

Legislative Assembly,

Tuesday, 10th December, 1929.

	PAGE
Questions: Migration, persons of poor type ...	2057
Mines Inspector, special ...	2057
Canning Stock Route ...	2057
Railways, level crossings ...	2057
Assent to Bill ...	2058
Bills: Fremantle Endowment Lands, returned	2058
Fremantle City Council Lands, 1A. ...	2058
Aborigines Act Amendment, 2B. ...	2058
Geraldton Sailors' and Soldiers' Memorial In-	
stitute, Com. ...	2060
Property in Bottles, Order discharged ...	2061
Motion: Mining Regulations to disallow ...	2061

The SPEAKER took the Chair at 7.30 p.m., and read prayers.

QUESTION—MIGRATION.

Persons of Poor Type.

Mr. SLEEMAN asked the Minister for Lands: 1, Has his attention been drawn to the startling statement made by Dr. Male in the "West Australian" of the 4th December, in which he states: "We are handling in increasing numbers the children of immigrants of poor type brought to the State under lax medical supervision. Some of the parents are obviously mentally or physically unfitted to carry out any laborious occupations, or are (professionally) unemployable. Their children, by reason of their antecedents, both immediate and remote, and their environment, at once become a charge on this hospital and the State"? 2, If so, has he any announcement to make to the House? 3, If not, will he have a searching inquiry made with a view to having these conditions altered should the statement prove to be correct?

The MINISTER FOR LANDS replied: 1, Yes. 2, The medical examination of migrants is a Commonwealth responsibility. 3, The report has already been forwarded to the Commonwealth authorities for their consideration and investigation.

QUESTION—MINES INSPECTOR, SPECIAL.

Mr. COWAN asked the Minister for Mines: 1, Is the report in the "West Australian" of a recent date correct in stating that Mr. Taylor, general manager of the Perth tramways, has been appointed a

special mines inspector? 2, If correct, why the necessity for the appointment, and does it mean additional salary to a man already holding a high salaried position?

The MINISTER FOR MINES replied: 1, Yes. 2, The appointment was necessary under Section 6a, subsection (b), Mines Regulation Act, 1906, and Section 37a, subsection (b), of the Coal Mines Regulation Act 1902-1926, in order that the Mines Department should have a technical adviser who is an electrical engineer. The appointment does not carry any salary additional to that already paid.

QUESTION—CANNING STOCK ROUTE.

Mr. J. H. SMITH asked the Minister for Agriculture: 1, Is he aware that the opening of the Canning stock route as proposed, running through pleuro-infested country, is a great menace, and will allow diseased cattle to be brought into the South-Western areas to the risk and contagion of the South-West herds? 2, Did he consult the veterinary branch before recommending this proposal to Cabinet? 3, If so, did the responsible officers of the department recommend the opening of the route? 4, Is it not a fact that cattle arriving by boat from those infested areas go into a quarantine area and must be slaughtered before leaving? 5, In the event of continuing expenditure on the stock route, what provision does the Government intend to make for the protection of clean areas before allowing stock to travel from infested places?

The MINISTER FOR AGRICULTURE replied: 1, No. 2, Yes. 3, In order to safeguard the stock in other parts of the State, the veterinary branch recommended that certain precautions were necessary, and suggested stringent regulations. These regulations were approved and gazetted. 4, Cattle arriving by boat do not come from the areas served by the Canning stock route. 5, Action already taken as stated in reply to question No. 3.

QUESTION—RAILWAYS, LEVEL CROSSINGS.

Mr. SAMPSON asked the Minister for Railways: Is it the intention of the Government to take steps to complete the installa-

tion of an efficient system of public warnings on the main railway crossings in the metropolitan and outer suburban districts, and, if so, when?

The MINISTER FOR RAILWAYS replied: Warning boards are provided at existing level crossings. The question of methods of improvement is before the department, and when opportunity offers these will be given consideration.

ASSENT TO BILL.

Message from the Governor received and read, notifying assent to the Sandalwood Bill.

BILL—FREMANTLE ENDOWMENT LANDS.

Returned from the Council without amendment.

BILL—FREMANTLE CITY COUNCIL LANDS.

Introduced by the Minister for Lands, and read a first time.

BILL—ABORIGINES ACT AMENDMENT.

Second Reading.

THE MINISTER FOR AGRICULTURE (Hon. H. Millington—Leederville) [7.40] in moving the second reading said: This Bill seeks to amend the Aborigines Act, 1905, as amended by the Act of 1911. Since then inevitable changes have come about through the intermingling of white and black, and now there are certain aspects of the problem which warrant amending legislation. When the original Act was passed the half-castes were in their first generation. To-day we find them down to the third and fourth generations, and it is necessary to do something to protect and improve their condition, and enable the department to succour them when necessary, as in the case of their parents or grandparents. The probability of intermarriage between half-castes and half-castes, full blood and half-castes, white and half-castes, does not seem to have been taken into consideration by the framers of the original Act. Consequently it has be-

come necessary more definitely to define an aboriginal and a half-caste, to enable the department to deal effectively with the matter in the interests of those concerned. Since the passing of the parent Act the half-caste population of the State has increased from approximately 900 to 3,000. Of these there are 1,180 between Perth and Albany alone, more than half of whom are children. In 1905 there were not 50 half-castes throughout the South-West.

Hon. Sir James Mitchell: Who told you that?

The MINISTER FOR AGRICULTURE: That is the official record taken from the statistics. As the hon. member knows, we have in the department records of aborigines and half-castes throughout the State. If the hon. member questions those statistics, I cannot help it. I am credibly informed they are correct.

Mr. J. H. Smith: It is so in my district.

The MINISTER FOR AGRICULTURE: Another proposal is that the child of legally married parents should be dealt with if necessary, as in the case of illegitimate children. In view of the number of marriages which are being solemnised according to the laws of the State by missionaries and others without effecting any improvement in the conditions of the parents or the children, that provision is considered to be very necessary if the welfare of the children is to be safeguarded. Also it is desired to raise the age of a ward from 16 to 18 years, as in the case of State wards under the Child Welfare Act. It is most desirable that these youngsters should be accorded the paternal care of the department until reaching the age of 18 years. In rectification of an omission from the parent Act, power is sought for the removal and internment when necessary of half-castes in the same manner as aborigines. If that authority is given, the department will be able to deal more effectively with diseased natives and half-castes by placing them in hospitals and appointing persons with authority to ascertain whether such natives are afflicted with disease. The half-caste has not, as a rule, really evolved beyond the aboriginal stage. In many cases he is a less desirable person than his aboriginal forbear, and while the majority of half-castes are deemed to be aborigines within the meaning of Section 3 of the Act, it often happens that there are others who

cannot be so classed, but whose conduct and manner of living calls for departmental action. By an oversight the present Act does not provide that a half-caste lad from 14 to 21 years, if employed, must be engaged under permit issued by the department. At present no aboriginal or female half-caste, or male half-caste under the age of 14 years can be employed without a permit or permit and agreement, but a half-caste not deemed to be an aboriginal over the age of 14 can be employed without a permit. A number of lads trained in departmental institutions are now being sent out to work. Many of these, after being released from the obligations of working under a permit at 14 years of age, have come to grief. It is hoped by this amendment to give them a better chance in life. The Bill also gives the Chief Protector authority to straighten out the affairs of an aboriginal, and empowers him to call for statements of monetary transactions between a native and any other person.

Mr. Thomson: It is pretty drastic to go back three years.

The MINISTER FOR AGRICULTURE: Numerous complaints have been made by aborigines regarding the non-payment of wages, and the failure on the part of a protegee of the department to obtain satisfaction from his employer. The Bill also proposes that the department should be reimbursed for any expenditure incurred on account of injuries sustained by aborigines and half-castes when in service. It is intended that this procedure shall take the place of any action that might lie under the Workers' Compensation Act, it having already been ruled that aborigines are workers within the meaning of such Act. With respect to illegitimate children maintained in departmental institutions, it is suggested that the department should be assisted in their efforts to obtain maintenance orders against putative fathers. At present an order cannot be obtained under the oath of a mother only, and it is now proposed to add, "Unless her evidence is corroborated in some material particular." The increase in the number of such children is consequent on the growing of the half-caste population, and the department are faced with much additional expenditure which in many cases they ought not to bear. Extended power is sought in respect to marriages. It is proposed to extend the

authority of the Chief Protector to the marriage of half-caste girls, as well as to the marriage of aborigines; in fact, to ensure that no legal marriage shall be solemnised between an aboriginal and a half-caste without the consent of the Chief Protector first being obtained. If this be agreed to, it will prevent marriages being solemnised by those who have not sufficient knowledge of the natives and their laws, but will place no obstacle in the way of natives or half-castes marrying according to their customs as heretofore. The other points of the Bill refer to cohabitation, the supply of liquor to natives, the issue of gun licenses to half-castes, power to deal with the estates of deceased aborigines or half-castes, and consequential amendments which can be explained in Committee. These amendments are desired by the department in order to bring half-castes within the definition of aborigines. The department have no power in respect to half-caste children. Many members have called attention to the number of half-castes in the South-West and also at the Moore River settlement. If these are to be controlled, it is essential that the definition be agreed to. It has been ruled in the courts that the child of a half-caste father and a half-caste mother is not a half-caste. The new definition will, however, settle that point. When the Act was passed there were very few half-castes in the South-West but now there are well over a thousand. The problem is a growing one and the department have had great difficulty, from lack of control, in dealing with half-castes. It is not desired that aborigines in employment should be brought under the Workers' Compensation Act, although it has been ruled that they are embraced by it. Power is therefore sought to protect them and provide for the necessary medical and hospital attention. It is preferable that they should be treated in this manner. The Bill will affect the north-west portion of the State, but will also vitally affect the Great Southern and the South-West. I have been informed that it is more necessary in the case of half-castes and aborigines in the Great Southern and South-West than it is in the case of those in the North and North-West. I move—

That the Bill be now read a second time.

On motion by Hon. Sir James Mitchell, debate adjourned.

BILL—GERALDTON SAILORS AND SOLDIERS' MEMORIAL INSTITUTE.

In Committee.

Mr. Panton in the Chair; Mr. Davy in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—Trustees to be a corporate body:

Hon. W. D. JOHNSON: I move an amendment—

That in Subclause (3) the words "appointed by the said mayor" be struck out, and "elected in the prescribed manner by the council of the said municipality" inserted in lieu.

My desire is that instead of two of the trustees representing the council being appointed by the mayor, they should be elected by the council itself.

The MINISTER FOR JUSTICE: The object of the amendment is to ensure that the appointment of these trustees shall be carried out in a democratic manner. The member for Guildford wishes some of the responsibility placed upon the shoulders of municipal councillors. It may be that in the distant future a mayor may be elected who may desire to do something not in the interests of the institute. Unless the trustees representing the council agreed with him, he could cancel their appointment and choose two other men. There can be no valid objection to this amendment.

Mr. DAVY: I approve of the amendment on general principles, but object to the words "in the prescribed manner." The expression is a nasty one, and offensive to me. It means more bylaws, to which I strongly object. I move—

That the amendment be amended by striking out the words "in the prescribed manner."

Hon. W. D. JOHNSON: It is not practicable to provide that the trustees shall be elected without saying in what manner that shall be done. How are they to be elected except in the prescribed manner?

Mr. Davy: I think we can leave it to any council to elect the trustees.

Hon. W. D. JOHNSON: It is not the hon. member's usual way to leave such a matter to anyone except this Parliament. The hon. member is even too thorough in that respect. There must be some indication of the kind of election we desire. Two of the trustees have to be elected by the Returned Soldiers' Association.

Mr. Davy: That is another show altogether.

Hon. W. D. JOHNSON: Yes; but it is directly connected with this question. We must give power to make regulations for the election. The council may have a method totally different from that of the Returned Soldiers' Association. Therefore the methods usually adopted by the council and also those usually adopted by the association should be prescribed. I have had difficulty in finding a way that will fit in with the council's methods and also with the association's methods. For that reason I suggest prescribing methods by regulation, as indicated.

Amendment on the amendment put and negatived.

Amendment put and passed.

Hon. W. D. JOHNSON: I move an amendment—

That in Subclause 3 the words "appointed by him, fill such vacancy by the appointment" be struck out, and "elected by the said council, fill such vacancy by the election" inserted in lieu.

This is a consequential amendment.

Amendment put and passed.

Hon. W. D. JOHNSON: I move an amendment—

That the following be added to Subclause 3:—"Either or both of such trustees may be a councillor or councillors of the said municipality."

The clause as drafted authorises the election of ratepayers. I wish to authorise also the appointment of councillors, if that course should be considered desirable.

Amendment put and passed.

Hon. W. D. JOHNSON: I move an amendment—

That in Subclause 4 the words "appointed by the executive" be struck out, and "elected and may at any time be removed by the members" inserted in lieu.

I want the soldier trustees to be elected by the rank and file in general meeting, instead of by the executive. The trustees will hold considerable funds and valuable lands and buildings.

Mr. Mann: Are not the executive elected by the rank and file?

Hon. W. D. JOHNSON: Yes, but it cannot be said that the executive always reflect the wishes of the rank and file.

Hon. Sir James Mitchell: What about the councillors?

Hon. W. D. JOHNSON: They are elected by the ratepayers.

Progress reported.

BILL—PROPERTY IN BOTTLES.

Order discharged.

Order of the Day read for the second reading of the Bill.

On motion by Mr. Thomson, Order discharged.

MOTION—MINING REGULATIONS AMENDMENTS.

To disallow.

HON. SIR JAMES MITCHELL (Northam) [8.14]: I move—

That the amendments to regulations under the Mines Regulation Act, 1905, published in the "Government Gazette" on the 15th November, 1929, and laid on the Table of the House on the 26th November, 1929, be and are hereby disallowed.

There are only two points I wish to discuss. The Minister for Mines will probably agree that there has been an omission. I admit that the utmost care should be taken to protect men who work underground. On that aspect we are all in accord. Parliament has given to the Mines Department extraordinary power to make regulations dealing with these matters. There already exist regulations applying to ventilation, with the object of ensuring that the air in underground workings shall be as pure as possible, and that dust shall be kept down. Now, however, the Minister has promulgated a regulation to the effect that a district inspector of mines may, by notice in the record book, prohibit the use of rock-drilling machinery which in his opinion causes dust that seriously and materially affects the health of the workers. It would be perfectly right for the inspector to say a rock drill was dangerous and it would be right for the Minister to take action, but I object to an inspector having the power to stop the working of a mine. I have been spoken to by some mine managers on this question and they consider there should be the right of appeal to the Minister against the decision of a district inspector.

The Minister for Mines: There is no objection in the slightest to that.

Member: There is now.

Hon. Sir JAMES MITCHELL: I am glad to hear the Minister say that he has no objection to the right of appeal. The Minister will recognise that to-day there may be an inspector who will decide that one class of drill is quite suitable, but in a year's time that expensive machinery might have to be scrapped because another inspector held a different view. The position of the mines is difficult enough now. Nothing should prevent us from passing regulations to protect the health of miners, but we must not go further than that. I would be satisfied with the regulation if the Minister provided for the right of appeal from an inspector's decision. The Minister has stated that he will agree to that, and that is all I desired to get when I moved that the regulations should be disallowed. While we must protect the health of the miners, we must do justice to those responsible for the purchase of the machinery and for the work of the mines. We already have one set of regulations dealing with dust in mines, and now the Minister proposes to have a second shot with the same object in view.

The Minister for Mines: No.

Hon. Sir JAMES MITCHELL: I think so, and it may mean considerable disturbance to the industry and loss of time for the workers. Agreeing as I do that the lives of the workers are important and must be protected—

The Minister for Mines: They should be regarded as the most important of all.

Hon. Sir JAMES MITCHELL: That is so. While I agree with that contention, we should make it impossible for a district inspector off his own bat to instruct the mine management to take one machine out and instal another. If the Minister will agree to amend the regulation in the direction I have suggested, I will withdraw my motion.

The Minister for Mines: I cannot amend the regulation; I can add to it.

Hon. Sir JAMES MITCHELL: Of course. The Minister can cancel the regulation and table an amended regulation.

The Minister for Mines: There is no need to do that. I will give you my assurance that I will provide a regulation that will give the mine manager the right to appeal from the decision of the inspector to the Minister.

Hon. Sir JAMES MITCHELL: With that assurance from the Minister I will be content. I do not care how the Minister does it, so long as he makes provision for the right of appeal.

The Minister for Mines: I have no objection to that at all.

Hon. Sir JAMES MITCHELL: Then that is all right.

On motion by the Minister for Mines, debate adjourned.

House adjourned at 8.21 p.m.

Legislative Council,

Wednesday, 11th December, 1929.

	PAGE
Question: Miner's Phthisis Act and wages ...	2062
Motion: Mining Regulations, to disallow ...	2062
Bills: Forests Act Amendment, 2A., defeated ...	2062
Fremantle City Council Lands, 1A., 2A., Com. ...	2069
Inspection of Scaffolding Act Amendment, Assembly's Message ...	2069
Miner's Phthisis Act Amendment, 2A., Com. report ...	2071
Public Service Appeal Board Act Amendment, 2A., Com. ...	2078
State Savings Bank Act Amendment, 2A. defeated ...	2087
Industrial Arbitration Act Amendment, 2A., Amendment six months, carried ...	2091

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

QUESTION—MINER'S PHTHISIS ACT AND WAGES.

HON. E. SEDDON (for Hon. E. H. Harris) asked the Honorary Minister: With reference to employees withdrawn from the mining industry, and for whom employment was found in any Government department or activity, has the wage paid to any such employee, or any portion thereof, been debited to payments under the Miner's Phthisis Act, and credited to the department in which he was employed? If so, what is the amount so paid for the respective years 1925-26, 1927-28, 1928-29?

The HONORARY MINISTER replied: No.

MOTION—MINING REGULATIONS, AMENDMENTS.

To Disallow.

Order of the Day read for the resumption of the debate from the 5th December on the following motion moved by Hon. J. Nicholson:—

That the amendments to Regulations under the Mines Regulation Act, 1906, published in the "Government Gazette" on the 15th November, 1929, and laid on the Table of the House on the 26th November, 1929, be and are hereby disallowed.

The CHIEF SECRETARY: I regret that I have to ask for a further postponement of the consideration of the motion. This is due to misapprehension on the part of the officials of the Mines Department, who have not supplied me with any information regarding the matter. That misapprehension was due to a paragraph that appeared in the "West Australian" this morning, to the effect that Mr. Nicholson's motion had been defeated.

Hon. J. Cornell: The statement appeared in the leading article.

Hon. J. Nicholson: And, of course, was a mistake.

The CHIEF SECRETARY: I ask the hon. member to be content to allow the matter to stand over until to-morrow.

Hon. J. Nicholson: Certainly.

BILL—FORESTS ACT AMENDMENT.

Second Reading.

Debate resumed from the 5th December.

HON. W. J. MANN (South-West) [4.37]: At the outset I desire to intimate that I intend to vote against the second reading of the Bill, not with the intention of embarrassing the Government, as the Premier suggested in another place recently when reference was made to the work of this House, but because, in my opinion, the time has arrived when the Forests Department should receive the whole of its revenue for its own purposes. That contention is borne out by the annual report of the Forests Department. The Conservator, when dealing with reforestation, embodied the following in his report:—

A beginning has been made with the establishment of an organisation for forest management on economical and systematic lines but