the State Sawmills. This is one of the few cases where mass production is uneconomical beyond a certain point. To endeavour to meet supplies for the past season, we have been drawing on the timber which should be set aside for next year's supplies. At the present time there are on hand 95 loads of fruitcase timber compared with 371 loads at the same time last year. Cut cases on hand also show a great reduction. If private millers are in the same position that we are, you will readily see that their output for next year will have to be curtailed. The position is particularly serious and I regret to say I can see no solution to your problem. We might just as well face the position now rather than beat about the bush.

The Minister further said that the State Sawmills, like other millers, were subject to forestry regulations, by which the intake to the mills was defined, and that they were not allowed to exceed their quota. Those were the observations of the Minister, and I have heard nothing since to indicate any improvement. It seems extraordinary that the State Sawmills should be in a position that they cannot supply the demand of the fruitgrowers, or make some arrangement so that their demands can be met. I trust it will not be very long before we shall hear of something different from the observations of the Minister to the deputation.

Progress reported.

House adjourned at 10.6 p.m.

Legislative Council.

Tuesday, 22nd September, 1936.

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

QUESTION—PETROL CONSIGNED TO KALGOORLIE.

Quantity and Railway Freight.

Hon. H. SEDDON (for Hon. C. G. Elliott) asked the Chief Secretary: 1, What quantity of petrol was consigned to the Kalgoorlie railway station on the State railways for the year ended 30th June, 1936? 2, What was the price per gallon charged by the Railway Department for transporting this petrol to Kalgoorlie?

The CHIEF SECRETARY replied: 1, Bulk supplies in 5,000 gallon tankers of petrol or kerosene (separate totals not recorded) 937,000 gallons. Particulars of petrol in drums or cases not available. 2, Approximately 4½d.

LEAVE OF ABSENCE.

On motion by Hon. J. Cornell, leave of absence granted to Hon. C. B. Williams (South) for twelve consecutive sittings of the House on the ground of ill-health.

BILL—ABORIGINES ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [4.36] in moving the second reading said: This is a measure which is being eagerly awaited by a large number of people, for considerably more interest is now being manifested in the aborigines problem than was evident a few years ago. The Aborigines Act, which we are seeking to amend, was passed in 1905 and became law in the following year, that is, 30 years ago. It was briefly amended in 1911, but has not been altered since. During the past 17 years the present Chief Protector of Aborigines has pointed out to successive Governments the need for amending many provisions of the existing Act. He has emphasised the difficulty in administering the department in the absence of requisite legislative authority and the difficulty of applying the provisions of the existing Act under altered circumstances, many of those provisions not being applicable to present-day conditions. The passage of time has accentuated these difficulties, and the department is now more completely handicapped in this direction than it has ever been before. Recognising the necessity for altered provisions, certain other States of the Commonwealth have reviewed their legislation. That applies also to the territories, such as the Northern Territory, under the Commonwealth. Moreover, certain of the States have

adopted some of the provisions recommended from time to time by the Chief Protector here, and embodied them in their legislation. Western Australia lags behind and still endeavours to carry on under an utterly inefficient Act. Members will call to mind the fact that in the 1929 session of Parliament I introduced a Bill in this House which with some slight amendment was accepted and passed on to another place. There, however, it did not meet with the same success, mainly through there being insufficient time to discuss its provisions towards the close of the session. Since that time further attempts have been made by the department to secure the introduction of amending legislation embodying some, perhaps all, of the provisions previously aimed at. Amongst those was a Bill designed to take the place of existing Acts, the introduction of which would doubtless have simplified the matter for consideration by members. That Bill, however, had to be set aside on the advice of the Crown Law authorities, because of the impossibility of introducing into this House a Bill containing the financial clauses appearing in the existing Act. Following considerable criticism of the treatment of natives throughout the State, a motion for the appointment of a Royal Commission to examine the whole native question was introduced to Parliament and accepted by the Government. It was agreed to on the 6th December, 1933, and in February, 1934, a Royal Commissioner was appointed in the person of Mr. H. D. Moseley, Police Magistrate, of Perth. The Commissioner completed his task and handed in his report in January, 1935, but in view of the amount of work that had to be attended to last session it was not then found possible to introduce an amending measure embodying, amongst other things, the Commissioner's recommendations. In the main, then, the amending Bill which I now present contains the amendments that appeared in the 1929 Bill, which proved acceptable to members of this House, as well as the majority of the recommendations of the Royal Commissioner in the same connection. The Government have given very careful consideration to the proposals of the Royal Commissioner, and while it has not been possible to accept them in their entirety in every case, and while the Government have felt the desirability of modifying some of them, as will later be explained, the Government have introduced them in a form of which it is hoped members will be appreciative when they realise the alterations that have been effected. The recommendations of the Royal Commissioner, Mr. Moseley, are contained in his report, which is already in the possession of members. There are in all 26 recommendations, and they will be found on pages 19 and 20 of the report. The people on behalf of whom this legislation is required compose a mixed race representing something over a sixteenth part of our total population. When in 1905 the existing Act was passed, the number of aboriginal natives in the State was an unknown quantity, but there were then said to be between 700 and 800 half-castes in the whole State, of whom only 50 were between Perth and Albany. The first definite attempt to enumerate the native population was made in 1917, when the returns indicated the numbers to be 24,491, of whom 1,600 were half-castes. When I introduced the amending Bill in 1929 the Chief Protector's enumeration of the native population throughout the State gave 22,815 full-bloods and 2,833 half-castes. His latest report indicates that there are 22,119 full-bloods and 4,245 half-castes. So it will be seen that while there is a slight decline in the full-bloods there has been a considerable increase in the enumeration of what we now term the coloured people, during the few short intervening years. The figures for the last financial year are not yet available, but a slight increase can be assumed amongst the coloured persons, bringing their number to probably nearer 4,300, most of whom are to be found in the southern portion of the State. That is a very important point. I should like members to recognise the significance of these figures, particularly as they relate to an increase in the half-caste population in the southern part of the State, since I introduced the amending Bill in 1929. I should also mention that of the total full-bloods the estimate includes 10,000 who are deemed to be outside the confines of civilisation, but it is possible that this figure is in excess of the actual numbers and should be revised. The figure is purely an estimate, and based on information supplied from time to time by those who are in a position to give some idea of the number of the people with whom we do not come in contact.

Hon. J. Nicholson: With half-castes, do you include quadroons?

The CHIEF SECRETARY: I am referring to those who have any coloured blood in them, half-castes, quarter-castes, etc., all of those who come within the purview of the department.

Hon. J. J. Holmes: Do you know the number of half-castes in the south and those in the north?

The CHIEF SECRETARY: I can give the hon. member that information. The figures I have quoted show that the full-bloods have slightly declined in number. Their rapid disappearance has probably been arrested by ameliorative measures, such as the establishment of native stations where it is observed that pure-blood children are slightly on the increase; but the actual position is indicated when comparing the difference in the rate of increase between the full-bloods and the half-castes. The percentage of children under 12 to adults amongst the full-bloods last year was 16.48, while amongst the coloured people it was 46.75. As I informed the House on a previous occasion, one of the worst features of this problem is that the majority of the children are females. When it is remembered that a considerable number of these children are in the South-West and are receiving little if any education, and certainly in many cases are not getting the necessary medical attention to which they are entitled, it will be agreed that it is a problem which ought to be tackled.

Hon. W. J. Mann: What do you mean by the South-West?

The CHIEF SECRETARY: I mean the South-West portion of the State, including of course the Great Southern line. It is unfortunate that a great majority of the coloured people are living under no better conditions than their forebears. These are the lineal descendants of full-blooded women and Europeans with an admixture of Asiatic, Negro, and other coloured blood. With respect to Asiatics and other coloured blood, the North is more affected than the South. The original Act deals with aborigines (full-bloods), half-castes who are defined and are literally persons of half-blood, and a child of the half-caste woman deemed to be an aboriginal, and no other. Many of the coloured people to-day living as natives are, strictly speaking, outside the scope of the Act. That is a very important point, and it is one of the main necessities for some of the provisions which appear in the amending Bill. There are, for instance, the children of two half-castes, the offspring of a half-caste and a full-blood, or a half-caste and quarter-caste, of a three-quarter aboriginal and a half-caste, and so on; so much so that it has become impossible to determine whether many of these persons of mixed blood are really covered by the provisions of the Act. One of my difficulties has been to determine, very frequently, whether the Aborigines Department has any authority when dealing with many of the cases brought to my notice. If the department does not deal with the cases, no other department will do so. We have, therefore, had to do many things which, strictly speaking, do not come within the scope of the Aborigines Act. The position is not only difficult, but in many respects dangerous.

The time is passed to speak of aborigines and half-castes and endeavour to show that a half-caste by his habits and mode of living is nothing but an aboriginal. In the existing Act the words "half-caste" and "aboriginal" appear in nearly every section, making the application of that legislation to the existing population extremely difficult. This difficulty is not one that is peculiar to Western Australia. Other States of the Commonwealth and countries elsewhere have sought to cover the position in various ways, but an examination of the provisions dealing with the matter elsewhere indicates that they do not seem to cover the position in this State. In America every coloured person in any degree of negro origin is termed a negro. In New Guinea any person is a native who is wholly or partly descended from an aboriginal native, and who lives as one. In Papua the term "native" includes an aboriginal of the territory or from elsewhere in the Pacific or Australia, who lives after the manner of the inhabitants of the territory, and every person who is wholly or partly descended from such natives, who lives after the manner of the aboriginal inhabitants. Thus the section includes all half-castes and other coloured persons of aboriginal descent. In New South Wales an "aborigine" means a full-blood or half-caste; in Queensland "aboriginal" means an aboriginal inhabitant of Australia, a half-caste who lives as such, and a half-caste who is not sufficiently intelligent to manage his own affairs, and a half-caste under 21 years of age; and in South Australia it means an aboriginal of Australia, a half-caste either of whose parents is or

was an aboriginal of Australia, or a child of such person. In the Northern Territory, Queensland and South Australia, there are definitions of a half-caste which vary, and with which we are not at the moment concerned. The Royal Commissioner defined a half-caste as including a person of aboriginal origin in a remote degree. He proposed to safeguard this by allowing such person to appeal to a magistrate to decide whether he should be subject to the Act, but the growing number of these people renders that course impracticable. Members will realise the difficulty of the department if we simply speak of aborigines or half-castes. How are we to define or class these numerous coloured people who range from almost full-blood to near whites? I suggest we want to give such of these people as are deemed worthy of it a chance to rise in the social scale, and we feel that we ought not to term them aborigines. The name itself is repugnant to the coloured people, who look upon it as a term of degradation to which they ought not to be subjected. To endeavour to draw a line between the various classes under existing circumstances, and in terms of "aboriginal" or "half-caste," is a task too great, I submit, for any Administration, and the longer the existing system is perpetuated the more difficult it becomes. We have decided, therefore, that the whole of the coloured population, including aboriginals, shall in this Bill be termed "natives," and the words "aboriginal" and "half-caste" shall be eliminated, and they appear in this Bill only for explanatory purposes. In practice, with the exception of a very small minority comprising approximately 800 half-castes not deemed to be aborigines in law, the whole of these people are to-day necessarily treated as aborigines, not only from their mode of living, but because of the legislative difficulties to which I have referred. These coloured people call themselves natives, and that is the term we propose to use when referring to them. That is to be regarded as the basis upon which to found the process of elimination; in other words, the gradual emancipation of some of these people from their aboriginal state to a higher social condition. We propose to give certain persons of superior attainment or qualification, and whose aboriginal ancestry is far removed, a progressive chance to assume fuller responsibilities of citizenship. So in this Bill, although it gives the basic term of "native," provision is made definitely exempting in certain sections persons who by their mode of living and conduct ought not to be included therein. We expect, too, after the passing of the Bill, that wider use will be made of the exemption clause, and we cherish the desire to give every coloured person who is fit to take on the responsibilities of citizenship the right to do so.

In certain portions of the State there are coloured people, commonly called half-castes, who are living as reputable citizens, and are respected in the district in which they live. They are bringing up their families in many cases just as white people would bring up theirs. I feel that the time has arrived when such people should be given a greater opportunity to assume civic rights than they have been accorded in the past. It is known to many members that in the existing state of affairs many nearly white persons are to be found either in native camps or residing with natives on stations and elsewhere in the State, being to all intents and purposes white natives. We consider that these people should be given a chance to live as whites, and the Bill makes it clear that these persons shall not come under its provisions unless there are exceptional circumstances prevailing in any particular instance, or through their own fault. There will, of course, be a state of transition over a number of years, and it remains to be seen whether those in whose favour exceptions are made will take advantage of the provision made on their behalf. There will be some who by reason of their marital relations will find it difficult to do so, but time should adjust matters in this direction. The designation of the department itself and its principal officers is to be altered to meet the new state of affairs. The department is expected in time to take on as much the function of a native trust department as one designed to protect the interests of the aboriginal inhabitants of the country. Education and other means will gradually ensure that the native will think for himself, but over many years to come he will require, where necessary, someone or some organisation to lean upon and to which he may turn for ready help in time of trouble. It has to be remembered, too, that while ameliorating the condition of the native people, much yet remains to be done to fit them to take their place among the white community, and in that regard the interests of our own people

—I refer to the white population—cannot be overlooked.

In the matter of health and in other directions, it is necessary that there should still remain safeguarding clauses. The existing position, too, is largely due to the inadequacy of our methods in the past, for which we as a people are to blame, but to leave matters as they are to-day is no longer excusable. With regard to the matter of health, I have remarked on several occasions in this House that under the existing Act we have no power compulsorily to examine any natives: neither have we any power to detain a native in a hospital, even if we know that the native is suffering from disease, excepting, of course, in the case of lepers, who can be compulsorily removed. To be consistent, therefore, having eliminated the word "aboriginal" from use in denoting the people with whom we are dealing, it also becomes necessary to alter the name of the department concerned in a similar manner. Instead, therefore, of terming it the Aborigines Department, an obsolete and out-of-date appellation, we have in the Bill called it the Department of Native Affairs, with consequent alterations in the title of its chief executive officer. It is proposed also that the short title of the Bill when it becomes law, together with the reprint of the existing Act, shall be termed "The Native Administration Act, 1905-36." It is believed that this change will give considerable satisfaction to the native people, will remove a certain amount of odium under which the officers of the department suffer, and revive in the public mind the recognition of the important position which this department of State really holds, or ought to hold concerning the nature of its functions.

Hon. G. W. Miles: Would it conflict with the Australian Natives' Association?

The CHIEF SECRETARY: Of course not. I sometimes think that when the department is being criticised for some of its actions, some people are apt to lose sight of the fact that we have a constitutional obligation in regard to natives in this State, and also that this department was originally created to protect the interests of the natives, and criticism, more often than not, is directed from the point of view of the white person rather than from the point of view of the protection of the native. Apart from the desirability of the change for the reasons given, there is ample precedent for making it. We have heard of the possibility of a Commonwealth department of native affairs. That is a proposal which I believe is well under way at the present time. Under Commonwealth administration, Papua, formerly British New Guinea, has its Department of Native Affairs controlled by a Commissioner for Native Affairs and a Chief Inspector. In New Guinea, our mandated territory, there is a Department of District Services and Native Affairs, with a Director and other officers appropriately named. In New Zealand, there is a Native Department with an Under Secretary, who is also Native Trustee, a Deputy Native Trustee and other officers. Of the 74,000 Maoris with which that department concerns itself, only 50 per cent. are of pure Maori descent. Like our own, their coloured population is steadily increasing.

Hon. J. Cornell: New Zealand is one of the few countries in the world which has made a success of dealing with its indigenous population.

The CHIEF SECRETARY: The Dominion of Canada has its Department of Indian Affairs, and in that case the Superintendent-General is a Minister of the Crown. There is a Deputy Superintendent-General, Assistant Deputy, and so on, as well as a Secretary. The Union of South Africa has its Departments of Native Affairs, with a Minister of the Crown in charge, a Secretary and Under Secretary for Native Affairs, and other suitably named officers. In the British Crown Colonies, similar organisations exist, and we cannot do better than follow the example of these other branches of the Dominions quoted, which have had and continue to have such an intimate connection with native matters. So far as numbers are concerned, ours are very small compared with those of the natives who come under the control of the Department of Native Affairs in some of the Dominions I have mentioned.

Hon. J. Cornell: Natives in South Africa have indirect representation in the Senate.

The CHIEF SECRETARY: That is so. Although there is that difference in the number of natives with which the various departments are dealing, it does not alter the principle on which this Bill is founded. Referring to the system of administration now obtaining, the Royal Commissioner visualised a new system of divisional control which contemplated establishing dis-

tricts each of which would be under the control of a divisional protector responsible direct to the Minister. His remarks in this connection appear on pages 19, 20 and 21 of his report, and be it noted that the only difficulty he sees in the way of his scheme is the cost involved. That is, of course, a very great consideration, as the cost of the system outlined would be considerable and, in the opinion of the Government, would mean bringing into effect a greater measure of decentralisation than is necessary or advisable, and place upon the Minister concerned an almost intolerable burden. The position to-day is bad enough from the point of view of the Minister. He is called upon to deal with large numbers of cases I have previously described as human problems, 90 per cent. of which could rightly be described as sex problems. But I think if we had a system as suggested by the Royal Commissioner, and the Minister was held responsible for the same things for which he is held responsible to-day, a full-time Minister would be needed, and then he would have all his work cut out. It would, in fact, mean dividing the State into three administrations for the purpose of carrying out the provisions of the Act. It would mean three departments with separate provisions for each having to be made by the Treasurer. It would mean separate sets of regulations and, in fact, would be the complete antithesis of the existing system. It would probably result in varying policies governing the control of the same set of people within the State. The Government consider that one person under the Minister should be responsible for the general control of native affairs throughout, and the Minister should define the policy to be followed throughout. That does not mean the elimination of district officers. The present Chief Protector has for years urged that there should be district officers. In the past this has been achieved more or less by the appointment of inspectors, but there is nothing to prevent deputies to the Chief Protector, or as it will be in this case the Commissioner, being appointed in any part of the State to carry out any part of the duties of the department assigned to him. The original Act confers upon the Governor the power to make such appointments, and no doubt the ideal system would be to have a permanent official so acting in each main district, subject to the Commissioner, who in turn is subject to the Minister. Something of this kind may be attempted in the future, and there is ample power under the existing legislation to bring it about. Strangely enough, the report of Dr. Roth, who just 30 years ago was appointed a Royal Commissioner on the aborigines question, recommended the very opposite system from that suggested by Mr. Moseley. He recommended that in each district there should be an agent of the department, but that that agent should be directly responsible to the head office. The British system is as near the ideal as it is possible to get. Under that system there is a commissioner, district commissioners, and, under them again, deputy commissioners. Pursuant to this policy it will be noted that there is provision in the Bill for the appointment of travelling inspectors. I may also here remark that it is recognised that the native problem in this State is very complex and that it varies. For instance, the problem in the far north is quite different from the problem in the far south. In the far north it is a problem affecting a number of full-bloods; in the far south it affects half-castes almost entirely, and if we may use the term, the middle north, there is a difference again. So those difficulties being as they are, we have to try to adapt ourselves to the problem as we know it; and if the department had the money available there would be no difficulty about appointing deputies in well-defined districts. I hope the time is not far distant when we may have more money at the disposal of the department than we have had to date, and so be able to keep in closer touch with the problem in those particular districts.

We propose to raise the guardianship age from 16 to 21 years, and to include all children whether born in wedlock or otherwise. The increase of the age to 21 years means that in certain other sections there has been a similar alteration in the age of the native in the particular case referred to. In the original Act the Chief Protector is made the legal guardian of every aboriginal and half-caste child up to the age of 16 years, and excludes the rights of the mother of an illegitimate half-caste child. It is deemed imperative to raise the guardianship age in order more effectively to control these young people, particularly those trained at Government institutions and missions. Under the Child Welfare Act the age is 18 with power to extend to 21 in certain cases. South Aus-

tralia and, it is understood, Queensland make the age 21. It is found again and again that all the good work lavished on these youngsters in their early years is wasted because of the department's inability to control them for a year or two after they leave an institution, really just the most critical period of their lives. It is found necessary, too, to permit of the control of these children in some cases whether they have parents living or not. There are numerous instances in which parents are legally married and living under similar adverse conditions to those not so married, and it is often necessary in the case of children of such parents to take action for their welfare. When the original section was drafted there were practically no such legal marriages in existence. South Australia and the Northern Territory both extend the provisions to cover children of legal marriage. There is a provision in the Bill ensuring that natives suffering from disease can be examine dand removed forcibly if necessary to some institution or hospital where they can receive adequate attention. An employer's responsibility in that regard will be referred to later. There has been considerable revision of the provisions in the Act dealing with the property of natives, apart from enabling the Commissioner to act with more authority in the case of minors and enabling him to handle the property of deceased aborigines, and also deal with moneys which may be due to absconded or deceased employees. Similar authority is invested in the executive officer of the department elsewhere, and it has for a long time been apparent that the existing machinery is not designed to deal with the matter in a satisfactory manner. One of the main difficulties is the fact that the Curator of Intestate Estates cannot recognise tribal marriages. Consequently, although a native may have left a wife and dependants, he is not able, under the existing law, to make over the estate in the usual way. For some time past, under instructions from the Government, the residue of any such estates has been paid to the Aborigines Department by the Curator, and the Chief Protector has been given authority to distribute the proceeds of the estate as he appears morally bound to do. There have been one or two estates in recent years which were fairly valuable, and but for the fact that the Chief Protector accepted responsibility for the distribution of those estates, there is every possibility that the natives would not have benefited from the realisation.

Hon. J. Nicholson: The estates would then pass to the Crown in the ordinary way.

The CHIEF SECRETARY: Yes, but for the fact of the Chief Protector having accepted the responsibility. Under the Bill we propose to make the Chief Protector responsible. Instead of those estates passing through the hands of the Curator of Intestate Estates, they will pass automatically to the Chief Protector, and, of course, proper safeguards will be provided. There is further provision in the Bill having reference to wages or property which may be due to a native in certain circumstances, and it is proposed that the moneys so derived, as well as the money from deceased estates, shall be paid into a special trust account to be utilised solely for the benefit of natives generally. This means, of course, that any moneys standing to such account shall not be taken into reckoning when the annual provision required to be made by Parliament is being applied for. It will be a special fund for special purposes, and in this matter the Queensland system has been fairly closely followed. The regulations to be made under this clause will, of course, indicate how the administration of the fund is to be carried out. I believe the system is working very satisfactorily in Queensland.

For some years past considerable trouble has been occasioned by the reluctance of some employers to provide reasonable medical attention for their native employees, or to defray legitimate expenses in accident cases. If I remember rightly, when the previous amending Bill was before us, quite a long discussion ensued on matters of this kind, and I am afraid the position is very little, if any, better than it was then. It has been ruled that natives are workers within the meaning of the Workers' Compensation Act, whether paid in cash or kind, and, rightly or wrongly, no special reference was made to this class of labour, nor was the matter apparently thought of, when the Workers' Compensation Bill, which subsequently became law, was under consideration. This has resulted in confusion in the minds of some employers of native labour, not to mention the difficulties of administration experienced by the department. We have had to have recourse at times to the Workers' Compensation Act. Natives, and more often half-castes, have been employed and have

sometimes received more than the wage for white employees in the same district, and when such a native has met with an accident, there has been difficulty in obtaining for him proper hospital and medical attention. Sometimes there has been difficulty regarding compensation also, and we have had to use the Workers' Compensation Act to ensure that the native received a fair deal, but very seldom has action been taken to recover the full amount provided in the Workers' Compensation Act for such injuries. I do not wish it to be understood that the general run of employers are in that category. They are not. I know of many employers who treat their native employees with all possible consideration, but such employers have, to use the vernacular, been hit to leg when having to meet bills for medical and hospital attention. This does not apply to Government hospitals, where we have a special rate for natives, but some private hospitals charge just as much for natives as for white patients, and some doctors expect to be paid, and see that they are paid, substantial sums, which charges, in my opinion, frequently cannot be justified. Sometimes only by chance have such cases come under the notice of the department. I feel that the provision in the Bill will meet with the approval of members who have some knowledge of the situation.

Every permit entitling a person to employ native labour provides that the employer shall supply reasonable medical attendance. This has been the bone of contention. What is reasonable medical attention? It is proposed to overcome the difficulty by establishing a medical fund on the lines of that already established in the Northern Territory for a similar purpose. The Royal Commissioner, Mr. Moseley, recommended the creation of such a fund and the clause is drafted on the lines of his recommendation. It will be noticed that a person otherwise insured is not required to contribute to the proposed fund. Many employers of natives have already insured their employees in the manner required by the Workers' Compensation Act. There are many employers of native labour who employ only one, in domestic service for instance, and these probably prefer to insure in the ordinary way, but all those who have not already insured their native employees and who prefer not to do so in the ordinary way will be required to contribute to the proposed fund. When the Bill becomes law, it will be necessary, by actuarial process, to assess the contributions required to be made by employers to the fund and the amount required to be accumulated to provide a reasonable capital amount to meet annual expenditure likely to arise in the care and treatment of sick and injured employees. It will probably be some time after the passing of the Act before a satisfactory basis can be arrived at, but, nevertheless, it is most desirable that the existing position should be rectified. In the Northern Territory it is required that employers shall make to the medical fund annual contributions varying from 16s. per annum, where not more than two aborigines are employed, to £16 where more than 40 aborigines are employed. In the case of, say, 10 employees, the contribution is £4 per annum, and for 20 it is £8 per annum. I quote those figures as a guide to what is being done in the Northern Territory. In Queensland all aboriginal employees must be insured under the Workers' Compensation Act, and it is understood that compensation in such cases is payable only through the Chief Protector.

Now I come to a very important point. Much has been said in recent months, particularly by the representatives of some of the women's organisations, on the subject of what has been termed, in relation to the women, "the sanctity of the person." Just what they mean is not quite clear, but I think we can assume their meaning. However, in this Bill, considerable attention has been paid to the betterment of the conditions relating to native mothers and their children. Under the old Act contributions for maintenance ceased when a child attained the age of 14 years. We have raised that age, making it 16 in the case of a male child and 18 in the case of a female child, and we also propose to provide for the payment of confinement and hospital expenses and for past maintenance. In order to enable steps to recover maintenance to be more readily taken, the final proviso, that no man shall be taken to be the father of any child upon the evidence of the mother only, has been altered to bring it into line with similar provisions in the Child Welfare Act. The Royal Commissioner referred in no uncertain way to the intercourse between black and white, and I would refer members to his remarks at page 5 of his report, as follows:—

I have already mentioned that in the North few half-castes are to be found on the stations.

That is a gratifying fact but one difficult of explanation, for it is regrettable that my investigations have satisfied me that in certain parts of the North intercourse between the white man and the aboriginal woman exists to a degree which is as amazing as it is undesirable. This is a matter of some delicacy to discuss, but it is right that it should be discussed. I have been told by men long resident in the Kimberleys that it is unwise to be familiar with natives, that the natives lose respect for the white man who fraternises with them. That principle—possibly a good one—is obviously disregarded when the desire for sexual intercourse is uppermost. I do not wish to be intolerant on such a subject; on the other hand, it is not for me to make excuses; as a social condition of the native woman, it is deplorable. The law in its present form must be amended, and the amended law administered with the greatest severity in order to minimise, if not eradicate, this lamentable feature of the North.

That it obtains to some extent also in certain districts of the North-West is apparent; here, however, there are fewer blacks and more white women, and the practice may more easily be checked.

The Royal Commissioner's statement is a very strong one to make, and one which I feel sure he would hesitate to make unless he had ample evidence to justify it. Those who have the responsibility of administering the department know perhaps a little more even than the Royal Commissioner knows, because they have to deal with scores of cases which could not possibly come under his notice. I am aware, from many files that I have had to deal with, that the time has long passed when this subject should have been dealt with by an amendment of the Act. However, we have not been able to secure such amendments up to the present; and we are on this occasion making an endeavour which I hope will meet with the approval of the House. Mr. Moseley's recommendation has been closely followed, except in regard to the penalty. I may mention that his proposals for amendment of the Act are to be found on page 20 of his report. In this instance the Royal Commissioner desires the imposition of a penalty without the option of a fine. We consider, however, that there should be provision for the alternative of a fine, though such fine should be a substantial one. All are agreed, nevertheless, that the word "cohabit" is in itself insufficient, and must be employed also in connection with the words "to have sexual intercourse." I am not dealing with any of the clauses of the Bill in moving the second reading, because I know that on many of those clauses there is a great deal to be said. When we reach the Committee stage I propose to do as I did on the last occasion, and provide hon. members with a considerable amount of information which I believe will justify every amendment included in the Bill. On this particular question recent legislation introduced in both Queensland and the Northern Territory is even more drastic. Unquestionably our legislation in this respect should long ago have been tightened up considerably. Apart altogether from the association between black and white referred to by Mr. Moseley, there is the unfortunate position of the coloured girl, a trainee of one or other of the institutions, charitable or State, and possibly sent to service in a respectable household. These girls are more often than not the prey of unscrupulous white men; many shocking instances of this could be furnished by the department, were it necessary. The girls alluded to must be protected; and although Acts of Parliament will not make people moral, the sheeting home of one or two offences of this nature in open court will go a long way towards achieving the objective we have in view. Members cannot have failed to observe, from references in the Press and otherwise, the increasing number of quarter-caste children, most of whom in existing circumstances are thrown on the care of the State, the white father responsible going scot free in almost every instance. This is one of the most deplorable aspects of our administration at the present time. Many of these quarter-caste children are just as white as our own children, and in some cases whiter. I know a considerable number of quarter-caste children who could only be picked out from amongst a group of white children by persons who have had long association with the natives of Western Australia. To me it does not seem to be right that the State should be called upon to maintain and care for these children, as at the present time it is being called upon to do in almost every case. Moreover, they are children deserving of a better fate; and I certainly believe the time has arrived when, if it is possible to sheet home the responsibility to the white man, we should do so and he should carry that responsibility himself instead of leaving it to the State.

Another important feature is the tribal practices. It is considered a dangerous thing to interfere in the tribal practices of native people; but there are certain definite directions in which the continuance of vari-

ous tribal practices within the confines of civilisation may become definitely harmful, not only to those concerned, but also as having a deleterious effect upon others who are attempting to bring about reforms. There is, for instance, the practice of affianeing female children at birth to elderly males, the practice of polygamy, and the injuries inflicted, sometimes even causing death, during tribal ceremonies. The Government have no wish to interfere in these matters where natives are living, generally, their own lives; but we do desire the power to curtail practices of this nature where they are calculated to cause injury to the natives themselves, perhaps to offend the good taste of the public, and in many cases to militate against the ameliorating work of the department and those associated with it. It is essential to have this power, though it may not often be exercised to any extent for many years to come. I may say there are several provisions of the Bill which the department do not anticipate will be needed for some years to come, but which are included because we realise the difficulty of securing amendments to the Act. We are endeavouring to look ahead in several respects. This particular reform, I believe, is one of those desired by women's organisations, whose members find in these practices, so far as female children and women are concerned, ample cause for criticism. We feel that people who are being civilised, and upon whom a good deal of time and money and trouble is being spent in the process, should be willing to abandon practices which are repugnant to us, and probably also to them, although tribal instinct is so strong that they find themselves compelled to conform with such practices. We feel that if the law enabled natives to do so, many of them would naturally conform with our wishes. Queensland has had this power for many years, and has recently introduced a drastic regulation prohibiting injurious rites, practices, sorcery and so forth on native reserves. I believe the Northern Territory, too, has a drastic regulation dealing with the same matters, though I have not seen that regulation. Instances of what at present occurs can be given when the appropriate clauses are reached in Committee. In the annals of the department there are innumerable instances of the evils brought about by the mating of young children to old men. There are likewise instances of the death of young natives following tribal practices. The Chief Protector has always endeavoured to prevent half-castes being subjected to these practices, and rightly so; but, nevertheless, from time to time they have to suffer with the rest. While dealing with the provisions relating to females, it may be as well if I refer to the matter of marriages of native women. The department contend that no legal marriage of a native should be permitted without departmental consent, and I think there is a good deal to be said for this contention.

Hon. G. W. Miles: Have not the department that power now?

The CHIEF SECRETARY: No. Under the original Act the Chief Protector was merely required to give consent in the case of a female aboriginal desiring to marry a person other than an aboriginal, but that does not go far enough to-day. When the existing Act came into force, there were scarcely any such marriages as I have referred to; but due to the increase in missionary effort, the civilising of the people, and the efforts of clergy and others, there has been a great increase in legal marriages amongst the people. Some of these have been definitely harmful, some have been contrary to tribal custom and some are believed to have been effected between persons already married. At present it is the practice of all persons authorised to celebrate marriages to refer matters of this nature to the Chief Protector, but it is thought desirable to legalise the position; and hence the provision in the existing Bill, which in effect means that if the Commissioner objects to a marriage it shall not proceed. Naturally the Commissioner must have good grounds for his objection. Certain persons, for reasons of their own, have in the past falsely induced natives to believe they were married. Provision is also made to check this practice. An important question is the supplying of liquor to natives. There has long been conflict between the sections in the Aborigines Act and Licensing Act, respectively, referring to that subject. The very fact of the alteration to be brought about by the substitution of names and terms—that is, "native" instead of "aborigine" and "half-caste"—will dispel this anomaly, and make it quite clear that natives cannot be supplied with intoxicating liquor unless exempted from the provision of the Act, while the additional clause has the effect of elucidating

the subsidiary question of the presence of natives on licensed premises. These clauses, I may mention, are recommended on page 20 of the report of the Royal Commissioner, Mr. Moseley. There still remains the provision for employment of male natives on licensed premises under the regulations. The whole amendment does no more than legally apply the principles which have been acted upon by the department for many years past. It is contended that the penalties provided in the original Act do not constitute a sufficient deterrent from breaches of the Act in certain instances, and it is desired to increase the penalties to a more reasonable limit. It will be admitted that this is necessary, and it can be said with truth that the penalties imposed in other countries for similar offences are often very much greater than those provided in the amending Bill. It has been found, for instance, that persons who supply liquor to natives have not been deterred by the infliction of the maximum penalty provided in the existing Act. It has also been found that offences committed by natives against the Act, which are punishable by six months' imprisonment, have been repeated again and again, and for that reason the penalty has been regarded as insufficient. The very fact that increased penalties are provided will, it is thought, act as a deterrent to offenders against other breaches of the Act.

Now I come to a very important innovation in this State. Nearly ten years ago the present Chief Protector mooted the idea of native courts, visualising different conditions where tribal custom and practice could be admitted as evidence in native cases. The Royal Commissioner in his report also agrees that native courts should be established, and in dealing with the matter referred to evidence before him as to the type of court suggested by the Chief Protector. Having carefully considered the matter, the Government believe that the type of court contemplated in this measure will prove the most satisfactory, ensuring as it does the prompt establishment and mobility of such courts, which, of course, are intended to adjudicate only in the trial of offences committed by a native against another native. Such courts already exist in certain Commonwealth territories. Queensland has its native councils operating in a similar manner, and it is believed that the Commonwealth Government are about to introduce a similar provision in the Northern Territory. It will be noticed that tribal custom may be admitted as evidence, and for that reason the department considers, where advisable, it should have the assistance of the old men or elders of the tribe to advise the court in matters of this nature. The practice of bringing natives before our ordinary courts to stand their trial for tribal offences has been the subject of criticism for many years, and this is the first attempt made to depart from existing practices. Its introduction will not only be the means of ensuring that, as nearly as possible, justice will be done, not only in our eyes, but also in the eyes of the natives—that is the important point—but undoubtedly a considerable saving of expenditure in this direction can be effected.

When speaking of native trials which we seek to rectify, there is another matter. The procedure to be followed before courts in the trial of natives is referred to in the original Act. In practice, a native is seldom, if ever, permitted to plead guilty, as it is contended that he should be given a fair and free trial. However, this provision is largely nullified by the fact that admissions of guilt are sought, and obtained, by the police before trial, such statements being put in to show that a native is a self-confessed offender. The Chief Protector has protested for years against this practice, and has indeed in several instances successfully obviated the production of such a confession in court. The Royal Commissioner, Mr. Moseley, concurred in his report—members will see the reference on page 20 of his report—and, in fact, the wording of the amending subclause is practically his. The manner in which admissions of guilt have been obtained in the past has occasionally been very open to question, and it is well-known that a native will readily admit having committed an offence which he possibly is not aware is a crime in our eyes, and, again, he will usually tell his interrogator exactly what he thinks the interrogator wishes to know. It is contended that it is our duty to prove a man's guilt, and that admissions of this nature are not at all consistent with justice. From time to time the matter of the supply of poisons to natives has cropped up. No provision exists in any Act to prevent persons supplying natives with poisons, and while it is not intended to prevent the reasonable use of poisons by

natives entrusted with the duty of destroying vermin, it is desired to ensure that persons employing natives shall obtain the permission of the local Protector before being entitled to require their natives to use poison, which, either intentionally or otherwise, has sometimes caused the deaths of natives, and even the attempted destruction of whites.

There are a great number of other matters dealt with in the Bill. For instance, there is the right of appeal for the employer of labour where his permit to employ native labour has been cancelled, and the right of appeal to a native where his exemption from the Act has been taken away. In each instance, the right of appeal is to a magistrate. Both these matters have been sources of irritation and of considerable criticism from time to time, because the Act has not provided for any right of appeal, but that is rectified in the Bill. There are a number of consequential amendments, principally arising from the change of names I have indicated already to the House. Provision is made to enable us to submit one or two new regulations, the purport of which I shall be pleased to explain when we reach the Committee stage. I have deliberately refrained from going into a mass of detail when moving the second reading of the Bill, because, as I remarked before, when we reach the Committee stage, many of the clauses may be better discussed than at present. I may possibly have missed what some members may consider rather important points in the Bill: if that be so, I shall be pleased to give members all the information I have at my disposal. Let me conclude by saying that in 1929 this House, after considerable discussion, agreed to amendments submitted to them. The present Bill contains practically the whole of those amendments, and I have, therefore, reason to believe that this House will again agree to them. The new amendments that I have described are particularly important, and were dealt with comprehensively by the Royal Commissioner in his report, justifying them, I think, up to the hilt. In several instances we have not gone as far regarding penalties and so forth as have Parliaments in other States of Australia. In view of my experience in dealing with the previous Bill, I hope the present measure will meet with the appreciation and support of members, so that we may be able to send it to another place with as little delay as possible. Members of that Chamber will not then have the same excuse as they did on a former occasion. I move—

That the Bill be now read a second time.

HON. C. H. WITTENOOM (South-East) [5.54]: The Bill is a long one and, as the Chief Secretary has mentioned, it possibly embodies matters that can be better dealt with in Committee. My observations will be general in their application. I listened very carefully to the Minister's remarks, and I intend to support the measure. I am very glad that it has been presented to the House, for, in my opinion, such legislation is long overdue. Unfortunately, it is associated with many unpleasant and difficult problems. The sympathy of some of us has been with the Government in that legislation dealing with the natives has been shelved year after year. I attended at least one deputation to the Chief Secretary, when he was acting as an Honorary Minister, to discuss matters affecting the aborigines. From the opinions he expressed to the members of that deputation, I feel safe in saying I do not know anyone who could handle the Bill more efficiently and effectively than the present Minister. The matter could not possibly be in better hands. Not many members of this Chamber have had much experience of natives as servants or in other avenues. There is a great difference between the life of natives in the North and that of the more civilised half castes and blacks in the South. Our experience probably will not be of much value in discussing such a measure as that before us. As a young man, I spent some time on various stations in the Roebourne district, both on the coast and inland. In those days the male natives and, to a certain extent, the female natives, were employed regularly by the station owners. They were not paid any wages, but received food, clothing and tobacco, and, at intervals, were given holidays. When they were to enjoy the last-mentioned privilege, the natives were given flour, sugar, tea, and a little tobacco. I do not know if they were allowed any firearms. With those provisions, the natives went on their holidays, which were known as "pink-eyes." They were allowed to stay away as long as they liked, but they generally returned sooner than was expected. It is a considerable time since I was in the North, and circumstances have altered so

that I do not profess in these days to know much about the natives. In the South-East Province there are hundreds of blacks and a greater number of half-castes. At race meetings, agricultural shows, and sports gatherings, dozens of these natives assemble. One can see the pathetic spectacle of half-caste mothers with their much whiter children, associating with full-blooded blacks. Nearly all of them wear little more than rags, and if one can judge by their appearance, they are totally inadequately fed. Their physical fitness could not be worse. What I am leading up to is that we are fortunate in having for our assistance the report of the Royal Commissioner, Mr. H. D. Moseley. That gentleman certainly availed himself of his opportunities to travel all over the State. He traversed the outer parts of the North in particular, and travelled in all about 14,000 miles. He saw the natives in all their various conditions of life, and carried out his investigations in a comparatively short period. He visited Government institutions and native missions. Very great credit must be given to the missions, irrespective of denomination, for the tremendous work that is being carried out in the interests of the aborigines. Certainly while the natives are under their control much benefit results, but when the natives get away from that control, they do not always give evidence of the guidance they received. That can easily be understood because the natives, as with the half-castes, are not far from nature. They suffer great disadvantages, for we know that the whites and the blacks will never mix. We have been told that in the schools the white girls particularly will have nothing to do with the native boys, and perhaps that is quite right. And they have not, of course, the advantage of the moral code of the original tribes. So it seems to me, as we have been told this afternoon by the Chief Secretary, that we have to follow the advice given us by the Royal Commissioner. Few of us perhaps have studied the native question very much, and possibly we are culpable in that regard. I do not propose to say very much now, for I think this is a Committee Bill, but I do think the time has come when native camps in the neighbourhood of towns should be done away with, and their places taken by suitable settlements where the natives could be put to useful work, such as farming or looking after sheep. There is no reason why they should not go in for sheep and vegetables and fruit, and that sort of thing. I will support the second reading, and I congratulate the Minister on the way in which he put it forward this afternoon.

On motion by Honorary Minister, debate adjourned.

BILL—WOOL (DRAFT ALLOWANCE PROHIBITION).

Second Reading.

Debate resumed from the 15th September.

HON. G. B. WOOD (East) [6.2]: I desire at the outset to congratulate the Government on having brought down the Bill. It is long overdue. I belong to an organisation which, during the past 20 years, has tried on many occasions to have this iniquitous draft abolished. I feel gratified indeed that this should be the first Bill on which I have risen to speak since entering the House. Every wool organisation in Australia over a long period of years has tried to secure the abolition of this impost. I think it was the opinion of the Commonwealth Wool Inquiry that the impost was brought into being 100 years ago to make up for inaccuracies in the weighing scales. However, we know that in these modern days there are no such devices as inaccurate scales, at all events not in the wool trade. In any case, this is a one-sided arrangement. Suppose the scales should be inaccurate, why should the sellers of wool have to carry the whole of the burden? It would be just as sensible to say that a pound of wool should be added to every hundredweight, instead of being deducted therefrom. I have here figures to prove that, generally speaking, wool gains in weight, and this applies to Western Australia, except in the lower southern districts. Broadly speaking, north of Perth, wool gains in weight at the seaboard, and on the voyage across the sea it gains considerably. We used to consider that in sending our wool to England we gained almost the value of the freight by the weight of the wool added as the result of the absorption of sea water. I should like to refer to a Press article which appeared on Saturday last from the president of the W.A. Woolbuyers' Association, Mr. R. V. de Latour. Mr. de Latour stated that these two matters—the proposed abolition of the draft allowance and the freight rebates to the United

Kingdom and the Continent—had been the subject of many conferences in the past, the main one being that convened by the Prime Minister on 9th January, 1933, to consider the recommendations of the Commonwealth Wool Inquiry Committee for the rehabilitation of the wool industry. His article continued:—

Paragraph 302 of that report refers to ancient times when weighing appliances were defective. I will assume they were defective, but are they perfect to-day? I have evidence that they are not perfect. The Woolbuyers' Association's inspector has, before every Perth sale, re-weighed some of the bales offered for sale, and reported almost in every case variations over and under the weights found on their entry into selling brokers' stores.

Still, why should the seller have to carry that burden in every instance? The article continues:—

These are the cases we happened to find before the wool was sold. With regard to wool that has been sold and shipped to the other side of the world, it has been my own experience and that of all the members of my association that variations in weights are such as to force us to ask the woolgrowers and our legislators not to assume that wool-weighing is perfectly accurate.

That may sound all right to those who do not know the position: but we know that every bale of wool going overseas gains in weight, notwithstanding which Mr. de Latour would retain this imposition. Mr. de Latour continues—

Allowing that every bale is weighed with great care on the best machine available, one is still faced with the fact that one cannot weigh a bale twice and be sure of registering the same weight each time, because wool is so susceptible to atmospheric conditions.

Most of our wool has to go by sea, and we all know that it does not decrease in weight on the voyage. The article goes on—

It is apparent that in order to overcome friction between sellers and buyers when such discrepancies occur with accurately weighed wool, the draft allowance is still necessary.

I maintain that there has been friction for many years, but all on account of the imposition of this unfair tax. The writer proceeds—

Sellers and buyers have traded together under these conditions for many years. The London and Australasian markets have been built up with this draft allowance as one of the conditions of sale. I maintain it was and still is a wise and equitable custom, and am of opinion that I need not say more to justify its retention.

In my view, the writer has said nothing yet to warrant the retention of this impost. He goes on to refer to paragraph 303 of the committee's report, and says—

It is there stated that buyers demand its retention, but it appears that the reason is chiefly one of the conveniences of not disturbing established custom. There is not a buyer operating in any market who has not learnt his trade under the draft allowance condition, and if the draft be not allowed, buyers would have to re-adjust their ideas of value. This would have to be done in one of two ways, either by the buyer lowering his yield estimate, which would be the correct theoretical way, or by the buyer making a straight-out allowance from the greasy price. I have said the correct theoretical way for the buyer to make the necessary adjustment would be to lower his yield estimate. If the draft allowance is cancelled, the calculation of the clean scoured yield should be a half per cent. less than formerly for a wool which will yield 50 per cent., while for wools yielding more than half weight the necessary deduction should more closely approximate to one per cent. which, at the prices for greasy wool now current, would mean that he pays a farthing a pound less. At the Perth sales on Monday last the cancellation of draft allowance on this basis would have meant a gain to the grower of 1 per cent., or 3s. 2d. per bale. Against that, the adjustment of price forced upon the buyer would have meant, in the case of ¼d. per lb., a loss to the grower of 7s. a bale, and in the case of ½d. a lb., 14s. a bale.

In some cases it is claimed they will have to pay ¼d. to make up for the draft allowance. I will not weary members any further with Mr. de Latour's article, because from beginnig to end it is full of inaccuracies, and I am sure the author will not be allowed to get away with it amongst the woolgrowers.

On motion by Hon. H. S. W. Parker, debate adjourned.

House adjourned at 6.12 p.m.