Legislative Assembly,

Wednesday, 11th December, 1929.

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

QUESTION—WATER SUPPLY, HYDEN ROCK.

Mr. BROWN asked the Minister for Agricultural Water Supplies: Is it true the Government are removing all material from Hyden Rock water supply because of the suspension of the migration agreement?

The MINISTER FOR WORKS (for the Minister for Agricultural Water Supplies) replied: No. The material has been removed for the reason that the authorised investigation and construction of pioneer water supplies in the area have been completed.

QUESTION—TIMBER ROYALTIES.

Mr. J. H. SMITH asked the Premier: 1, Is he aware that the Conservator of Forests has increased the royalty on piles and poles by over 200 per cent. from the 15th of last month? 2, Is it not a fact that over 95 per cent. of this timber is used exclusively in Western Australia for harbours, railways, and other internal work? 3, Is it his intention to veto this increase and give this industry a chance to compete with steel and concrete?

The PREMIER replied: 1, The increase of royalty applies only to piles of longer lengths, and brings the rates more in accord with the value of the piles referred to. There have been very few piles of these classes sold from Crown lands during the past few years. 2, Answered by (1). 3, If the rates as gazetted are found to be in any way prohibitive they will be reconsidered.

BILL—LAND TAX AND INCOME TAX.

Council's Message.

Message from the Council received and read, notifying that it did not press its requested amendments, and had agreed to the Bill without amendment.

BILL—CRIMINAL CODE AMENDMENT.

Returned from the Council with amendments.

BILL—FREMANTLE CITY COUNCIL LANDS.

Second Reading.

THE MINISTER FOR LANDS (Hon. M. F. Troy—Mt. Magnet) [4.36] in moving the second reading said: This is only a short Bill, but it is necessary to give effect to the desire of the Fremantle City Council to transfer certain lands that the Council hold in trust. An attempt was made to put the three clauses of this Bill by way of amendment into the Fremantle Endowment Lands Bill in another place, but the amendment was ruled out of order by the Chairman of Committees in another place, and so we have brought down a new Bill. The Bill deals with two blocks of land. The first, Lot 598, is held in trust by the Fremantle City Council for municipal purposes, and the council desire to surrender it to the Crown in order that it might be granted in fee simple to the trustees of the Kindergarten Union of Western Australia Incorporated in trust for the erection of buildings thereon to further the object of the Kindergarten Union. If the Bill be passed, those buildings, costing £1,000, will be erected at an early date. The second block of land is portion of Fremantle Town Lot 1508, which the Fremantle City Council desire to transfer to the Fremantle Municipal Tramways and Electric Lighting Board. At present it is held in trust for corporation yards, but is no longer required. The board desire to erect a substation on the lot. Since the tramways are under the joint control of the Fremantle City Council and the East Fremantle Municipal Council, it is proposed to make a charge for the land. There is no departmental objection to the Bill, and I

hope it will be agreed to. I have here plans explaining the purposes of the Bill. I move—

That the Bill be now read a second time.

HON. SIR JAMES MITCHELL (Northam) [4.40]: There can be no objection to the passing of the Bill. The first of these blocks of land is to go to the Kindergarten Union, a very worthy object of which we all approve. There can be no objection to that. The remainder of the Bill is for the purpose of allowing the Fremantle City Council and the East Fremantle Council to use the second block for their own purposes, really for tramway purposes. It is merely to allow the Fremantle Council to devote this land to some use not originally thought of and which is still municipal; so again there can be no objection. It is true the East Fremantle Council will have to pay something to the Fremantle City Council, which will be used for municipal purposes. I do not think we need worry our heads about that. It is merely a transfer from one local authority at Fremantle to another local authority at Fremantle. I have no objection to the Bill.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Panton in the Chair; the Minister for Lands in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—Land surrendered to be granted to trustees of Kindergarten Union of Western Australia Incorporated:

Mr. THOMSON: What safeguards will there be in the event of this body becoming defunct? Is there any provision that the land will then revert to the Crown or to the Fremantle City Council? This land might be of great value to the municipality at a later date. Has the Minister any information in that regard?

The MINISTER FOR LANDS: I do not know that there is any provision to safeguard such a position. The Fremantle City Council are quite prepared to accept the responsibility.

Mr. Thomson: Can the Minister tell us the present value of the blocks?

The MINISTER FOR LANDS: No I cannot. The Fremantle City Council are strongly in favour of the proposed transfer.

Hon. W. D. Johnson: Anyhow the land will revert to the Crown if the Kindergarten Union do not use it.

Mr. Thomson: Will it not go back to the Fremantle City Council?

Hon. W. D. Johnson: No, it cannot go back to the municipality.

The MINISTER FOR LANDS: The land will be vested in the Kindergarten Union, and if anything were to happen to that body probably the land would revert to the Crown, unless the Crown gave the union permission to sell the land, as has been done on other occasions. However, I do not think there is any possibility of the Kindergarten Union failing to use the land.

Clause put and passed.

Clause 4—Fremantle City Council authorised to sell portion of Town Lot 1508:

Hon. W. D. JOHNSON: This is a new principle. It provides that municipal endowment lands may be sold, and the proceeds used for ordinary municipal requisites. It is a dangerous practice to allow municipal endowment lands to be sold and the money devoted to ordinary revenue. I do not remember any such case in the past. It is not wise that we should permit such things to be done. It is a departure from the general practice, which has been to allow land to be transferred for specific purposes, or the proceeds from the sale of such lands to be used for specific purposes.

Mr. SLEEMAN: Can the hon. member suggest any other purpose for which the money could be used? Were it not for the fact that the Fremantle Tramway Board is operating in two different municipalities, the Fremantle City Council would have given the land to the board, just as is being done with the Kindergarten Union. As this is a case of joint ownership it is necessary to fix a nominal sum so that the land may become the property of the Tramway Board.

The MINISTER FOR LANDS: I know of several cases where endowment lands have been sold and the proceeds devoted to general municipal purposes. The Perth City Council have sold endowment land, and have advertised the sale in the newspapers. In this particular case the proceeds of the sale will be utilised for useful purposes.

Clause put and passed.

Schedule, Title—agreed to.

Bill reported without amendment and the report adopted.

Third Reading.

Read a third time and transmitted to the Council.

BILL—ABORIGINES ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. SIR JAMES MITCHELL (Northam) [4.53]: I am sorry the Bill has come down at this late stage of the session. It is a wonder to me the Minister did not make it retrospective.

The Premier: Do you mean as to the number of half-castes?

Hon. Sir JAMES MITCHELL: There are many departures in this Bill from the existing Act. I notice, for instance, that the definition of "aboriginal" is to be amended to include half-caste. There is not much about the measure to commend it to anyone. I am surprised it went through another place. The best way to deal with it is in Committee, but I hope it never reaches that stage. I am with the Minister in seeking to protect these unfortunate people, but I am not with the Honorary Minister, who introduced the Bill, when he seeks to deal with all of them as if they were quite alike and equal. Many of these people are living decent clean lives. They own land, and are farming land. They are hard-working and self-respecting people, and are doing honest toil for a living. I do not know why we should in cases of that sort hurt them by passing this Bill which will give the Chief Protector the right to control their children up to the age of 21. We should consider the matter very carefully before we pass such a law.

The Premier: That right would not be exercised with regard to the people referred to by the hon. member.

Hon. Sir JAMES MITCHELL: We are not entitled to assume that the powers that are given will always be wisely exercised.

The Premier: There may be many cases where it is necessary to give such control.

Hon. Sir JAMES MITCHELL: Yes, but under different Acts we already have power to take control of the children, and we are doing so. If people could always be relied upon to exercise reasonable judgment, and to act wisely and considerately in matters of this kind, all might be well. When persons are appointed to the position of inspector, we do not always look into their character or judgment. If they were required to pass an examination for entry into the service, things might be different. We do not know that an inspector who is appointed to handle situations that may arise under the Bill will be a man of sound judgment and qualified to handle difficult situations. If we could by law restrict those unfortunate circumstances that arise, I should be glad to do so. No one wants half-castes very much; they are neither white nor black. At the same time they are being educated, and, the more carefully they are brought up, the harder does their lot become. If we could restrict the birth of half-castes by any means I should be prepared to go to considerable lengths, but that cannot be done by this Bill. It is proposed to give the Chief Protector the right to control these people. I know of some of them in the South-West who are living decent and good lives. In the Great Southern there are may half-castes who come within the same category.

The Premier: There are a good many down the Great Southern.

Hon. Sir JAMES MITCHELL: I remember a deputation of natives waiting upon me at the Williams over 20 years ago. It was the first deputation of its kind. About 40 protested against being turned out at 6 o'clock in the evening. They said that as Lord Forrest had left the country and as I was the same "Budgera" and brother that he was, they claimed my help. Of course they knew I was born more or less in their district.

The Premier: They have not the same regard for us, only for the native-born.

Hon. Sir JAMES MITCHELL: They had the Bridgetown judgment.

The Premier: At Moore River it is clear that the aborigines think more of themselves than they do of the half-castes. I have heard them say, "Me full-blooded." And white people do not want half-castes either: in fact they are a tragedy.

Hon. Sir JAMES MITCHELL: They are trying to live decent lives, and a great many children are born to them. Sometimes the parents are half-

castes on both sides. The children are also being educated in our schools. I remember a case that came before the magistrate of the Children's Court in a country district. A certain half-caste woman wanted to bring up a child which it was proposed should be sent to an institution. She appeared before the magistrate and said to him, "Do you know that this child got the prize in the State School for best-behaved child in the school? Yet you say I do not know how to bring up a child." Still, if such a child were sent to a home, it would be decently trained there. In such institutions these children are looked after just as are other children. The power, therefore, is necessary. This is a fairly important Bill. Should we pass it at so late an hour of the session?

The Premier: It has been carefully scrutinised in the House of review

Hon. Sir JAMES MITCHELL: On the present occasion this is the House of review, and we should be most careful.

Mr. Thomson: They make mistakes elsewhere.

The Premier: Only at night, when they are tired.

Hon. Sir JAMES MITCHELL: This, anyhow, ought to be a non-party question. Is Clause 25 a fair provision?

The Premier: We ought to have the opinion of the member for Roebourne (Mr. Teesdale) on the whole Bill.

Hon. Sir JAMES MITCHELL: Legislation of this kind ought to be prepared by men under 30 years of age. Clause 25 would not appear in the Bill if the measure had been drawn by younger men.

Mr. SPEAKER: Order! The hon. member is not permitted to discuss clauses at this stage.

Hon. Sir JAMES MITCHELL: The clause provides severe penalties for anyone cohabiting with a native woman—six months' imprisonment, or a fine of £100. It can readily be understood that a young man might fall into an affair of that sort, with extremely serious consequences. Parliament should not provide the opportunity to send a boy to prison for a matter of that sort, which may easily happen, and does in fact happen.

Mr. Teesdale: It is not the worst thing that might happen, either.

Hon. Sir JAMES MITCHELL: No. We have to bear in mind that a great many people in this State will not know that the Bill has become law, and certainly will not be aware of the inclusion in it of this provision. The Bill proceeds on the principle that an accused person is guilty until he proves himself innocent.

The Minister for Agriculture: That principle is in the parent Act.

Mr. Angelo: But not accompanied by those penalties.

Hon. Sir JAMES MITCHELL: The fact of the principle being included in the parent Act does not make it right. We ought to protest against it, and we shall protest against it now that the opportunity offers. An English judge has said that all legislation should be scrutinised by a competent committee of the House. The British Parliament contains many eminent lawyers, who can scrutinise Bills. The present measure is no more sensible than some other legislation we have dealt with, though the Bill contains some amendments which may be productive of good. Still, the measure proposes to deal with all natives—wild blacks in the Kimberleys who have never seen a town, and civilised aborigines in the South-West. I cannot believe that there are 3,000 half-castes in the southern part of the State.

The Minister for Agriculture: No; there are 783 between here and Albany.

Hon. Sir JAMES MITCHELL: I thought the Minister said the number approached 3,000.

The Minister for Agriculture: In the whole State.

Hon. Sir JAMES MITCHELL: The Bill goes too far altogether, particularly when it is applied, as it will be, to aborigines living the life of white people. Even without this measure, the children of such persons can be taken from their parents and sent to institutions.

The Minister for Agriculture: These people have discovered that we have not that power.

Hon. Sir JAMES MITCHELL: But we have the power. The magistrate of the Children's Court certainly has power to commit such children. That seems to me entirely right, and the proper way to handle the question. But is the House prepared to agree to a proposal that all these people, civilised and uncivilised, shall be treated alike? I hope hon. members will not pass the second reading. A measure like this ought not to go through Committee in a day or two. There should be not only time for us to consider it, but opportunities for

the people generally, and for the persons affected, to know what is being done. I see no reason why the Bill should be enacted in this session.

Mr. Thomson: We have managed so long without the Bill that we may let the matter remain as it is a little longer.

Hon. Sir JAMES MITCHELL: I have seen the natives decreasing gradually, year by year; and in my opinion this legislation ought not to be passed.

The Minister for Agriculture: The view taken is that the subject has been shelved too long.

Hon. Sir JAMES MITCHELL: That is an extremely simple thing to say. Now, if we had had legislation which would have prevented the appearance of these people! But they are here now.

Mr. Davy: How could they have been prevented?

Hon. Sir JAMES MITCHELL: Of course they could not have been prevented. They are here, and we must be careful in passing legislation to deal with them. I suggest to the Premier that the measure be withdrawn and carefully reconsidered, and then perhaps submitted to the next Parliament. I hope that the general election will bring important changes, and that the next Assembly will be better qualified to deal with a non-party measure such as this. We are on this side in a House of review, and we have young members who are capable of fairly considering the proposals of the Bill. I beg of the young members to give the measure careful consideration before allowing it to pass into law.

MR. THOMSON (Katanning) [5.10]: I agree that the Government's intentions in introducing the measure are most laudable. Undoubtedly there is a desire to protect persons who may be imposed upon. Still, the measure should not be passed at this late hour of the session. Unfortunately the Bill interferes with the liberty of a considerable section who, owing to no fault of theirs, are owned by neither one side nor the other. Nevertheless, quite a large number of them are to-day earning just as much money as average white men. Some of the girls, too, are in respectable service. The drastic powers to be accorded to the Chief Protector of Aborigines go beyond what the House should agree to, in my opinion. If the Bill dealt only with the wild natives of the North, one could understand that there was some necessity for such provisions. The measure provides that even a male half-caste over the age of 21 years, if in the Chief Protector's opinion he is not capable of managing his own affairs, shall be subject to this measure. A clause of that kind should not be included in any Bill. Certainly, half-castes should have the right of appealing from the Chief Protector's decision. Further, the Bill provides that no one shall employ a half-caste under the age of 21 without a permit from the Chief Protector. I hold no brief for the half-castes, though I have a great deal of pity for them.

Hon. W. D. Johnson: It is quite right to hold a brief for them, surely!

Mr. THOMSON: Then I will hold a brief for them. In endeavouring to stand up for their rights and privileges, I do not act from the voting point of view, but merely seek to protect from interference a section of the community who are able to go out and earn their own living. Some of these half-castes can shear and carry out farm work in competition with anyone else, and yet they will have to get the permission of the officer appointed in the district before they can work for an employer! Such a provision should not be embodied in the Bill. Another drastic provision is that the Chief Protector will be able to demand a statement of accounts from an employer, dating back over a period of three years. That is not in the interests of those who may feel disposed to employ the natives or half-castes, or of the natives themselves. I agree with the desire to tighten up the law for the protection of half-caste girls. I have indeed much sympathy for those unfortunate people, but to give the right that is contained in the Bill to the Chief Protector to take children away from their parents is too drastic altogether. Many of these half-castes are just as human as we are ourselves, and we would certainly resent strongly the action of anyone, be his intention ever so good, who might endeavour to take away our children, so that they could be placed in an institution. The position was well illustrated by the Leader of the Opposition, who cited the instance of a magistrate who claimed that the mother was incapable of looking after her children, and yet one of them had been awarded a prize for the best behaviour in her class at school. Certainly, if the Bill reaches the Committee stage, I shall endeavour to secure the amendment

of some of the clauses. I appeal to the Government, even at this late stage, to hold the Bill over. Several Bills of far greater importance to the State have not yet come before us. We have carried on successfully with the existing legislation and the officials of the Aborigines Department are already looking after the native children at Moore River and elsewhere. Every hon. member will welcome the opportunity to safeguard the freedom and privileges of our native population. There is another provision of the Bill that renders it obligatory upon the employer of any aboriginal or half-caste to be responsible for the payment of hospital fees, and so forth. I would not for a moment suggest that an aboriginal or a half-caste should not be treated with all humanity, but I am afraid that such a provision in the Bill would make the position more intolerable than it is to-day for the remnant of our native race. While the intention of the Government is good, great responsibilities are being placed upon the Chief Protector, and I am afraid this may lead to abuse. The Minister told us that there were about 1,180 half-castes between Perth and Albany. Those people have their rights and are entitled to be heard. Members of this House should have an opportunity to discuss the Bill with natives and half-castes in their constituencies and explain to them what it is proposed to do regarding them and their children. We would then know how the people directly concerned viewed the legislation. Although these people are small in numbers, their freedom should not be unduly interfered with. I cordially endorse the remarks of the Leader of the Opposition, who suggested that the Bill should be withdrawn.

MR. ANGELO (Gascoyne) [5.21]: The Aborigines Act, which the Bill seeks to amend, dates back to 1905, nearly a quarter of a century ago. Most hon. members will agree that a system that was good enough 25 years ago may hardly be applicable to conditions that obtain to-day. Our methods of life are changing and those changes have been rapid. In my opinion the time has come when the whole system under which we deal with the aborigines and half-castes in Western Australia should be fully inquired into. The position should be understood by Parliament and necessary alterations provided in a comprehensive piece of legislation. We all realise that the aborigines of Australia are decreasing at a rapid rate. I doubt whether hon. members realise quite how rapid that decrease has been. When the white people took possession of Australia, little more than 100 years ago, there were 300,000 aborigines in the country. It is estimated that their numbers have decreased to 100,000.

Mr. Teesdale: All pure surmise and guesswork!

Mr. ANGELO: A good many able men have inquired into this subject.

Mr. Teesdale: You can see camps now with 20 or 30 healthy kids in them.

Mr. ANGELO: It is estimated that the number of aborigines in Western Australia was 100,000 a century ago, but investigations now show that they have decreased to about a fourth of that number. All that has taken place within a century. While the aborigines themselves are decreasing rapidly in numbers, the half-castes are increasing, and according to the figures supplied to the Government, there are over 2,500 in Western Australia to-day. Thirty or forty years ago it was a common sight to see aborigines in the vicinity of Perth; we do not see them here to-day. At Carnarvon, when I went there in 1902, between 200 and 300 blacks were camped within the town, and probably another 300 or 400 within the municipal boundaries.

Mr. Teesdale: And they had no votes!

Mr. ANGELO: To-day it is almost as rare a sight to see an aboriginal in Carnarvon as it is to see one in Perth.

Mr. Teesdale: The Carnarvon people are too civilised.

Mr. ANGELO: Perhaps that is the trouble. Why has this decrease taken place? Is it because of ill-treatment by the people of Western Australia?

Mr. Teesdale: Certainly not.

Mr. ANGELO: Most emphatically it is not. Perhaps the trouble has been from the reverse point of view. The people have been too kind and considerate of what would be to the advantage of the native. I have seen a good deal of the aborigines during the 40 odd years I resided in the North. In my opinion, the greatest mortality amongst the aborigines has been due to supplying them with clothing and blankets. Before the natives were asked to don clothes, when they were wet with rain they either sat down by a fire, or the natural heat of their

bodies dried them off in a few moments. The poor natives do not understand the use of clothing. Now when they get wet with the rain, they lie down in their wet clothes and go to sleep covered by a wet blanket. Is it any wonder that they suffer from lung and other diseases? It is from this cause that their numbers have decreased very considerably. Then, again, the white people have given them foods to which they have been unaccustomed, and unfortunately the diseases introduced by Europeans have also had a lot to do with decimating the ranks of the aborigines.

Mr. Lamond: What about the diseases introduced by the Asiatics?

Mr. ANGELO: The Asiatics have not had much to do with the position in the southern part of the State, although they have in the North. The decrease in numbers has been greatest in the South. The natives in the North have not suffered to the same extent. After a quarter of a century's experience under old conditions, we now require a thorough inquiry by competent men into the future dealings with the aborigines. That is what we want. What does the Minister in charge of the Aborigines Department know about this important question? What does our Chief Protector know about it? He has certainly had some years of experience, but 90 per cent. of his time is spent in his office. It is impossible for one man to go round the whole of the State and gain a knowledge of the conditions of the natives for a brief period. What do the members of this House know about native problems? I expect quite 70 per cent. of them know nothing at all about them. Perhaps 10 per cent. may have some knowledge of the natives in the Far North; another 10 per cent. may have some knowledge of the natives in the middle portions of the State, and another 10 per cent. may have similar knowledge regarding the natives in the South-West. At least 70 per cent. of the members of the Chamber know practically nothing about the native problems. Yet we are asked to pass legislation to govern the natives and to agree to drastic prohibitions and provisions!

Mr. Thomson: Some are very drastic.

Mr. ANGELO: That is so, and we are asked to pass the legislation merely on the word of one man—the Chief Protector. I have a high regard for that officer, but I say emphatically that, in my opinion, he cannot have a thorough knowledge of the whole native problem. On such authority, we should not be asked to pass legislation to govern our future relations with the natives, who represent a legacy left to us by the Motherland when she granted us responsible government. There are a number of questions that could be inquired into. To my mind a Royal Commission of inquiry should be appointed and I would like to see it appointed straight away so that the commission could submit a report to the first session of the next Parliament. It might then be discovered by the Government that it was necessary to establish a new system of control and administration, and that it should be embarked upon immediately. Such a commission should include a medical man who understands the diseases to which the natives are subject. We have in the Public Service at the present time a doctor qualified to undertake the work. I refer to Dr. Lovegrove, who was in charge of the lock hospitals at Dorre and Bernier Islands some years ago. The Commission should also include a representative of the pastoralists, a man who has had experience of the natives and is acquainted with their habits. There should also be a representative from the southern areas, who has seen something of the half-caste section of the aboriginal community, and could advise on the best method of dealing with them there. The Chief Protector of Aborigines would accompany the commission, give advice and note the evidence taken. I am firmly of opinion that we should go no further with any amending legislation until the whole question has been investigated. There is one question I have often heard discussed, a most important question, on which I certainly should not like to express an opinion or cast a vote in this House without the fullest inquiry. Are the natives and half-castes to be encouraged to perpetuate their race, or should we adopt a suggestion that by segregation their increase should be minimised as much as possible? It is an important question into which a commission could inquire. It might be a drastic step, but let us consider the life of the aboriginal or half-caste of the future. The life for neither of them would be an enviable one. I am not referring to the aborigines or half-castes of the present time, but would it not be better if the race were not perpetuated hereafter? A great many people are of opin-

ion that we should do our utmost to make the life of the present aborigines and half-castes as happy as possible, but that we should prevent their perpetuating the species.

Mr. Teesdale: If you want them to be happy, do not interfere with them but leave them to themselves.

Mr. ANGELO: That is a suggestion with which I agree. How would segregation be carried out? It might be done by allotting to half-castes and natives certain areas of land where they could live and work out their own destinies, but that is a question on which I should not like to express a definite opinion. It is a big question. Are we doing the right thing by allowing the aborigines to perpetuate their race in a country where their life in future is likely to be anything but a happy one? The life of the half-caste in future is not going to be happy. The aboriginal does not want him; the white man does not want him; nobody wants him. The half-caste is unwanted by all.

The Minister for Agriculture: The fact remains that we have them amongst us.

Mr. ANGELO: I am not referring to those at present with us. Our duty to the aboriginal and half-caste of to-day is to make their lot as happy as possible. That is what we were told we would have to do when we got Responsible Government. It was one of the conditions on which Responsible Government was granted.

The Minister for Agriculture: You suggest a masterly inactivity—let them go.

Mr. ANGELO: I do not.

The Minister for Agriculture: But you do.

Mr. ANGELO: No; I say that neither the Minister nor the Chief Protector nor any member here is competent to give a considered opinion as to the best steps to take for dealing with the aboriginal question. It can be decided only by definite investigation undertaken by people who know something of the subject. A medical man, assisted by men who have been accustomed to handling aborigines and half-castes, could advise the House on the legislation we should pass for the future control of aborigines. Then when the House understood what was required, it would be time enough to amend our legislation. It may be said that investigation by a commission would be expensive, but we must not forget that we undertook to do our best for the native people. When the aborigines were handed over to us in 1889, it was understood that we would spend 1 per cent. of our gross revenue for their benefit. Sixteen years later an amendment of the Constitution Act was agreed to reducing the expenditure to £10,000 a year. I do not know whether the Western Australian Parliament had a right to pass that amending legislation. Anyhow I am pleased that in every year since we have spent considerably more than the £10,000. What we are spending, however, is nothing like the amount we should now be providing out of our revenue. Consequently, if inquiry by Royal Commission costs a certain amount of money, we should not cavil at it. This is a condition we accepted with our eyes open, and we should keep faith with the British Government. The Bill proves the necessity for reconsidering the whole question. The chief object of the Bill is to include half-castes and regard them as aborigines. That is a development of the last quarter of a century which has altered conditions and made further investigation necessary. That question alone is a strong argument in favour of a full inquiry being made before any amending legislation is passed. I join with previous speakers in requesting the Government to withdraw the Bill and immediately appoint a Royal Commission to inquire fully into the whole question, so that their report would be ready at the opening of the first session of the new Parliament by which time the Minister and the Chief Protector would have determined the best methods of dealing with the unfortunate people concerned.

MR. SLEEMAN (Fremantle) [5.38]: This is one occasion on which I can agree with quite a lot of what the Leader of the Opposition has said, for I do not like the Bill at all. It seems to me that the measure, from beginning to end, leaves too much to the Chief Protector, instead of to the Minister. When the Premier introduces legislation dealing with one of his departments, it is not the secretary to the Premier who is mentioned: it is the Minister. When the Minister for Works introduces legislation dealing with his department, the Minister and not the Under Secretary for Works is the one charged with the responsibility. With all due deference to the Chief Protector of Aborigines, who I understand is an able officer, the power should be vested,

not in him, but in the Minister. If the Bill reaches the Committee stage, I shall oppose quite a lot of the clauses. One portion of the Bill provides that in the event of a half-caste meeting with an accident in the course of his employment, the employer shall be responsible for medical and funeral expenses. There are quite a number of fine half-castes—married men with families—in this country working for employers, and if they met with an accident in the course of their employment, the employer, in addition to providing medical and funeral expenses, should pay something by way of compensation to the family for the loss of the bread-winner. Quite a number of half-castes, although they have black blood in their veins, are whites as regards their habits, but there are other half-castes living practically the lives of blackfellows, and the Bill does not differentiate between the two. I am opposed to that portion of the Bill. A clause provides that if a male person is found travelling with an aboriginal or half-caste female, it shall be prima facie evidence that he is cohabiting with her, and unless he can prove his innocence, he is liable to a penalty. This involves a principle that I oppose every time it appears. It is worse in this Bill than in any other measure. A bushman may have a female black travelling with him to track his horses. When I came to Western Australia as a boy, I was given to understand that the female black was much superior as a tracker to the male black. I believe it is still a common thing for bushmen and teamsters to take female blacks with them in order to track their horses in the bush. Yet we are asked to provide that if a man is caught travelling with a black woman, it is to be prima facie evidence that he is cohabiting with her, and the onus of proving his innocence is cast upon him. I shall not be a party to placing that provision on the statute-book.

Mr. Lamond: How could he prove his innocence?

Mr. SLEEMAN: That is what I wish to know. While it may be possible to prove his guilt, if he were guilty, which in very few instances he might be, I am quite unable to see how he could prove his innocence. I shall fight such a proposal every time it appears. The principle is bad, no matter where it occurs. The Leader of the Opposition will have my support in Committee in his efforts to strike out quite a number of the clauses.

On motion by Hon. W. D. Johnson, debate adjourned.

BILL—GERALDTON SAILORS AND SOLDIERS' MEMORIAL INSTITUTE.

In Committee.

Resumed from the previous day; Mr. Panton in the Chair; Mr Davy in charge of the Bill.

Clause 4—Trustees to be a corporate body:

[Hon. W. D. Johnson had moved an amendment to strike out of Subclause 4 the words "appointed by the executive."]

Mr. DAVY: I appreciate the efforts of the member for Guildford to improve the Bill, but I doubt whether this amendment will be an improvement. The Bill provides that two trustees shall be appointed by the executive of the Geraldton Sub-branch of the Sailors and Soldiers' Imperial League. Surely that is democratic enough. The member for Guildford shakes his head. The league in Perth appoint trustees for all sorts of purposes.

Hon. W. D. Johnson: It is quite wrong.

Mr. DAVY: I do not agree that it is wrong. The hon. member is carrying the democratic principle to an absolute extreme. The executive are elected by members of the branch, and surely they can be entrusted to appoint the two trustees. The executive of the branch are probably the people most actively interested. I am grateful to the hon. member for taking such an interest in the Bill, but surely it is the proper thing for the league sub-branch to elect the trustees. If the hon. member has his way there will have to be a meeting of the members of the branch and that will mean sending out notices to all branches.

Hon. W. D. Johnson: Surely they have meetings; they are not run by the executives.

Mr. DAVY: I suppose they do have meetings, but my experience of general meetings of branches of the Returned Soldiers' League is that they happen about once a year and then they are more in the nature of social gatherings and they do not want to be bothered with this type of business. The amendment would also mean the dragging in of the Crown Law Department to set out how the election is to take place. The hon. member wishes to overload the

whole business. I hope the Committee will not agree to the amendment.

Hon. W. D. JOHNSON: We are dealing with a big property in Geraldton used for returned sailors and soldiers. People reside there and use the building, and I assume there are members of the rank and file of the Returned Soldiers' Association living there and who take an interest in the building. My desire is that those members shall have a say as to who the trustees are to be to look ofter the property that was purchased for their use. There must be a meeting to elect an executive, and annual general meetings are usually held at the end of the year. My desire is that not only the executive, but the trustees as well shall be elected. The trustees will deal with valuable property when they are given power to dispose of it. Surely it is not unreasonable to urge that those who are interested in the building should have a say in the election of the trustees who may dispose of the property.

Mr. Davy: You might apply that argument to the election of Ministers of the Crown by the people.

Hon. W. D. JOHNSON: There is no analogy because Ministers are elected only after an appeal to the people. If we agree to the appointment by the executive, it will be a distinct departure from recognised practice in connection with property the money for the purchase of which was raised by public effort. It is only reasonable and right we should say that the returned soldiers and not the executive should have a voice in the election of the trustees.

Mr. Davy: What about returned soldiers who are not members of the league? According to your proposal every returned soldier should have a vote.

Hon. W. D. JOHNSON: I agree that if you want to do effective work you must have organisation. I have no desire to extend to returned soldiers outside the organisation any privilege that I would not extend to others outside other organisations. My attention has just now been drawn to the fact that the Bill sets out that a returned soldier means any person who is eligible for membership. Thus the Bill provides for all returned soldiers. What the Bill proposes is that the control of the property shall be in the hands of trustees to be elected by a limited few.

The MINISTER FOR JUSTICE: With the member for West Perth I was pleased to support the first amendment moved by the member for Guildford in regard to the Mayor having the right to appoint trustees. I am not in favour of the amendment we are now discussing because I know just how returned soldiers' meetings are carried on. If the executive should appoint somebody who was not considered by members of the league to be suitable, the executive could be removed, and another executive, who would appoint suitable trustees, elected. The clause gives authority to the executive to remove, if they so desire, any trustees. In these circumstances, and seeing it is not an appointment for any great length of time, and that the executive can remove the trustees, I think this would be the more businesslike way of doing it. So I prefer that the clause be left as printed.

Amendment put and negatived.

Hon. W. D. JOHNSON: There are on the Notice Paper other amendments that would have been consequential. However I move an amendment—

That the proviso to Subclause 4 be struck out with a view to inserting other words.

Mr. DAVY: I think it would be perfectly proper to strike out the proviso and then insert the new provision proposed by the hon. member, with certain amendments.

Amendment put and passed.

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

That the following new subclause be inserted, to stand as Subclause 5:—"The Governor may at any time exercise the powers of the said council or the said executive under this section if such council or executive shall fail to make any necessary election."

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

Clauses 5 to 7—agreed to.

Clause 8—Registrar of Titles to register trustees as proprietors of land:

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

That in lines 1 and 2 the words "a majority of" be struck out.

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

Clauses 9 and 10—agreed to.

New clause:

Hon. W. D. JOHNSON: It is reasonable to suggest that the trustees shall give an account of their stewardship at regular intervals. I move—

That the following new clause be inserted, to stand as Clause 11:—

Accounts, annual report, and financial statement.

11. (1.) The trustees shall cause true and regular accounts to be kept, which shall be audited by the town clerk of Geraldton or some person appointed by him.

(2.) The trustees shall present to the council of the said municipality annually a financial statement certified by the town clerk or auditor, and a report of their proceedings and operations during the year.

It is dealing with valuable property, and I think the public should know exactly what the trustees are doing with the money subscribed by the public.

Mr. DAVY: The law as it stands says that every trustee is bound to keep accounts and submit a report. Every trustee must give an account of his stewardship, and if he does not do so the court will make him do it. The proposed new clause is quite unnecessary and a distinct departure. The trustees must keep true and regular accounts.

Hon. W. D. Johnson: Who will take action to make them?

Mr. DAVY: The Returned Soldiers' League.

Hon. W. D. Johnson: Why put the responsibility on them?

Mr. DAVY: The responsibility will be on them even if we accept the proposed new clause. Somebody will have to make the trustees do these things. Either the council or the league will see to that, even if we say nothing about it. The proposed new clause is entirely unnecessary.

Hon. W. D. Johnson: Would it be improved if we were to strike out Subclause 1 and retain Subclause 2?

Mr. DAVY: That will do. I move an amendment—

That Subclause 1 be struck out.

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

Sitting suspended from 6.15 to 7.30 p.m.

Title, Preamble—agreed to.

Bill reported with amendments.

Recommittal.

On motion by Hon. Sir James Mitchell, Bill recommitted for the purpose of further considering Clause 4.

In Committee.

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

Clause 4—Trustees to be a corporate body:

Hon. Sir JAMES MITCHELL: I move an amendment—

That in Subclause 3 the words "in the prescribed manner" be struck out.

If these words are left in, it will be necessary to make regulations. That would be merely a waste of time. The municipal council can surely be trusted to elect these members without being specifically instructed how to do so.

Hon. W. D. JOHNSON: I have no objection to the amendment. As it is understood that the municipal council will elect the trustees, I am quite agreeable to the alteration.

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

Bill again reported with an amendment, and the reports adopted.

MOTION—MINING REGULATIONS, AMENDMENTS.

To disallow.

Debate resumed from the previous day on the following motion by Hon. Sir James Mitchell:—

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 MINISTER FOR MINES (Hon. S. W. Munsie—Hannans) [7.40]: The Leader of the Opposition seems to be concerned about giving power to inspectors such as is mentioned in these regulations. He asked definitely whether I was prepared to make some amendment to allow a mine manager, or a company, the right of appeal from the decision of an inspector, to the Minister. I assured him I had no objection to that. I would even go further and draft a regulation permitting that. I will do that as soon as possible.

Hon. Sir James Mitchell: That is all right.

The MINISTER FOR MINES: It is useless to draft a new regulation until we see whether these become law. If they do not become law, it will not be necessary to draft anything more. I hope they will become law. There are only four regulations in question. The main objection has been taken to two of them. The first is in connection with rock-drilling machines and the other in connection with firing underground. There is also one dealing with the power of the inspector to condemn rock-drilling machines. This says that a district inspector of mines may, by notice in the record book, prohibit the use of any rock-drilling machine which in his opinion causes dust, and seriously and materially endangers the health of the workers. Dry percussion machine drills may not be used in the mines except in shafts or winzes. No matter what the Act or regulations say, they must be governed by common sense.

Hon. Sir James Mitchell: They have to be administered according to the law of the land.

The MINISTER FOR MINES: And that has to be interpreted in a common-sense manner. It is intended to prevent mining companies from installing new rock drills that are not water-lined. Most of the machines used to-day are of the dry percussion type. I know of one mine that would have to stop working if these regulations were rigidly enforced. I do not believe it has sufficient capital on hand to purchase water-lined drills. It is not intended to bring that about. We have been using these dry percussion drills for over 30 years, and it is now time their further use was prohibited. They can still be used in shafts or winzes, where the men are boring down holes all the time. A member of another place suggested that the regulations were drafted by the executive of the A.W.U. handed to me, and put into operation by me.

Mr. Marshall: All balderdash.

The MINISTER FOR MINES: Of course it is. No other term can be applied to the statement.

Hon. Sir James Mitchell: You protest too much.

Mr. Marshall: Bunkum!

The MINISTER FOR MINES: What was recommended to me by the executive of the A.W. U. was that in future only long piston water drills should be used, and that these should be provided for in the regulations. I am not prepared to issue a regulation of that description, giving a monopoly to any rock-drill company. Neither am I prepared to stipulate definitely what class of machine shall be introduced, as I want to have the right to get the best. What is the best to-day might by some genius be rendered obsolete in six months' time; and then the improved machine could not be introduced except by amendment of the regulations. As regards dry drills, when introducing the Mines Estimates I gave sufficient information as to the examination of the men concerned to show that everything reasonably possible is done in the interests of their health. Every regulation is promulgated purely in the interests of the health of the men, and with but slight inconvenience and expense to the mining companies. In Kalgoorlie to-day 90 per cent. of the drills used are waterlined. Those are the drills we want. If a hole is being bored straight up, the water is there just the same, since it goes through the centre of the drill. There is a continuous stream of water. I have gone to the trouble of ascertaining that in South Africa only waterlined machines, though not machines of any particular brand, are used in developmental work on the Rand mines. The beneficial conditions in South Africa as to phthisis and dust are attributed largely to the introduction of that machinery. If that can be achieved in South Africa, it can be achieved in Western Australia. Moreover it can be done at very little expense indeed to the mining companies.

Mr. Mann: What is the cost of the machines?

The MINISTER FOR MINES: Between £150 and £200. Elsewhere the point has been raised that the Government are trying to foist upon the mining companies machines that will increase working costs. But 80 per cent. of the waterlined machines used in Kalgoorlie to-day are operated by one man; they are, in fact, one-man machines. On the ordinary rock drill machine, two men must be employed. The waterlined machines have meant a saving to the

mining companies. As to ventilation of dead-ends, the regulation provides—

> In all mines where compressed air is used underground, it shall be compulsory for the manager to instal Venturi blowers or other appliances or means which, in the opinion of the district inspector, are equally efficient in all dead ends.

So far as my information goes, the best method of ventilating dead-ends is the Venturi blower. I have been asked to stipulate definitely that Venturi blowers must be installed in dead-ends. However, I am not prepared to do that. If some superior method of ventilation comes along, why not have the right to use it? Moreover, there is a difference of opinion between some of the mine managers and the inspectors at Kalgoorlie as to ventilation of dead-ends. Some managers are introducing what is known as the ice-box, a method devised by themselves for forcing air through ice. It certainly cools the air, and I am told that in many instances the men prefer that system to the Venturi blower. From all the tests and arguments, however, it does seem that the Venturi blower is at present the best means of ventilating dead-ends. Therefore the regulation provides accordingly, in the case of mines where compressed air is used. It does not apply where compressed air is not used. Above all things we want to prevent the dust caused in dead-ends, and the resultant injury to the health of the men working there. In many Kalgoorlie mines the Arbitration Court award compels companies who have not installed Venturi blowers to work 6-hour shifts, the court in its wisdom having decided that when the dry bulb temperature reaches over 76 degrees, work must be done in 6-hour shifts. In many dead-ends the temperature could not be reduced to 76 degrees. Where the Venturi blower has been installed, however, the 8-hour shift has been largely reverted to. Some people have argued that the men themselves are asking for the 6-hour shift. That statement is ridiculous.

Hon Sir James Mitchell: It has not been made here.

The MINISTER FOR MINES: No; but it has been made, and stressed, in another place. The allegation is that the men are deliberately doing things to get the temperature above 76 degrees for the sake of the 6-hour shift, and that they quarrel as to who is to get the 6-hour shift. I have frequently attended meetings of the men in Kalgoorlie, and I have never yet heard a man express himself otherwise than "Get away from the 6-hour shift; we want the better conditions; we want ventilation and good conditions in preference to even a 4-hour shift." I have never heard a man say anything different. As regards work in hot places, the regulation provides—

> In all cases where employees are required to work in hot places underground, where 6-hour shifts are worked, they shall, after a period not exceeding three calendar months, be transferred to work in one of the coolest portions of the mine for a period of not less than three calendar months.

Men have complained after working for more than three months in 6-hour places, and in most instances the management has taken them out and put other men in. In other cases the men have not been relieved, there being nowhere else for them to go to work. What the regulation provides is only fair. It says, in effect, "Let somebody else take a turn for three months at the 6-hour end." The regulation as to firing underground reads—

> As far as is reasonably practicable firing underground shall be restricted to the end of each shift, and no workman shall continue to work in the track of the fumes and dust created by such firing.

I shall presently read a statement bearing out what I have said as to the comparatively small cost of giving effect to these regulations. Some men fire indiscriminately, just when they like, with the result that the fracteur fumes and the dust from the firing travel in the upcast air past four or five other sets of men working in stopes. When the thickest of the smoke comes, all the men have to knock off; but when the worst is past, they go back. But the fumes and the dust are then still passing through the air. I believe that the fact of men working in the return air from firing has been the chief cause of miner's complaint in Western Australia. All that the regulation means is that if a man, or a pair of men, or two pairs of men should be working in such a place, instead of the firing being done indiscriminately, some other place must be found for them to work in until such time as the other men are out of the place where the firing is to be done. Quite recently the State Mining Engineer, who is also Chief Inspector of Mines, spent some eight days in Kalgoorlie, devoting a

day and a half to some mines and a day to others. He has submitted a most interesting report as the result of his visit, and his general remarks are especially well worth reading. Immediately I saw that portion of his report, I gave instructions that a copy of that portion should be sent to the secretary of the Miners' Union in Kalgoorlie, with a view to securing the co-operation of the men towards the establishment of the conditions desired. The report of the State Mining Engineer, under the heading "General," says—

> There is not the least doubt in my mind that conditions underground are gradually being improved. I regret very much, however, that I saw plenty of evidence of carelessness of the men relating to making use of facilities provided for keeping the air as free from dust and fumes as possible. On several occasions during visits to development ends in various mines, Venturis had been installed, but were not working, and the atmosphere was dust-laden. In each of these instances compressed air was turned on, and in the course of a short time conditions gradually improved and soon became good. The invariable excuse for not having Venturis in operation was "Someone must have turned the air off." Similarly I saw the dry ore being shovelled or handled underground and causing excessive dust, when hoses provided for the purpose of wetting the ore had not been used. I would like to state that in other cases the men concerned paid particular care to make full use of facilities provided for the betterment of conditions.

I applaud the man who does make full use of the facilities provided. The man who does not make use of them should be compelled to do so.

Mr. Marshall: He should be liable to a fine for not doing so.

The MINISTER FOR MINES: He is liable under the Act. In his own interests, and in the interests of his fellow-workers, he should be compelled to make use of the facilities provided. With regard to firing, this is what the State Mining Engineer had to say—

> I would like to draw attention to the fact that the General Manager of the Lake View and Star group has taken steps to stop promiscuous firing underground. He has told his tributers that firing shall only be done in the hours prescribed, and any tributer who disobeys this rule will lose his tribute. I feel certain that his attitude in this matter will have a particularly beneficial effect upon conditions underground.

I do not desire to say anything that will reflect upon the former management of the mine, but the manager referred to has recently taken charge. He is a man who has had experience in other parts of the world. In taking over the Lake View and Star mine, he assumed control of the mine that is employing over 33 per cent. of the miners on the Kalgoorlie field. He has insisted upon putting into operation on his mine what I ask shall be done under the regulation. If it is right for the biggest mine in Kalgoorlie to adopt what is suggested in the regulations, what is wrong with framing those regulations to compel others to do the same thing? There can be no argument against that. I want to read the opinions of the Chief Inspector, Mr. Phoenix, in his latest report on the regulations I have introduced—

> Indiscriminate firing: In my reports and verbally, during inspections, I have made a practice of pointing out where conditions are or are likely to be unsatisfactory in respect to phthisis-producing dust, and have indicated what steps ought to be taken to ameliorate these conditions. Tabulated results by the Konimeter method of sampling the underground atmosphere show that dust after firing is extremely bad, yet both the employers and the employees have shown little desire to have any regulation of the conditions of firing to control the formation of dust. I am of opinion that only good can result in facing the present position and ascertaining what conditions are unsatisfactory, and how best they can be improved. The remedies to my mind are simple. They consist of use of safer types of axial water-feed rock drills, dilution and removal of dust by copious air-currents in development ends, and regulation of times and methods of firing. If these can be accomplished we shall have mines that would be free from phthisis-producing or dangerous dust. The medical examination of miners has been progressing steadily throughout the year. Although the percentage of tuberculosis is high it must not be forgotten that we had, at the beginning of the year, over 500 men that have been in the industry between 21 and 30 years. It is such men who are still mining that make the percentage high, they being especially liable to contract tuberculosis. These mines can be made safe from a dust point of view. It is only a matter of co-operation and a willingness by all parties to face facts. The remedies are simple, and can be applied without much inconvenience or expense.

This man knows what he is talking about; he is an expert and a thoroughly good man, particularly with regard to ventilation. He goes on to say—

> Dr. Collis, in a lecture at the Carnegie Institute of Technology, referred to experiments which showed how tubercle bacilli multiply in tissues damaged by silica, but not by any other minerals. "These experiments conclusively prove," he said, "that silica dust ex-

erts its harmful influence by passing into solution and re-acting chemically upon the lung tissue."

We have silica in our mines and that is why we want to allay the dust nuisance. Dealing with miner's phthisis, Inspector Phoenix says—

Miner's phthisis: The prevention of miner's phthisis is a subject of supreme importance that has medical aspects on which I am not in a position to report fully, but there are some matters I would like to mention briefly. There is evidence that conditions with regard to dust prevention and dust laying have improved, but a further improvement must be made before we can eliminate silicosis from our mines. There must be no slackening of vigilance and unremitting effort on the part of the mine officials in combating this disease, but I have had cause to complain of laxity in certain instances. Although steady and slow progress has been noted, we have a long way to go to reach the stage of finality. Regulations that will embrace measures to prevent accumulation of dust will tend to help to eradicate iner's phthisis. Such proceed upon the assumption that injury to a citizen by this disease is an economic injury to this State, entailing reparation for the past and amendment for the future. Liability for industrial diseases may be looked upon as a portion of the cost of production that should be a charge upon industry. It is apparent that a first duty is to prevent damage to its workmen by any diseases due to the industry. The capacity to bear the burden is, however, an important factor. Tuberculosis has been a notifiable infectious disease in Western Australian mines, and it will be possible to compare at no distant date the rate of occurrence of tuberculosis amongst the working miners in comparison with persons of other occupations.

Rock drills: Rock drills in development ends are particularly liable to cause rapid charging of the air with particles of fine dust unless water is used skilfully and in adequate quantity. Tubular steel drills should be used with a flow of water through them to the cutting edges, but great care must be taken not to allow any air to pass through the drills with the water, as then it becomes impossible to prevent escape of fine dust in the air bubbles. The dust is very fine, and not perceptible by the senses of the operator who goes on inhaling it without knowing his danger. I have met with instances where the tube fitted in the machine to lead the water to the drill has been found to be out of order, resulting in production of an escaping fog of atomised water, which tends soon to raise the humidity of the air at the face to a state of saturation with constant extreme discomfort to the men working there. The supply and use of a machine defective in this way should be prohibited by regulations under penalties.

Any man who held the position of Minister for Mines for the last four years—I mention that period because it is during those four years that we have had a general examination of the men in the mines—and has seen the results of the work in the laboratory year after year, on top of which he has received a report from the Chief Mining Inspector and yet failed to introduce regulations such as those before the House now, would not be worthy to hold that position. I am not asking anything from the companies. Of course, it may cost a few pounds, but what is that when we consider the saving of men's lives? Our first consideration should be for the health of the men and any little extra cost involved should be willingly borne by the mines for the sake of the health of their employees. I am rather sorry that some of the statements uttered in another place were made. Some people who have supported the regulations have said things that would be much better unsaid, while others who advocated the disallowance of the regulations also said things that would have been better unsaid.

Hon. G. Taylor: There was extravagance on both sides.

The MINISTER FOR MINES: That is so. Such statements will not lead us anywhere nor will they do any good. I am positive that members of this House will not disallow the regulations and I am hopeful that hon. members in another place will not disallow them either. If the regulations are agreed to, I give the House my assurance that I will table a regulation, as soon as I possibly can, in order to provide the right of appeal from the decision of an inspector regarding rock drills. That should overcome any objection that has been raised.

HON. SIR JAMES MITCHELL (Northam—in reply) [8.13]: The Minister has made a long statement regarding the regulations, but not in reply to my statements. I merely asked for the right of appeal and the Minister readily agreed to that. I have no objection to protecting the lives of the workers. I believe that that should be done to the fullest possible extent. Already we have lost too many lives in the winning of gold in Western Australia. I have no intention whatever of preventing anything being done for the protection of the miners. All I asked for was the right of appeal against the decision of the District Inspector with regard to rock drills, and, as I have already indicated, the Minister readily agreed to that. I am perfectly willing to accept the Minister's assurance that he will provide another regulation granting the right of appeal.

The Minister for Mines: But it is useless to do that unless the regulations are agreed to.

Hon. Sir JAMES MITCHELL: That is so, but if the regulations stand, the new regulation will be introduced.

The Minister for Mines: That is so.

Hon. Sir JAMES MITCHELL: Then there is no need to say any more. I did not want the impression to be gained from the statement made by the Minister that members of the Opposition did not support actions necessary to protect the lives and health of the men.

The Minister for Mines: I hope I did not suggest anything of the sort.

Hon. Sir JAMES MITCHELL: No, but seeing that the Minister dealt exhaustively with the subject, it might be concluded he did so because of objections raised by the Opposition.

The Minister for Mines: I do not think so.

Mr. Mann: At any rate, the Minister gave us a most interesting statement.

Question put and negatived.

BILL—CRIMINAL CODE AMENDMENT.

Council's Amendments.

Schedule of three amendents made by the Council now onsidered.

In Committee.

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

No. 1. Clause 2.—Delete Subclause (5) and (6), and insert the following in lieu thereof, to stand as Subsection (5):—(5.) If the accused person is found guilty of an offence punishable with death, but the jury are of opinion from the medical psychological and any other relevant evidence that he is a mental defective, and that by reason of such mental defectiveness he was incapable at the time when the offence was committed of understanding what he was doing or of forming a rational judgment on the moral quality of such act, they may add a rider to that effect, and in that case the judge shall make such order as he would make if such person had been acquitted on account of unsoundness of mind, and such person shall be deemed to have been so acquitted, and the Governor may provide for such person's safe custody in manner set out in Section 653.

Mr. MANN: That amendment does not affect the meaning of the Bill.

The Premier: There is a great difference in the wording.

Mr. MANN: But the effect is the same.

The Premier: Then why the need for the alteration?

Mr. MANN: The Council's amendment is more comprehensive and the phraseology is better.

The Premier: Who moved it?

Mr. MANN: The late Dr. Saw, who had charge of the Bill in the Council, drafted the amendment, and submitted it to me just before his illness.

The Premier: The Bill merely referred to a person mentally defective.

Mr. MANN: Perhaps this is better.

The Premier: No, it might confine the board to a particular phase of mental defectiveness.

Mr. MANN: The Council have only put into words what was implied by the clause as agreed to here. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 2. Clause 2, Subclause 7.—Strike out the words "shall include" in line 2 and insert the word "means" in lieu.

Mr. MANN: The Council have restored the wording of the subclause to what it was when the Bill was introduced. The Committee here inserted "shall include" in lieu of "means." I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 3.—Insert a new clause to stand as Clause 3 as follows:—3. Subsection (3) of Section 187 (as amended by the Criminal Code Amendment Act, 1918) is hereby amended by the deletion of the word "six," appearing in the third line of said subsection and the substitution of the word "nine."

Mr. MANN: Although the new clause would come within the Title of the Bill, I doubt whether it comes within the scope of the Bill.

The CHAIRMAN: In my opinion it does not come within the scope of the Bill,

and therefore the Council's amendment cannot be discussed.

Mr. MANN: Do you wish me to move in the matter?

The CHAIRMAN: No, amendment No. 3 cannot be dealt with. I simply rule it out of order.

Resolutions reported. A committee consisting of Mr. Panton, Hon. G. Taylor and Mr. Mann drew up reasons in respect to amendment No. 3. Reasons adopted and a message accordingly returned to the Council.

House adjourned at 8.30 p.m.

Legislative Council.

Thursday, 12th December, 1929.

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

ASSENT TO BILLS.

Message from the Governor received and read notifying assent to the undermentioned Bills:—

1, Companies Act Amendment.
2, Cremation.
3, Licensing Act Amendment.
4, Reserves (No. 2).
5, Agricultural Bank Act Amendment.
6, Redistribution of Seats Act Amendment.

QUESTION — WORKERS' COMPENSATION AND GOLD MINING INDUSTRY.

Hon. E. H. HARRIS asked the Honorary Minister,—1, For each respective year, 1925-26, 1926-27, 1927-28, 1928-29, since the proclamation of the Third Schedule of Section 7 of "The Workers' Compensation Act, 1925," as applied to the Gold-mining Industry—(a) what number of employees were insured? (b) what number of employees were compensated? (c) what was the total amount of premiums received? (d) what was the total amount of compensation paid? (e) what was the amount of excess of income over expenditure? 2, What number of employees are now in receipt of compensation?

The HONORARY MINISTER replied: 1, (a) Not available. Premiums are computed on wages and salaries paid. (b) Not readily available, but the claims arising in each year were as follows:—1925-6 (about two weeks only), 1; 1926-7, 27; 1927-8, 27; 1928-9, 19. (c), 1925-6, nil; 1926-7, £25,907 1s. 3d.; 1923-8, £32,786 18s. 8d.; 1928-9, £33,672 13s., (d) 1925-6, nil; 1926-7, £1,497 15s. 9d.; 1927-8, £6,230 5s. 9d.; 1928-9. £8,064 14s. 1d. (e) The excess of premiums over compensation payments amounted to £76,569 17s. 4d. This amount has been carried to reserve to meet unsettled and anticipated claims. 2, Seventeen.

SITTINGS—ADDITIONAL DAY.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [4.35]: I move—

That the House at its rising adjourn until Friday, 13th inst., at 4.30 p.m.