ABORIGINES' CLAIMS FOR WORLD'S HIGHEST COURT

This is the story of McKenna and Dooley, aboriginal station hands, of Port Hedland, remote Western Australian bush town, who yesterday made world headlines when their case was mentioned at a meeting of the United Nations' Human Rights Commission.

They are among the first from the world's oppressed minorities to seek a new deal from its newest and highest court of appeal

The story dates back to July, 1945 when about 400 aborigines met at Port Hedland and discussed their conditions. They elected a deputation of six to wait on Mr D W McLeod a well-sinking contractor in the Pilbarra district, who for years had fought for native rights.

They asked him to represent them in their demands for better conditions on the stations and for adequate provision for the aged and natives not in employment.

TURNED DOWN

Mr McLeod agreed to act for them, and wrote to the Commissioner of Native Affairs in Perth.

All requests including one that McLeod should be made honorary inspector of natives were rejected.

After further correspondence with the Western Australian Government, a meeting of 800 natives on May 1 decided to strike.

Their demands were the right to elect their own representative and a minimum wage of 30/ a week.

The police took immediate action to suppress the strike and arrested Dooley and McKenna, who were subsequently charged and sentenced to three months imprisonment under Section 47 of the Native Administration Act.

(The section stipulates that any person who entices or persuades a native to leave any lawful service without the consent of a protector shall be guilty of an offence against the Act).

PUBLIC PROTEST

Four weeks later a public protest meeting in the Perth Town Hall supported the natives in their demands and protested vigorously against the use of the Native Administration Act to imprison McKenna and Dooley.

By this time McLeod, who assisted that the natives be given the right to organise and elect their own representative, also had been arrested and charged under section 47.

He was fined a total of £50, with £46 costs, in default five months' imprisonment. An appeal to the Western Australian Supreme Court was dismissed and notice of appeal was given to the High Court. It is expected that his case will be reheard early this year.

In the meantime, the committee for the defence of natives rights, of which Padre H V P Hodge of Perth, is secretary, issued a circular setting out its view of the struggle for native emancipation.

Copies were sent to the then Australian representative at UN (Mr Paul Hasluck) to the Prime Minister (Mr Chifley) the Minister for External Affairs (Dr Evatt) and the Minister for the Interior (Mr Johnston).

According to the pamphlet counsel for McLeod at his trial last June claimed that the Australian Native Administration Act with its restrictions on the freedom of aborigines and their virtual slavery was contrary to the British Slavery Abolition Act of 1833, under which slavery was "utterly and forever abolished and declared unlawful throughout the British colonies."

NATIVES "SERFS"

He claimed that the natives were serfs tied to the landowners as securely as feudal serfs. Under section 25 of the Act, he said, a native could not neglect, desert or quit his work without committing a criminal offence.

For leaving his job, he said, a native worker could be fined £50 or sent to gaol for six months for the first offence, £100 or one year's gaol for the second offence, and £200 or two years' gaol for the third offence.

The pamphlet declared that the trial "exposed the real attitude of the Department of Native Affairs to the living conditions of native workers.

"In answer to cross-examination it was admitted that on most stations not only is no housing provided for the natives who live in the open on river beds, but also no sanitary conveniences are provided," it continued.

"Inspector of Natives O'Neill said that such conditions were satisfactory to the department."