parents. I do not know that there is any member of this House who wishes that to be done. It is altogether wrong. The natives have their feelings.

The Chief Secretary: Do not you think the department would act in the interests of the children?

Hon. T. MOORE: This course might be necessary in extreme cases, but it seems to me that in the past the general rule has been to take the half-castes away.

The Chief Secretary: No.

Hon. T. MOORE: Yes, and I have been among the aborigines and half-castes as much as anyone else in this Chamber. I know there have been round-ups and the half-caste children have been taken away, no matter how they were cared for by their natural mothers. It was hard, and I do not want that sort of thing to be perpetuated. It is a shame to take a child away from its mother. It is inhuman.

Hon. C. B. Wood: It is a pity they do not take more away in some cases.

Hon. T. MOORE: And that may apply to some white parents as well. Not all white parents are angels. When the Bill is dealt with in Committee, I propose to move some amendments in the hope that the measure will be made more effective than in its present form. I will endeavour to see that whatever rights the natives have shall not be taken away from them, except in extreme cases where such a course may be necessary. In that respect the natives should be treated in the same way as whites. I support the second reading of the Bill.

HON. E. H. H. HALL (Central) [6.12]: When the Chief Secretary moved the second reading of the Bill, he made a statement that I noted at the time. He said that some people seemed to forget the Constitutional obligations the State was under with regard to the natives. That may be quite correct but I think it will not be denied that what has prevented us from doing the proper thing regarding the natives is not any Constitutional obligation but from financial considerations. With other members, I agree that the Chief Protector is to be commended for the zeal and consideration he has shown in carrying out his onerous and, at times, delicate duties. As with other departments, his administrative activities have been considerably curtailed because of the inadequacy of financial support accorded him. The blame for that does not lie with the present Government only but the accusation applies to all Governments. On the 21st February, 1934, a Commission was handed to Mr. H. D. Moseley to report, as a Royal Commissioner, on the vexed question of the treatment of aborigines, and on the 24th January, 1935, the Commissioner handed in his report. In September of this year a Bill was introduced in this Chamber and it might have been expected that the measure would comprise mainly the recommendations made by the Royal Commissioner. Many members have said that the Government are to be commended for placing the Bill before us. I agree with them, even though the legislation has been introduced at such a late stage in an attempt to improve the conditions under which natives move and have their being.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. E. H. H. HALL: I was referring to the lack of finance being responsible for the lack of proper care of the native race. There are many people ready to find fault, many people without a proper appreciation of the difficulties involved in this question. It is easy for them to criticise and blame the State for the lack of care exercised over the native race. We have failed to carry out our obligations not only to the aborigines but to others. For some years past we have been open to a charge of failing to do our duty towards the mentally sick of the State. The report of the Inspector-General of the Insane must cause every member to feel that something should be done to provide adequate accommodation for those unfortunate people. But it is not done. So the charge lies not only in respect of our black brothers and sisters but of white people of the State. If we are blameworthy—and we may as well admit that we are—it is not only the black people who have cause for complaint. Last week a full-blooded aboriginal was discharged from the Geraldton Hospital. He had been sent there from a station on the Murchison, having met with an accident to his

leg. Unfortunately the accident occurred not within the course of his employment, and he did not receive the benefit of any compensation. For four months that native was a patient in the hospital, and he received the same treatment as was meted out to white patients. On his discharge, I was able to take action towards getting him in employment again. There are many instances of natives receiving all possible care and attention, but nothing is heard of them. Many years ago, when stationed at Mount Sir Samuel, my attention as postmaster was directed to the native camp. Awful conditions prevailed there. Some of the natives were blind; some were diseased. I reported the matter to the then Protector of Aborigines, Mr. Brodribb, and received a letter thanking me for having drawn attention to the matter. Those conditions were promptly rectified. So far as I am aware, the officials of the department have done their level best to care for and succour the unfortunate aborigines. The Royal Commissioner, Mr. Moseley, spent many months, travelled many thousands of miles, and met many people in his task to acquire first-hand information, and for his report he has been commended by many people, both inside and outside of Parliament. One would naturally have expected that the principal recommendations he saw fit to make would have been given effect to in the Bill. True, we have been told that to give effect to all his recommendations would be too costly. One finds it difficult to blame the Government for adopting that attitude. With so many pressing claims upon the finances of the State, I cannot blame the Government, but surely an effort could be made to give effect to the more important recommendations that Mr. Moseley saw fit to make! For a number of years people outside Parliament have frequently hurled it against us that Royal Commissions are appointed, make their inquiries and submit recommendations, and that little, if any, notice is taken of them. Hence the man in the street frequently asks, "Why waste money on Royal Commissions when little or no notice is taken of the recommendations?" This complaint seems to be common against most Governments. Mention has been made during the debate of the cruelty of taking native children from their parents. The Minister interjected, "Do you wish that remark to be applied to all cases?" Of course there are exceptions. I know a half-caste couple who have two children. One is so white that people could be excused from classing it as a white. It attends the Government school at Geraldton. The sister is just as black as it is possible for a black person to be. The father receives employment from the Main Roads Board, and must be one of the half-castes who is able to get drink. He has frequently been prosecuted for being drunk, and frequently imprisoned for causing disturbances. On one occasion he was imprisoned for several weeks. What would happen at the camp while that man was in gaol? Many members have a closer knowledge of these matters than I possess, but that probably explains why one of the children was quite white and the other very black. Could anyone conscientiously object to removing children from a camp such as that? I should not think so. Let me quote the Royal Commissioner—

> Half-castes with families of nine or ten huddled together in abject squalor, no beds, no cooking or eating utensils worth the name, no proper facilities for washing, dressed in clothes a tramp would despise, unless, by begging, they are able to obtain cast-off clothing from whites . . . . The men useless and vicious, and the women a tribe of harlots.

Yet we have members in this Chamber arguing that it is not preferable to take the children away and give them a chance of being brought up in surroundings that will make them decent, respectable citizens. When the Chief Secretary replies, I should be pleased to hear whether the Bill makes any provision to deal with such cases. I have read the Bill, but have experienced the same difficulty as that mentioned by Mr. Nicholson—unless one has the parent Act and compares the clauses in the Bill with the provisions in the Act, it is difficult to determine precisely what the Bill sets out to achieve. Of one thing I am certain, however, and that is that the principal recommendations made by the Royal Commissioner have been ignored. Many members have expressed accord with his views, and their opinions are entitled to respect. What has the Bill to say regarding the Commissioner's recommendation that divisional protectors be appointed? I have no complaint to make against the Chief Protector, Mr. Neville. I believe that he has endeavoured to carry out his duties conscientiously. The Royal

Commissioner, however, considers that the job is too big for one man, and in making that statement I believe that Mr. Moseley was on solid ground. As has been frequently stated, the measure is one rather for discussion in Committee than on the second reading. I shall look forward to substantial alterations being made in Committee. We heard from Mr. Hamersley that the native settlement on the Moore River is absolutely unsuited for the purpose. I interjected, "That settlement is in your province," and I take it that Mr. Hamersley knows something about the country. The Royal Commissioner also condemned the settlement. He praised the staff, but said the settlement presented a woeful spectacle. The staff, in his opinion, were labouring under great handicaps, and doing their best, but the site was against the success of the settlement. We have also heard from a member for the North Province that Dorre and Bernier islands were unsuited for the purposes for which they were used. There was no wood on the islands. One does not need to be an expert in native affairs to know that if there is one thing an aboriginal appreciates after a full "tummy," it is a fire, especially if he happens to be sick. Although some members may fight against it I believe the time is coming when we must be prepared for more and more Government interference in order that those who are not so fortunately placed may have a fair chance. But what heart does it give us when we see some of the mistakes that are made? I am not blaming the present Government. I do not know who was responsible for the selection of Dorre and Bernier Islands, or the selection of the Moore River Settlement. But does it not seem that Governments too frequently make very bad decisions in some very important matters? It seems to me that they would be well advised to seek the advice of practical people before making some of the momentous decisions they are called upon to make. I support the second reading, reserving the right to vote in Committee for various amendments which I think should be made.

HON. H. SEDDON (North-East) [7.46]: There has been a great deal of ground covered in the debate, and I do not propose to occupy more than a few moments in dealing with the subject. Mr. Moore suggested that the point of view of the native does not seem to have been grasped in the legislation which is being put forward. I am convinced that the Bill has been prepared by the department from an entirely sympathetic aspect towards the native, and, judging from the provisions to be included, efforts are being made to overcome one or two matters which have proved serious handicaps so far as the natives are concerned. I am struck, for instance, by the provision that an individual not already under the provisions of the Act may apply to a magistrate to be brought under those provisions. From what I can gather the idea behind that is to prevent exploitation. There have been serious cases of exploitation in the past. Men have not been able to enforce their rights, and I take it that the idea of this legislation is to provide a means for these men to secure the protection and justice at present denied them. There is another aspect of the matter that interests me, and that is the question whether due regard is being given to the fact that considerable effort is being made in various quarters to introduce the amenities of Christianity to the natives. I have heard a lot of criticism in that direction. Many people have an idea that it is impossible to teach the native religion, that it is impossible for him to appreciate anything taught him under that heading. I do not propose to set myself up as an authority on native mentality or point of view, but I say if there is anything in the claim of Christianity at all it is a claim that applies to all men. Therefore I think that any criticism of the activities of the missionary societies operating amongst the natives is ill-judged. It should be recognised that the missionaries are doing their best for these children of nature, trying to teach them an appreciation of higher values than they have been led to expect in life as a result of the treatment they have received from many of their white brethern. There is a mission in the North-East Province. A good many complaints have been made against this mission from certain of the people residing in close proximity to it. It is stated that the natives interfere seriously with the stock and that they make use of the wells as a point from which to shoot game, thus preventing the stock from approaching the wells. In this connection it should be realised, as has been pointed out, that the native is a nomad. We have taken his country from him, and he is forced to catch his game as best he can. I believe the work

done by that particular mission is very good. One thing which appeals to everybody is that the mission is doing its best for the children, who are being brought up under the best conditions and being given an opportunity of familiarising themselves with means whereby they may make a decent living later on. Unfortunately the mission is operating under very adverse circumstances. The amount of ground they possess covers only about 6,000 acres, and it is impossible to keep more than a few head of sheep and stock thereon. It appears to me that the Bill will give an opportunity to the Government to extend the activities of the department, and to arrange for a reserve of sufficient magnitude for the natives to be placed upon it, and to be given an opportunity to live out their lives under protection and direction. The Bill is a distinct attempt to improve the conditions of the natives, and I intend to support it as far as possible, though I realise there may be some amendments necessary.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West—in reply) [7.53]: It will be admitted, I think, that the Bill lends itself to discussion better in Committee. Nevertheless, in view of the remarks of many members who have raised quite a number of points when speaking to the Bill, I propose to reply to what I think are the most important of those points, mainly because I believe that some members have a confused idea of what the Bill will accomplish. In some cases I am afraid members have not studied the Bill, and in other cases I feel sure they were not here when the Bill was introduced, and perhaps have not read my remarks. Otherwise it is hard to understand how they could make some of the statements they have made. First of all I would like to say I am pleased indeed with the reception the Bill has received at the hands of members generally. It has met with a much better reception than on a previous occasion when I introduced an amending Bill to this Chamber, and it is particularly pleasing to find that some members think we are now not going far enough in our legislation appertaining to natives. Of course, some members have confused the law relating to natives in this State with the administration of the department which is charged with looking after the natives, and to an extent they have overlooked the fact that this is purely an amending Bill, and that there are many provisions in the existing Act which are not being altered by the Bill. The Bill, however, does give the department power to do quite a number of those things which members complain have not received attention in the past. The main reason why a number of the matters have not been done is the fact that Governments have not been able to provide sufficient money to enable the department to do all that it wished. I think I can readily claim that while I have been in control of the department I have been successful in securing additional money in order, at least, to make some little improvement in the conditions of natives generally; and the fact that we have been going through a depression period for a number of years, of course, has made the task of all Governments very difficult indeed to provide the money the Minister in charge of that department might reasonably have asked for, to do what was right by the natives. I suggest we must not be too critical on that score. Governments have experienced difficulty in finding money for many other departments and necessities besides the Aborigines Department, and to the extent that money has been supplied by the Government, I desire to express the opinion that the Department has carried out a wonderfully fine job. Not only the Chief Protector, but all his officers have been working under serious disabilities brought about in the first place by shortage of money which Governments were not able to make available. Mr. Moore, when speaking, referred to the question as a perplexing one, and there is no doubt it is most perplexing. The more one learns of the subject the more one has to realise how many-sided it is. It seems to me at times that he who tries to do the most in the interests of the natives is the person who is criticised the most. If one were to sit down and attempt nothing, it would appear that there would be very little criticism; but because one does endeavour to the best of his ability to effect improvements he is subject to all manner, shall I say, of uninformed criticism. During the debate on the Bill reference has been made to the policy the Department should pursue in regard to various sections of the native question. For instance, it has been said that we would require more settlements and that there is nothing in the Bill which indicates what the Government are prepared to do in that direction. That is perfectly

true; there is no mention in the Bill of additional settlementts; there is no need for any mention of them in the Bill. There is already adequate provision in the Act which will allow of the establishment of settlements in any part of the State provided the department can be given the necessary funds. So that is my answer to those who complain that we have not done as much as we should have done, and that we have made no provision in the Bill for additional settlements. On that point I may say I have been giving the question of settlements quite a lot of thought during the past few years that I have been in charge of the department, more particularly perhaps since the Royal Commissioner submitted his report on the Moore River settlement. It was pointed out by Mr. Hall that the Royal Commissioner, when dealing with that settlement, said it presented a woeful picture. There were there buildings that had not seen a coat of paint for many years and some of them were in considerable disrepair, for money had not been found for matters of that sort. Since then we have provided sufficient money to put those buildings into a proper state of repair and to make improvements that have lifted the Moore River settlement into a much more satisfactory position. Since the question has been asked why that settlement was established on land where no one would think of establishing anybody, I should like to point out that it was one of two settlements that were established many years ago. The Moore River settlement was placed where it is because that district was regarded as being most suitable from a health point of view, and it was intended to be a sort of sanatorium where natives could be sent to recuperate their health and for native children. In addition, we had another settlement at Carrolup on the Great Southern. That settlement was doing very fine work and it was appreciated by the natives, but unfortunately during war time, when it became necessary to economise, the Aborigines Department, like other departments, had to cut down expenditure and the Government of the day decided that instead of having two settlements they would have but one. So they closed up the Carrolup settlement against the advice of the Chief Protector, and transferred many of its inmates to the Moore River. Since then the Moore River has been the only settlement the department has in the South. So we can imagine the state of affairs there. We had there old natives and young natives, a large number of children of both sexes and all ages, and a large number of families. And the Chief Protector was expected to look after their interests from all points of view, but without any money with which to do anything. It is of no use criticising the Chief Protector on matters of that kind. If any member cares to read the annual reports of the Chief Protector for the past 10 or 15 years, he will find that officer's comments on matters of this kind year by year. So the Chief Protector cannot be blamed for the state of affairs regarding the settlements that have been established during his period of office. That, of course, is only one point and has nothing whatever to do with the Bill. As I say, there is in the Act sufficient power to allow the department to establish settlements anywhere in the State, provided sufficient money is forthcoming for their establishment. Another point in connection with the establishment of settlements is the attitude of people in the locality where it may be desired to establish the institution. We all have knowledge of the proposal of a few years ago to re-open the Carrolup settlement: one section of the people was totally opposed to it, while another section did not mind. That is the state of affairs that probably would arise no matter where it was proposed to establish a native settlement in close proximity to white settlers. That is one of the things that the Government or the department in future will have to disregard, for additional settlements in the South-West are imperative. In the Great Southern there is a large number of natives and various half-castes and quarter-castes, and until we have another settlement in that part of the State the Chief Protector has a hopeless task in endeavouring to do anything worth while on behalf of those people.

Hon. A. Thomson: Yes, it is impossible.

The CHIEF SECRETARY: Absolutely impossible. So any criticism levelled at the Chief Protector is levelled at the wrong person and should be levelled at those who were responsible for closing down Carrolup, or levelled at successive Governments for not providing the additional money necessary in that direction. A number of members when dealing with this question have given the Royal Commissioner a

good deal of credit for the report he submitted. I agree with those members that the Royal Commissioner is to be complimented on his report. On the other hand, there are some things that the Royal Commissioner recommended, but which the Government cannot accept. I propose to give reasons why it was not possible for the Government to agree with every recommendation to the full extent made by the Royal Commissioner. One in particular I would like to deal with is the recommendation for the appointment of divisional protectors in each district with the full power and authority of the Chief Protector. I think I pointed out when moving the second reading that the Government could not accept that recommendation because in the first place it would really mean three separate administrations, each of which would be responsible to the Minister. That would make the Minister's position almost untenable. As it is something like 75 per cent. of my time is taken up in dealing with matters connected with this department, and if we had three separate administrations, each responsible to the Minister, we would not only require a full-time Minister to do the job, but also an assistant for him. And there is no need for it, because there is in the existing Act sufficient power to provide for the appointment of divisional protectors at any time, and sufficient power to give to those divisional protectors all the authority that it might be considered advisable to give to them, of course under the Chief Protector, who is responsible to the Minister. As a matter of fact, we are just on the point of creating an office similar to that which members have been advocating. We are proposing to appoint a man in the North to be stationed at Broome, and who will be given full authority to deal with all native questions coming under his notice. He will have power to go where he pleases and do what he thinks best, consistent, of course, with the policy of the Government. The man who will be appointed to that position has had a lifetime of experience of the problem and is one in whom, I am sure, the people of the North will have every confidence. That is sufficient reply to the contention that we should adopt the Royal Commissioner's report in its entirety. There is in the Bill a provision under which we endeavour to provide that we may create districts in any part of the State and appoint protectors in those districts. After all, there is not an exceedingly large number of natives to be dealt with. That brings me to the problem in the North as compared with the problem in the South. Members have said that the problem in the North is entirely different from the problem in the South. I myself have made that statement frequently, but not with quite the same meaning as I think has been given to it by members. The problem in the North to-day is no different from the problem we had in the South 20 or 25 years ago. There is no difference whatever in principle; it is only a difference in degree. I should like members representing the North to take notice of that fact. They say there is not a half-caste problem in the North as there is in the South, because there are not many half-castes in the North. That is so. On the other hand I want members to remember that the percentage of half-castes in the North to the number of the white population is considerably higher than it is in the South. It is not the number of natives we are dealing with, but the number of white people. Members will be surprised to know that there are approximately 1,000 half-castes in the North, where there is so small a white population. I mention that because it reveals another aspect of this problem, to which perhaps many members have not given thought. There is another problem in the North, in that we have at Broome a large number of Asiatics and they, it is known, have been responsible for a considerable number of half-castes. So there is undoubtedly a problem in that area. One reason why the half-castes in the North are not so numerous as they are in the South is that most of them have been removed to missions, where there are to-day perhaps 50 per cent. of the half-castes. Then we have those half-castes who are on Government stations and those who have been removed from the district altogether. So there are 1,000 half-castes in the North to-day whereas 25 years ago there was not that number in the South. Therefore, as I say, the problem in the North is what we had in the South 25 years ago. Dealing with the question in the North, Mr. Holmes asked if I would state what we proposed to do in regard to accommodation for natives in the

hospital at Broome. The hon. member knows we have had a number of difficulties in regard to hospital accommodation in that district, but I think he will agree that the department has endeavoured to meet the position. It should not be very long now before we have a native hospital entirely separated from the existing hospital in Broome. It is practically only a question of finding a suitable site when we shall be able to begin the necessary arrangements for the building of that native hospital. The question of leprosy has been raised. The Government have met that situation as well as it was possible for them to do.

Hon. J. J. Holmes: They have not carried out the Commissioner's recommendation as to placing the lepers on an island.

The CHIEF SECRETARY: We are not likely to do so. His recommendation is opposed to that of the medical authorities. This is a matter for the Medical Department and not the Aborigines Department. We naturally co-operate with the Medical Department and render all the assistance we can, but when lepers are found they become an obligation on the medical authorities. In view of the fact that the leprosarium has been established at Derby and will be completed this year, that another native hospital is in course of erection at Wyndham, that it is proposed to provide additional facilities at Port Hedland and a native hospital at Broome, members will agree that more has been done by this Government than by any previous Government with respect to matters of this kind. I do not say that everything is being done that should be done, but we are doing all we can. It was suggested that a board should be appointed to advise the Chief Protector or the department, and one member suggested we should have a board of Commissioners instead of a Chief Protector. In theory that may be all right, but in practice it would be unworkable. No board could function properly in many of the cases that have to be dealt with by the department, and require some urgent decision. We have to make decisions almost every hour in the day. There would be no time in which to submit cases to the board. If we had a board, I am sure that conflicting opinions, which would probably arise amongst members, would only make our position worse than it has ever been. The Royal Commissioner dealt with that matter, and his remarks are worth quoting. He said—

> When dealing with this subject it might be as well to refer to a suggestion made by some witnesses before the Commission that an advisory council should be appointed to help the department in this work. Candidly, I do not welcome the idea. If the aborigines were to continue to rely for their protection on one official stationed in Perth, and seldom away from that centre, I should consider the suggestion as one of some value; but I do want the divisional protectors to have a free hand and to be able to decide matters for the welfare of the natives from their own understanding of the native and their personal observation of the situation. The various bodies who would be represented on such council would still be, as they always have been, able to place their views before the Minister controlling the department.

I agree with the Commissioner. The policy of the department, which is the policy of the Government of the day, can very well be left in the hands of the Minister in control. We have had past experience of what happens when boards of this kind are appointed. Sometimes all sorts of organisations consider that their views should be represented on the board, and a good deal of trouble is occasioned for which there is really no need. From my experience as Minister, the last thing I would like to see is the constitution of a board such as has been suggested during the debate. Mr. Angelo referred to the lock hospitals that were provided some years ago, and also to the question of granuloma amongst the natives. He seemed to suggest it was a mistake to close these hospitals, that the introduction of something of the sort would be of benefit to the natives, and that some provision should be made for it in the Bill.

Hon. E. H. Angelo: I did not say it was a mistake to close the hospitals, but that they had been established in the wrong place. I think they would have been successful if they had been put in the right place.

The CHIEF SECRETARY: The hospitals were closed down on the recommendation of the present Chief Protector, mainly because of the great fear the natives had when they thought they would be removed to the islands. We all know how much the aborigines fear being sent overseas. They do not, as a rule, like the sea. They strenuously objected to being, as they considered, sent away from their own country. That is one of the main reasons why the Chief Protector decided that the hospitals should be abolished.

Hon. E. H. Angelo: He was quite right. Natives were being brought down from the tropics to a cold climate.

The CHIEF SECRETARY: It was estimated by the ex-Chief Protector that about 400 patients would be available for those hospitals, but actually the average was between 50 and 60. Only once did the number exceed 100, and yet for those few patients there were two separate hospitals, with two complete staffs, and a steamboat running between the mainland and the island. The average cost per head was estimated at £30, but it actually exceeded £70. Although the country was scoured for patients at the time, they could not be found, and we know why. When a native does not wish to be found, he generally goes bush. The hon. member also referred to granuloma. There was a difference of opinion amongst members as to the seriousness of this disease. I am advised that ulcerated granuloma is a contagious disease. It can affect white people, but does so only on rare occasions. For the most part it is a disease of the darker coloured or Asiatic races, and it takes on a very repulsive appearance. By modern methods it is easily and quickly cured. I am advised that whilst there are many cases of venereal disease amongst natives in the North, during the last six years the number of deaths from that cause has averaged only seven per annum. Because of the treatment which can now be given to these people when found, and because we can treat them so successfully, to a great extent we are preventing what occurred many years ago. The danger to whites occurs through sexual intercourse, which we know takes place, and which this Bill seeks to deal with as far as possible.

Hon. J. J. Holmes: I was told at Port Hedland a few months ago that natives are now coming voluntarily to the hospital for treatment.

The CHIEF SECRETARY: That can be said of many other places, too. The appointment of a medical officer, whose duty is to travel to the North and examine the natives whenever he can, is having a beneficial effect, now that it is understood he is travelling through the North mainly for that purpose. At first quite a large number of natives cleared out as soon as they knew the Government doctor was coming along. Now they have more confidence, and, as time goes on, I believe a great majority of the natives will realise that the move was in their interests, and that if they are suffering from any disease they have nothing to fear, provided they meet the doctor and submit to his treatment. That brings me to the question of hospital accommodation for natives in the North. The additions we have already made, and are still making, will improve the position beyond what it has ever been in the history of the State. Several members referred to penalties, more particularly those for sexual intercourse. Mr. Craig has certain amendments on the Notice Paper. Those members who have read the report of the Royal Commissioner and studied the Bill, will realise that we are not going as far as was recommended by Mr. Moseley. He recommended imprisonment without the option of a fine, and made very strong comments on the position generally. I do not think any Royal Commissioner would make such statements unless he had absolute justification for them. We are not going as far as is provided in the Northern Territory when dealing with penalties for offences of this nature, and we are not going as far as the authorities go in Queensland. These are matters that can be dealt with in Committee. If we are going to deal satisfactorily with the native problem, either in the North or the South, we must deal with this aspect in as severe a manner as possible.

Hon. J. J. Holmes: We are all descendants of Adam.

The CHIEF SECRETARY: Yes. All the laws in the world will not prevent something of the kind going on. We must recognise that fact. At the same time, we must also recognise the fact that we have found it impossible, under the existing Act, to deal with offences of this kind, which the Royal Commissioner urged should be rigorously repressed. Therefore the Bill makes provisions which, in my opinion, are not at all too drastic. I certainly agree with some members who have said that perhaps it would be advisable to leave the matter to the magistrate rather than to fix the minimum provided in the Bill. However, if there is one individual constantly committing offences of this kind, Parliament should lay down to the magistrate or the court, as the case may be, that the penalty should be increased beyond what it was in the first place.

Hon. L. Craig: I have no objection to that.

The CHIEF SECRETARY: By doing that we shall take a big step forward. In

fact, some of the penalties inflicted in the past have been ridiculously light—a matter of a few shillings even where the offence has been repeated time after time. There is, of course, no deterrent in such punishments; probably the individual thinks the penalty worth while.

Hon. L. Craig: That would be the fault of the magistrate.

The CHIEF SECRETARY: Other questions which were raised related to the segregation of half-castes from blacks, and to inter-marriage between full-bloods and half-castes. Entire sympathy is expressed by the department with those who suggest that something of the kind should be done; but I must point out that members who advocate it are looking to the department to do immediately something which, in the opinion of myself and of the departmental officers, will take many years to accomplish. At the present time native camps are comprised of full-bloods, half-castes, three-quarter-castes, all sorts of castes—in many cases the various degrees being comprised in one family. To do what is suggested would require a large number of settlements for adequate segregation; and, quite apart from the expense side of the business, there would be many difficulties which the department would not be in a position to cope with for the time being. But the establishment of another settlement in the South-West would materially help as regards the younger generation. There is a great difference between the young generation of natives and the old generation. It is impossible to do much with the old men and women, but there is every possibility of being able to do quite a lot for the children. Some members have remarked that it is noteworthy what aptitude native and half-caste children up to a certain age show in various directions. I have frequently been surprised at the wonderful work produced by aboriginal and half-caste children. They are capable of turning out work which is the equivalent of similar work produced by white children in any part of the metropolitan area. It is most encouraging to observe the progress made by numerous aboriginal children who have come under departmental control in recent years.

Hon. J. J. Holmes: But you had a settlement in the South, and it was closed on good recommendation.

The CHIEF SECRETARY: Not on the recommendation of the present Chief Protector, but on that of the Government of the day, as a matter of economy during the war period. That settlement having been closed down, all efforts were concentrated on Moore River. Mr. Holmes raised an important question in relation to the Workers' Compensation Act. He asked whether the insurance provision in the Bill would override that Act. I am advised the position is that the provision in the Bill will override the Workers' Compensation Act provided employers of native labour are contributors to the fund which the Bill seeks to establish. Where employers of native labour do not contribute to that fund, but are insured in other ways, the Workers' Compensation Act would be applicable.

Hon. J. J. Holmes: This is a way out?

The CHIEF SECRETARY: Yes. In that connection I reiterate what I have said on many occasions—and I have been supported to-night by two or three hon. members—in regard to certain natives who are to-day employed in various parts of the State, and who have proved themselves quite as capable as any white men in doing the particular class of work on which they are engaged. In many instances those natives are receiving higher pay than some of the white employees working for the same employer. It only seems right—to me, at any rate—that the natives coming within that category should, if injured, be entitled to exactly the same consideration as white employees working for the same employer. Again, many natives and half-castes are doing various kinds of work. Those of us who have been associated with work in the country are aware that numbers of natives, particularly half-castes, are engaged in such occupations as shearing. They are members of the same union as white men. In many instances they are the equivalent of white men in the work they do. Those cases, too, would be covered by the employer's insurance policy covering his employees generally; and in such instances I claim that they would be entitled to the same protection under the Workers' Compensation Act as the white employees. On the other hand, there are natives frequently obtaining only a very small wage per week whose dependants are also supported by the employer. Such natives, if injured, would come under the scheme outlined in the Bill. But it is necessary that the employer of such natives must contribute to the fund.

Hon. J. J. Holmes: Who decides the line of demarcation?

The CHIEF SECRETARY: The employer himself would decide. It is for him to decide.

Hon. J. J. Holmes: Irrespective of the wages he pays?

The CHIEF SECRETARY: At the present time, yes.

Hon. J. J. Holmes: When this Bill passes?

The CHIEF SECRETARY: Yes, when the Bill passes, because the measure provides that the employer who prefers to insure in some other direction may do so. If he does not do that, then the department must ask him to contribute to the fund, and the department will thereupon take the responsibility of medical treatment and so forth for the particular employee if he suffers accident or becomes ill. That system is based on a system which now operates, and has operated for some time, in the Northern Territory. That, again, raises another question with which numerous members have dealt, namely the necessity, or the advisableness, of exempting this particular type of half-castes of whom I have been speaking from the operation of the Bill. If a native or half-caste is exempted from the measure, naturally he will come under the Workers' Compensation Act. He would not come under the provisions of the Bill. The very basis of the Bill is to give to the natives who have been referred to by so many members as living the lives of white men, as being perfectly reputable people, and as paying rates and taxes, every opportunity of securing exemption from the Act. The very basis of the Bill is whether the individual is living as a native or not. Hon. members who have studied the Bill will have noted that in quite a number of the clauses that is the proviso. Where the native—in this case it would be the half-caste considered as a native—is not living as a native, he has every right to be exempted: and if he is refused exemption by the department, he has a right of appeal to a magistrate from the department's decision. I do not think we can go any further than that. In Committee I think I shall be able to satisfy hon. members that the provision in the Bill represents a great advance on the position as we know it today. Hon. members are aware, of course, that one of our great difficulties in the past has been the fact that we have had no legal authority to deal with quite a large number of the people who are classed as natives. Mr. Mann stated that it was a fact that not many whites married half-castes. I am afraid the hon. member is misinformed as to the position. Quite a large number of white people are married to half-castes. The department now have a list of some 61 white men married to half-caste women, and the list is known to be incomplete. The number of children from such unions is fairly large. Some hon. members have spoken of families of eight, nine and ten. I can assure the House that some families go a long way beyond those numbers.

Hon. L. Craig: The best thing that can happen to a half-caste is to marry a white.

The CHIEF SECRETARY: Undoubtedly. One of the great difficulties we are up against at the present time is the very large families, particularly in the South of the State, who are mere wanderers. Notwithstanding Mr. Hamersley's remarks that settlement should make things easier for these people, and facilitate their earning a living—while they are prohibited from having guns and dogs, and our having taken their country from them—I cannot agree with the hon. member. He suggests that they ought to earn a living much more easily now than before settlement took place. That is a view I am quite unable to share. As to the establishment of a native court, we are desirous that the court should be as mobile as possible. We consider it wrong that natives charged with tribal offences should be tried in ordinary courts of law. Mr. Holmes quoted, in that connection, an experience which I daresay could be multiplied hundreds of times. I believe that the provision in the Bill will overcome many of the difficulties experienced in the past.

Hon. H. Tuckey: Does that apply throughout the State?

The CHIEF SECRETARY: It can apply throughout the State, but it is particularly applicable to the North. In the South practically no tribes exist now, such as there are in the North. Mr. Hamersley points out that there are no Swan River natives left, and the same remark applies to numerous tribes which were well known years ago in the settled parts of the State. The provision will have special application to the northern natives, and I think it should be given a trial. Many of these things may not prove successful right from the start, but we must at least endeavour to do something in this direction. Members are well aware of the Royal Commissioner's recommendations on the subject. The position to-day is far different from what it was 20 or 25 years ago in regard to the

administration of the department. We now have wireless, and aeroplanes, and the motor car. Nowadays it is quite easy to communicate with distant portions of the State. It is now easier for departmental officers to get about the State, if the facilities are provided. Problems which 20 years ago used to take weeks or even months to determine, are now only a matter of hours. To that extent the position has been improved, and the Bill proposes power to declare districts and to appoint deputy protectors to operate in those districts, with such authority as the Minister may think it desirable to give. These arrangements will, I believe, overcome the difficulties experienced in the past, and will, I trust, give satisfaction to members of this Chamber. There were many other points raised during the course of the debate, but I think I had better leave reference to them until we reach the Committee stage, apart from one most important point. Almost every member who has spoken has congratulated the Royal Commissioner, Mr. H. D. Moseley, and has expressed satisfaction that the Government have seen fit to introduce a Bill that embodies most of the recommendations of the Commissioner. They found fault, of course, with the Government because we have not been prepared to accept the Commissioner's recommendations in their entirety. It is interesting to note that practically all the recommendations that the Royal Commissioner made in his report, have been advocated by the present Chief Protector of Aborigines, not only recently but during past years. Seeing that people have found it advisable, or necessary, to criticise the Chief Protector, I would say to them that it would be far better to supply some concrete instances justifying that criticism, than merely to express their views in opposition to his. I have studied all the reports that the Chief Protector has submitted for many years past. I have been associated with him for many years, and I realise that some of the criticism levelled against him represents matters that are really the responsibility of the Minister or of the Government. I regret to find that many members are prepared to criticise Mr. Neville without endeavouring to find out whether their criticism is justified by the facts. It is easy to make statements, but if members would only inquire before making charges against the Chief Protector, they could secure the facts as known to the departmental officials. At all times those connected with the department are only too pleased to give members all the information at their disposal.

Hon. J. J. Holmes: There has been scandalous neglect of the natives, but that may have been due to want of funds.

The CHIEF SECRETARY: I have already remarked that much of our trouble to-day arises from the fact that Governments in the past have not seen fit, or were not able, to provide enough money to do what the department considered necessary. Therefore anything that was not done by the department that members consider ought to have been done, arises from the fact that money has not been available, and therefore the blame cannot lie at the door of either the department or of the Chief Protector. I would like members to realise in connection with the Royal Commissioner's report, that evidence was taken in all parts of the State, and from all sorts of people, including the Chief Protector. Members should also appreciate that the 26 recommendations by the Royal Commissioner have, almost in their entirety, been advocated by the Chief Protector at one time or another. In order to give members an idea of the attitude of the department on those points, I have the following information to give them. The first recommendation of the Royal Commissioner is—

> Appointment of divisional protectors as permanent officials.

Twelve years ago in his Annual Report, the Chief Protector wrote that he had for years advocated the appointment of one or more travelling inspectors to be permanently located in the North. That matter was referred to again in the 1925 report. One travelling inspector was appointed for two or three years, but his services had to be dispensed with because the Government of the day could not provide the funds necessary to pay him for his work. The Chief Protector persisted in his recommendation, and there is a whole file on the subject showing that funds could not be supplied for the purpose. The Chief Protector wanted two men to reside in the North, where the protectors and inspectors were to be always available. So members will see that if we have not had divisional

protectors in the North, it has not been the fault of the Chief Protector. The second of the Royal Commissioner's recommendations was—

Reduction in number of honorary protectors and abolition of police protectors.

The Chief Protector's opinion has always been against the employment of police protectors, but the system has been unavoidable. Any other course would have involved very heavy expense, which there was no possibility of the department providing.

Hon. W. J. Mann: Has there ever been any suggestion of procuring Federal assistance in this work?

The CHIEF SECRETARY: Yes.

Hon. C. F. Baxter: With no result.

The CHIEF SECRETARY: The third recommendation was—

Proclamation of the additional reserve north of Leopold Ranges to be a permanent reserve exclusively for aborigines.

This was based on a recommendation made by the Chief Protector, and, in fact, the reserve was proclaimed in 1929 at his instance. The fourth recommendation was—

All existing reserves to be permanent reserves exclusively for aborigines.

Here again this recommendation was based on what was proposed by the Chief Protector. I may say that the proposal was placed before a previous Government but was not approved. The fifth recommendation read—

Complete examination of Northern and North-Western natives for leprosy and venereal disease.

In the Chief Protector's annual report for 1921, he urged the medical inspection of natives right throughout the North "in order to ascertain the full extent of the prevalence of venereal disease, leprosy or other complaints." This was followed by the appointment of Dr. Cook who, in 1924, conducted the investigation suggested. Again in 1931 the Chief Protector recommended the medical inspection of the natives throughout the North-West Kimberley district. He has drawn the attention of Governments again and again to the condition of affairs from the standpoint of disease and, as forcibly as he was permitted to do so, has urged that action be taken, and has indicated means by which the action could be carried out. There again it will be seen that the Chief Protector went as far as he possibly could in that direction. The Royal Commissioner's sixth recommendation was—

Compulsory examination and treatment of natives suffering from disease.

The power to do this was sought years ago by the Chief Protector. As a matter of fact, such a provision was made in the Bill that was submitted in 1929, and that is sufficient proof that the Chief Protector has advocated this course for some years. The seventh and eighth recommendations were—

Selection of new site as holding ground for lepers at Derby.

Establishment of leprosarium for Western Australian native lepers at Sunday Island or other similarly isolated area suitable to medical requirements.

The matters dealt with in these two recommendations concern the Health Department from an administrative point of view, but the Chief Protector has assisted that department all along. He was secretary of the Department for the North West when a leprosarium was erected at Cossack, which was closed when the lepers were transferred to Darwin. The Commissioner's ninth recommendation was—

Investigation of matters contained in recommendations Nos. 7 and 8 by authority in tropical diseases.

By the appointment by the Aborigines Department of a medical officer with the required qualifications held by the present doctor, that position has been met. The tenth recommendation was—

Accommodation for medical and surgical treatment of natives at all hospitals in districts where natives are located.

Persistent recommendations in these respects have come from the Chief Protector, with the result that there are not many places where the proposed accommodation does not now exist. In his report for 1927 the Chief Protector drew attention in no uncertain terms to the position that then existed. Again in his 1930 report a strongly worded comment appeared regarding this matter and also with reference to diseases, and the same applies to his report for 1932. The Chief Protector recommended a hospital for Wyndham in his report for 1928, so that there again we have proof that the Chief Protector has been aware of these requirements for many years. He has advocated the reforms but has not been able to secure the necessary authority to proceed with

them. The Commissioner's eleventh recommendation was—

Establishment of medical clinic at Moola Bulla.

This represents a long felt want and a natural corollary to the appointment of a full-time medical officer. That requirement has now been met. As a matter of fact, I think the work is completed, and in that respect the Chief Protector has been very active. The Commissioner's twelfth recommendation was—

Further development at Moola Bulla to enable all natives to be employed. Equipment to be provided for vocational training of half-castes.

Here again the departmental files show that the Chief Protector was endeavouring to obtain buildings for this purpose long before the Royal Commissioner carried out his investigations, but he is still unable to proceed with the work through lack of funds. And so it goes on. Practically all these recommendations have been advocated by the Chief Protector during the course of years in the various annual reports he has submitted. I do not think it is really necessary to go through the rest of the recommendations, but I have here for members' information that they can peruse if they so desire. In view of the definite recommendations made by the Royal Commissioner, the fact that most of his recommendations are included in the Bill and because the position has now become so serious and urgent, I do hope members will delay no longer than is absolutely necessary in finalising the passage of the Bill in whatever form they may decide. I have quite a lot of information regarding various points that were raised during the debate. It would merely be repetition if I were to deal with them now as well as during the Committee stage. I propose therefore to adopt the course on this occasion that I did previously and trust to the good judgment of members to deal with the various clauses and give the support the department and I are entitled to expect. The position has become so serious that something must be done without delay lest the position should become much worse. It is like a snowball in its effect, growing bigger and bigger. Unless we secure the control that is outlined in the Bill, I am afraid the department will be in as hopeless a state in the future as it has been in the past. There are quite a number of matters referred to by members that are not dealt with in the Bill, but I think I shall be able to satisfy them before the consideration of the measure is concluded that those matters are provided for in the existing Act and should not be affected by the Bill, except that, perhaps in some instances, the department will secure a little more power than in the past.

Question put and passed.

Bill read a second time.

In Committee.

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

Clause 1—Short Title:

The CHIEF SECRETARY: I move an amendment—

That "1935" be struck out and the figures "1936" inserted in lieu.

Amendment put and passed; the clause, as amended, agreed to.

Clause 2—Amendment of Section 2 of the principal Act:

Hon. V. HAMERSLEY: What is the reason for deleting the words "and in receipt of any annual or other subsidy or grant from the Government"?

The CHIEF SECRETARY: Under the Act, "aboriginal institution" means any institution for the benefit, protection or care of the aboriginal or half-caste inhabitants of the State and in receipt of any annual or other subsidy or grant from the Government. Apart from departmental institutions there are 10 missions and one children's home. Seven of those institutions are subsidised by the State and the others are not. They are not covered by the existing definition. Other institutions may be established from time to time, and it is necessary that such shall be declared by proclamation as native institutions for the purposes of the Act.

Hon. J. J. HOLMES: The word "native" appears for the first time in this clause. I fail to see that any good will be accomplished by using the word "native" instead of "aboriginal." I consider "aboriginal" more appropriate. What is the reason for the alteration?

The CHIEF SECRETARY: There are many difficulties in the way of using the terms "aboriginal," "half-caste," "quarter-caste," and so on, which lead to great confusion. Further, the Act covers only natives and half-castes of the first cross, and today the position is entirely different from that which existed in 1905. There are now half-

castes, three-quarter-castes, quarter-castes and a whole host of other people with coloured blood in their veins. The object of the Bill is to provide that all those people with coloured blood shall be classed as natives, liberal provision being made for the exemption of those who are entitled to it. One of the difficulties from a legal point of view has been to determine whether an individual was a half-caste and was entitled to come within the scope of the Act. Natives generally do not like the word "aborigines." In fact, they hate it. They do not mind being called natives, but they strenuously object to being called "abos." The provision is in accord with what has been done in many other places. It will make the position clear for the department, and the people concerned will have a better knowledge of where they stand. In many instances exemption will be automatic. In others, there will be the right of appeal to a magistrate. This is the most satisfactory way to overcome the difficulties that have been experienced.

Hon. J. J. HOLMES: There must be a clear line of demarcation somewhere. I fail to see the difference between aborigines, half-castes and natives.

Hon. W. J. Mann: Under this measure they will all be natives.

Hon. J. J. HOLMES: If I thought I could get support, I would move to strike out "native" and insert "aboriginal."

The CHIEF SECRETARY: I hope members will not agree with Mr. Holmes. If the Bill becomes law, there will be no mention of half-castes. They will all be natives, and the term will apply only to half-castes who are not entitled to exemption. Hundreds of half-castes are living in native camps, and to all intents and purposes are natives. The half-caste living as a white man will be exempted and will be subject to the white man's laws and privileges. Those living in camps will be subject to the restrictions under the Act.

Hon. E. H. H. Hall: Until they qualify for exemption.

The CHIEF SECRETARY: That is so. The object of the department is to enable such people to qualify for exemption as quickly as possible. It will take some years, but efforts will be directed to that end.

Clause put and passed.

Clause 3—Adjustment of certain terms in the principal Act:

Hon. J. J. HOLMES: Here again we have an amendment. The Chief Protector of Aborigines is to be the commissioner of native affairs. I understand that Chief Protector of Aborigines was the title adopted by the Imperial Government when they gave us responsible government, and I think it should be adhered to. To change the title to "Commissioner of Native Affairs" does not get us anywhere. The individual might have a few more plumes to his bonnet, but I do not think the position will be altered one iota.

The CHIEF SECRETARY: Having eliminated "aboriginal" and inserted "native" it is necessary to alter the title of the head of the department.

Hon. J. J. Holmes: Why not call him "Chief Protector of Natives"?

The CHIEF SECRETARY: I have no feeling in the matter. We are following the example of most other countries in the Empire. The Commonwealth Government are setting up a department of native affairs. The same applies to Papua, New Zealand, Canada and other countries.

Hon. E. H. Angelo: Do they have commissioners?

The CHIEF SECRETARY: That is usually the title. New Zealand has an Under Secretary to the native department.

Hon. L. Craig: All the Indian provinces have commissioners.

The CHIEF SECRETARY: In some places they are called directors. The title does not matter except that we are following the British custom. The change of name will have no bearing on the effectiveness of the department, and I do not suppose the official concerned cares whether he is known as chief protector or commissioner.

Clause put and passed.

Clauses 4 to 11—agreed to.

Clause 12—Compulsory examination of diseased aboriginals:

Hon. G. B. WOOD: I move an amendment—

That in paragraph (a) the words "suspected of being" be struck out and the following inserted in lieu:—"with a view to ascertaining if they are."

Amendment put and passed: the clause, as amended, agreed to.

Clause 13—Amendment of Section 17 of the principal Act:

Hon. V. HAMERSLEY: I move an amendment—

That paragraph (c) be struck out.

If this subclause remains, it will be dangerous for anyone to allow an aboriginal on his property in connection with rabbiting, catching foxes, etc.

The CHIEF SECRETARY: The hon. member should give a little more justification for the striking out of this subclause. It was inserted in the interests of the natives, largely because from time to time we have had numbers of cases where there has been a tendency to evade the responsibility which falls upon the employer of natives. An employer will say that a native is working for him under contract, such contract being a verbal arrangement whereby a native does a certain amount of work for a certain rate. There have been many cases where the so-called contract has simply been a verbal arrangement. We have therefore found it necessary to include in the Bill this particular provision. I do not think any member would want to deprive a native of the just reward for his work, but we find this frequently occurs, and the excuse is given, "They are working for me under contract," and because of that the relationship of master and servant does not exist, and the native has no redress.

Hon. H. S. W. PARKER: The original Act reads, "It shall not be lawful to employ any aboriginal, etc., except under permit." This amendment says that employment means "not only employment, but also includes engagement under a contract." If I go to a doctor to be examined, I am employing him, and if I ask a man to chop wood for me, I am employing him. As the Act reads now, surely it is as broad as could be desired? The amendment, on the other hand, rather limits it. It says that employment shall not only mean employment as a servant. No one suggested that it did but this amendment suggests it. Is not that the position?

The CHIEF SECRETARY: I do not think so. I can only repeat what I have said. Large numbers of natives are not employed under permit. The number of permits issued last year was very small indeed compared with the number of actual engagements which took place between employer and native. If all natives were working under permits and agreements and we knew all the actual conditions, it would be different. But that is not the position, and on numerous occasions natives have appealed for redress, and we find that because they are supposed to be working under contract, we have no possibility of doing anything on their behalf. We believe this subclause will assist in that direction.

Hon. H. S. W. Parker: Would it not meet your requirements if the words "or engage" were inserted, so that the clause would read, "It shall not be lawful to employ or engage" any native?

The CHIEF SECRETARY: I would have no objection to the amendment, but that would restrict the position. We would reach the stage pointed out by Mr. Hamersley, when he said that the question of permits to employ was not looked upon with favour by the employers, because of the difficulty of obtaining the necessary postal order to send to the department owing to the distance of the employers from the nearest post office. Quite a large number of engagements of native labour take place from month to month and no permit is taken out, though it should be, as early as possible. If it was laid down that before men could engage a native they must obtain a permit, you would have the disability pointed out by Mr. Hamersley.

Hon. H. S. W. PARKER: The word "employment" does not appear in the Act. Here we have the case of a very important Act being drastically amended instead of being re-cast. In this particular amendment there is a definition of the word "employment" which does not appear in the Act.

Hon. V. HAMERSLEY: My objection is that this is a dangerous clause as far as the owner of property is concerned. If he allows any natives on his property for any purpose, he is likely to be held responsible for them, and to be subject to the officials of the department.

The CHIEF SECRETARY: I do not think that there is the disability suggested by Mr. Hamersley, but there is something in the point raised by Mr. Parker with regard to the word "employment." Therefore I move—

That further consideration of the clause be postponed.

Motion put and passed.

Clauses 14 to 20—agreed to.

Clause 21—Insertion of new sections:

Hon. J. J. HOLMES: I would like a further explanation in connection with this matter. It has already been stated that the employers who insure their natives under the Workers' Compensation Act will have the option of coming under the contribution scheme suggested in the Bill. But to-night the Minister pointed out that where a native is employed at a higher rate of pay than some of the white men on the station, he is still under the Workers' Compensation Act. Who is going to draw the line, and how is the station-owner to know when an employee automatically comes under the Workers' Compensation Act, or when he is to get the compensation provided in the Bill? We must not do anything to hamper the employment of natives on stations, because it has been made clear, both by the Royal Commissioner and by the Chief Secretary, that the natives on the stations are happy and contented.

Hon. V. HAMERSLEY: A great number of these men will not get employment. The more restrictions we put on the employer, the smaller amount of employment there will be, whether for white or for black. That is why a number of these people have had to drift out of their districts and come to the larger towns. I cannot understand the intention behind this provision, and I think it is dangerous.

The CHIEF SECRETARY: Members must bear in mind that the Bill is to protect the natives. It has been shown that this provision is essential. The clause we are dealing with contains provision for an injured native receiving reasonable medical attention. Mr. Holmes has raised a question as to just what it does mean.

Hon. J. Nicholson: And would they be excluded from liability under the Workers' Compensation Act?

The CHIEF SECRETARY: In the first place, the employer of natives must have his natives insured once the Bill becomes an Act. If insured under the departmental scheme, the responsibility will be on the department to provide the native with medical attention.

Hon. E. H. H. Hall: What will be the fee?

The CHIEF SECRETARY: Based on the Northern Territory scheme, according to number of employees, the fees will be on a sliding scale ranging from £2 to £16 where 40 or more natives are employed. This scheme, when put into operation, will save all the old arguments as to whether a certain native shall receive compensation under the Workers' Compensation Act, and whether the department should pay or whether the employer should pay. If the Bill becomes law, those who insure under this scheme will be exempt from the operation of the Workers' Compensation Act. Natives earning as much or more money than white employees will, of course, be duly insured by the employer, unless indeed he be a very foolish employer.

Hon. J. J. HOLMES: The point raised was how was it to be decided when a native was in receipt of sufficient pay to justify the Workers' Compensation Act and as to when——

Hon. H. S. W. Parker: Look at Subclause 5.

Hon. J. J. HOLMES: That does not clear up the point, which is that they will reach a stage when in receipt of a certain payment where they automatically come under the Workers' Compensation Act. I want to know who is to decide when they have reached that point, and how is the employer to know? I still think the best way out of the difficulty was to take them out of the Workers' Compensation Act altogether and provide for them in the Bill.

The CHIEF SECRETARY: As I previously advised the hon. member, the employer will decide it. If the employer adopts the scheme outlined in the Bill, then he will be relieved of responsibility under the Workers' Compensation Act. The department is anxious to get away from the position that has been created from time to time when difficulties have arisen because in some cases natives have required medical and hospital attention involving fees running into a large sum of money, and the employer has thought it unfair that he should be called upon to meet the cost, and Parliament has decided that it is not the obligation of the department. Sometimes we have had to use the Workers' Compensation Act to secure for the native his just rights, but we have done that only as a last resort, and not with the object of securing compensation in the same way as compensation would be paid to a white man. When the Bill becomes an Act, if an employer cares to insure under this scheme the Workers' Compensation Act will not apply.

Hon. J. J. HOLMES: If a man has made every effort to send a native to the Protector, or to the nearest accessible hospital, that

should be sufficient. An unreasonable official might suggest sending a native to Perth, and he would have power to do so. That is too far-reaching.

The CHIEF SECRETARY: Some employers are not prepared, except under compulsion, to do what the ordinary employers would do freely. This provision is inserted to enable the Protector to force such employers to do what might reasonably be expected of any employer.

Hon. J. NICHOLSON: Paragraph 2 places a double obligation upon the employer, for the conjunction "and" is used at the end of the first paragraph, and two paragraphs are thus linked together. Ordinarily the employer would communicate with the Protector if a native became ill, and would inquire what should be done with the man. To place an obligation on the employer to take the man to the Protector, even if he were 100 miles away, is asking too much.

The CHIEF SECRETARY: The employer is first required to send the native to the Protector. That officer may then have the man sent to Port Hedland.

Hon. L. Craig: But the Protector may know nothing more about the condition of the native than the employer does.

The CHIEF SECRETARY: Probably he will not be a doctor, and will therefore send the native to a hospital.

Hon. H. S. W. Parker: It looks as if the last three lines of Paragraph (ii) should be marked as Paragraph (iii).

The CHIEF SECRETARY: It looks like that. I am prepared to defer further consideration of this clause for the time being.

Hon. J. J. HOLMES: I suggest striking out all the words of the two paragraphs except the following:—"As soon as reasonably possible provide free transport for the native, and send him to the nearest and most accessible hospital."

Hon. C. F. BAXTER: There are some employers of natives in the North who do not care when a native becomes ill. That is why the clause is worded in this way.

Hon. G. W. MILES: I take it the employer must satisfy himself whether a native is exempt or not. If he is exempt, he must then come under the Workers' Compensation Act, as a white man would do.

The Chief Secretary: He does not come under this Bill.

Hon. J. NICHOLSON: Paragraph (i) places an imperative obligation on the employer to provide free transport for the native. Mr. Moseley suggested—

The holder of the permit shall as soon as is reasonably possible notify in writing——

A totally different thing from transporting the native—

to the nearest or most accessible protector the condition of any aboriginal employee who is sick, injured or affected by any disease. Whenever any aboriginal is sick, injured or affected by any disease and it is expedient in the interests of the aboriginal that he should be removed to some place for medical attention or treatment, the holder of the permit under which that aboriginal is employed shall as soon as reasonably possible provide free transport . . . . .

And so forth. But first there must be notification.

If reuired so to do by the Protector, arrange and pay for the transport of the aboriginal to such place as the protector may specify.

Or to send him to the nearest hospital. The protector ought to be communicated with, and his instructions should be given whether the native shall be taken to the protector or taken to the hospital.

The CHIEF SECRETARY: I think it advisable to postpone the clause, so that hon. members may study it. Subsections 2 and 3 of proposed Section 33B comprise the exact words used by the Commissioner. I see nothing wrong with the clause. I move—

That the further consideration of the clause be postponed.

Motion put and passed.

Clauses 22 to 25—agreed to.

Clause 26—Amendment of Section 43 of the principal Act:

Hon. L. CRAIG: I have an amendment on the Notice Paper. My desire is that there should be no minimum specified but that the minimum should be decided by the magistrate. There may be extenuating circumstances which the magistrate should be allowed to take into consideration. In my view, a minimum penalty of six months is harsh. This is the only clause stipulating a minimum penalty. I agree, however, that every effort should be made to stamp out the evil.

The CHIEF SECRETARY: If the problem is to be tackled determinedly, a minimum penalty is essential; otherwise we shall

place ourselves in the same position as we are in at present. The Royal Commissioner made a very strong recommendation on the subject, and the Bill does not go the full extent proposed by him. In the Northern Territory the corresponding penalty is £100, or imprisonment for three months, or both: in Queensland, not more than £50, or imprisonment for any period not exceeding six months. There is a variation between the Northern Territory and Queensland in that respect.

Hon. L. Craig: The Northern Territory ordinance may be due to the Asiatic trouble, which is a menace there.

The CHIEF SECRETARY: I think there should be a minimum penalty though I am not wedded to what appears in the clause.

Hon. L. Craig: I would agree to a heavy fine, but as regards imprisonment there may be extenuating circumstances.

The CHIEF SECRETARY: If the hon. member would reconsider his amendment with a view to substituting a minimum, I might be able to agree with him. I have no desire whatever to rush these clauses through.

Progress reported.

ADJOURNMENT—ROYAL SHOW.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [10.13]: I move—

That the House at its rising adjourn until Tuesday, the 13th October.

Question put and passed.

House adjourned at 10.14 p.m.

Legislative Assembly.

Tuesday, 6th October, 1936.

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

QUESTION—AUDITOR GENERAL'S REPORT.

Hon. C. G. LATHAM (without notice) asked the Speaker: Can, you, Sir, get into touch with the Auditor-General and see when he is likely to submit his annual report to Parliament?

The SPEAKER replied: I have been in touch with the Auditor-General, who expects to have his report ready by the end of this month.

BILL—STATE GOVERNMENT INSURANCE OFFICE.

Read a third time and transmitted to the Council.

BILL—PEARLING CREWS ACCIDENT ASSURANCE FUND.

Report of Committee adopted.

ANNUAL ESTIMATES, 1936-37.

In Committee of Supply.

Debate resumed from the 1st October on the Treasurer's Financial Statement and on the Annual Estimates: Mr. Sleeman in the Chair.

Vote—Legislative Council, £1,565:

MR. HILL (Albany) [4.35]: The first thing I saw this morning on opening the "West Australian" was a report by the Premier on the state of our Loan Funds and the cuts, amounting to £800,000.

The Premier: That is not so: there was no cut.