Hon. A. J. H. SAW: Last night I moved that a new subsection be inserted, but no decision was arrived at. I now move—

That a new subsection to stand as Subsection 9 be added, as follows:—"If an employer disputes the medical certificate as set out in Subsection 8, the matter shall, in accordance with regulations under this Act, be referred to a medical referee whose decision shall be final."

It will be necessary for the worker to get a medical certificate connecting him with the occupation in which he has been employed. We have provided that the worker coming to Western Australia shall produce a medical certificate. I now seek to give to the employer the right of appeal from such a certificate to a medical referee appointed in accordance with the regulations. There is a similar provision in the New South Wales Act.

The CHAIRMAN: At this stage the hon. member can only move a new clause.

Hon. A. J. H. SAW: Last night I had put this forward as an amendment, but progress was reported before there was any discussion. So my amendment was really before the House?

The Colonial Secretary: Move your amendment on recommittal.

The CHAIRMAN: As a matter of fact, the amendment was out of order, because the hon. member proposed to insert a new subsection to stand as Subsection 9, after Subsection 10 had been dealt with.

Hon. A. J. H. Saw: I do not think there will be any opposition to the amendment, because it is practically consequential.

Hon. A. LOVEKIN: Would the amendment not be in order even in those circumstances?

The CHAIRMAN: I do not think we can go back to discuss what happened last night. My impression, however, this morning was that Dr. Saw's amendment was ont of order.

Hon. A. J. H. SAW: I will withdraw the amendment.

Amendment by leave withdrawn.

Hon. A. LOVEKIN: This matter may crop up again and I would like to know if you rule that it would be out of order to move a new subclause to stand as Subclause 9 after Subclause 10 had been dealt with.

The CHAIRMAN: I do not feel disposed to discuss the matter at present, but I am still of the opinion that it would be out of order. If, on a future occasion, the point should arise, I shall give my ruling and the hon. member may object, so that I can take the instructions of the Committee on the point.

Title—agreed to.

Bill reported with amendments.

House adjourned at 10.6 p.m.

Legislative Council,

Tuesday, 16th December, 1924.

The PRESIDENT took the Chair at 3 p.m., and read prayers.

QUESTION—MINING, EMPLOYMENT OF FOREIGNERS.

Hon. E. H. HARRIS asked the Colonial Secretary: 1, In view of the large influx of Southern Europeans into the State, will the Government issue instructions that Section 42, Subsection (2) of the Mines Regulation Act, which reads:—"No person unable to readily and intelligibly speak the English language shall be employed underground in any mine," be strictly enforced. 2, What number, if any, of such Europeans have been discharged from mines in the East Coolgardie Goldfield at the instigation of the inspector of mines during the past eight weeks?

The COLONIAL SECRETARY replied: 1, A circular was issued to all inspectors of mines on 2nd December, inquiring as to alleged increases in the employment of foreigners in mines, and directing special attention to the language test. 2, The inspectors of mines on the East Coolgardie field have not directly required the discharge of any foreigners during the last eight weeks, but the attention recently directed to this matter is believed to have resulted in employmen' being refused to several men whose knowledge of English was not sufficient to meet the requirements of the Mines Regulation Act.

MINISTERIAL STATEMENT—CLOSE OF SESSION.

The COLONIAL SECRETARY: I should like to make a brief statement for the information of hon. members. It is the desire of the Government that the session should terminate this week. I have here a list of the legislation to be dealt with. First there is the Land and Income Tax Assessment Act Amendment Bill. I hope to be able to take that to-day. The taxing Bill is already before the Assembly, and members here know

exactly what is in it. I am advised that a majority of the officials of the land tax section of the Taxation Department are awaiting the passage of the Bill in order that they may issue the assessments. I can see no objection to hon. members taking the Land and Income Tax Assessment Act Amendment Bill to-day. Then there is the Dividend Duties Act Amendment Bill, a short measure that ought to be disposed of within two hours. Then we have before the House the Industrial Arbitration Act Amendment Bill and the Workers' Compensation Act Amendment Bill. Both have to be recommitted with a view to dealing with about half a dozen clauses. Still to come down there are the Appropriation Bill, the Loan Bill, the Land Tax and Income Tax Bill, the Fair Rents Bill, and the Licensing Act Amendment Bill, which may originate in this Chamber. Those are all important measures. The Government would also like to get through the Traffic Bill. I intend to consult members on that Bill with a view to learning whether or not it is a controversial measure. There are two other small Bills, namely the Transfer of Land Act Amendment Bill and the Plant Diseases Bill, which need not be taken seriously into consideration. I am sure hon. members will co-operate with me in every reasonable way in order that the session may be brought to a close this week, or, if that be not possible, on Monday or Tuesday of next week. But it seems to me that, after giving all these measures fair consideration, we shall be able to close the session some time this week.

Hon. J. J. Holmes: What about the Main Roads Bill?

The COLONIAL SECRETARY: I shall not be bringing that forward.

Hon. J. CORNELL: Is the Minister's statement open to discussion?

The PRESIDENT: The Minister, probably, would be glad of any suggestions.

Hon. J. CORNELL: The Colonial Secretary has said we should be able to get on to-day with the Land and Income Tax Assessment Act Amendment Bill because we know what is contained in the taxing measure at present in another place. The Minister pointed out that the officers of the department are idle while waiting for the Bill. I take that with a grain of salt; for on more than one occasion it has been February before we have passed the assessment measure. We should have both Bills here before we discuss either. The Minister says he is desirous of finishing this week. I think every other member has the same desire. But we find six new Bills to come from another place, one, the Fair Rents Bill, being of a highly controversial nature. So, too, is the Traffic Bill. The Minister said that in all probability the Licensing Bill will be introduced in this Chamber. Since that Bill has to do with the franchise of another place, that is where it should be introduced.

Hon. E. H. Harris: But that is the way they are side-stepping it.

Hon. J. CORNELL: Any objection, on the score of limited time, to the passing of that Bill should be raised by the representatives of the people in another place. The Bill should not be introduced into a Chamber having a franchise such as ours.

Hon. T. Moore: It has to be passed here eventually.

Hon. J. CORNELL: Still, I have no hesitation in saying that it is to be introduced here for the specific purpose of its being thrown out and the blame for its rejection, on the score of insufficient time, laid on this House, rather than on another place. I am prepared to give the Minister every assistance I can in his desire to close the session this week, but when the introduction of the Licensing Act Amendment Bill is to be foisted on us, it is about time to object.

BILLS (2)—THIRD READING.

1, Forests Act Amendment.

Returned to the Assembly with amendments.

2, Norseman-Salmon Gums Railway.

Passed.

BILL—LAND AND INCOME TAX ASSESSMENT AMENDMENT.

In Committee.

Hon. J. W. Kirwan in the Chair; the Colonial Secretary in charge of the Bill.

Clause 1—Short Title:

Hon. A. LOVEKIN: I hope the Minister will report progress at once. It was understood a little time ago that this Bill would not be proceeded with until we had the taxing Bill; for the one Bill is wholly dependent on the other. Because of that understanding I have not put on the Notice Paper the amendments I have to move; and amendments to a Bill such as this ought to be on the Notice Paper so that hon. members may be able to consider them. It may be argued that the tax Bill has been submitted in another place. That may be so, but we do not know in what form it will reach us. We cannot deal with it on the assumption that it will reach us as tabled there. Until we know what the measure contains, we cannot proceed with the assessment Bill. We have never considered the assessment Bill until we had the tax Bill before us, and it will be no more convenient to do it now than it has been in the past.

The COLONIAL SECRETARY: If we report progress at this stage, there will not be enough business on the paper to keep us occupied.

Hon. A. LOVEKIN: Yes, there will be.

Hon. J. Cornell: Then you must blame the Assembly.

The COLONIAL SECRETARY: Mr. Lovekin said he had not put his amendments on the Notice Paper. There have been amendments on the Notice Paper for a fortnight.

Hon. A. Lovekin: I have them here.

The COLONIAL SECRETARY: I am assured by the Premier that the income tax rate will not be increased in another place. I do not see why we should not proceed with this Bill to a further stage, though we shall not be able to complete the Committee stage to-day. I shall leave it in such a condition that it will be open to review when the tax Bill comes down. Then if there is any alteration in the tax Bill, members will be able to deal with the assessment Bill in the light of the alterations. We should make some progress with the Bill.

Hon. J. J. HOLMES: No one is more anxious than I am to get on with the business. Hitherto we have adopted what was considered a wise course, namely, to have the tax Bill before us in order to know exactly what we were doing. There is plenty of work on the Workers' Compensation and Arbitration Bills to keep us occupied.

The COLONIAL SECRETARY: I should like to hear the views of members generally. I am always anxious to consult their wishes.

Hon. J. EWING: I see no reason why we should not proceed with this Bill. If necessary it can be recommitted later on. I realise the force of what Mr. Lovekin and Mr. Holmes have said, but we all have an idea of the Government's taxation proposals. I am prepared to assist the Minister to get on with the business.

The COLONIAL SECRETARY: I move—

That progress be reported and leave asked to sit again after consideration of Order of the Day No. 5 (Workers' Compensation Act Amendment Bill).

Motion put and passed; progress reported.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Recommittal.

On motion by the Colonial Secretary, Bill recommitted to further consider certain clauses.

In Committee.

Hon. J. W. Kirwan in the Chair; the Colonial Secretary in charge of the Bill.

Clause 2—Amendment of Section 4 of principal Act.

Hon. A. LOVEKIN: References to junior workers appear in several places, but we have no definition of junior worker. I wish to provide that a junior worker shall be a person between the ages of 14 and 18. I move an amendment—

That a new paragraph be inserted as follows:—"(7) By omitting the word 'fourteen' in the first line of the interpretation of 'worker' and substituting therefor the word 'eighteen,' and by adding at the end of the paragraph the words 'and junior worker means any such person between the ages of fourteen years and eighteen years.'"

Hon. J. CORNELL: It is unwise to touch the question, and it would be a retrograde step to pass the amendment. The practice of the court invariably is to give junior workers all the consideration required in the hearing of the case as to whether or not their wages shall be fixed at a lower scale than in the case of adult workers. Mr. Lovekin's amendment would amount to a direction to the court, and take from it the discretionary power it now possesses to award the full basic wage to any worker over 14 years of age.

Hon. A. Lovekin: That is ridiculous.

Hon. J. CORNELL: No one would object to the court awarding the basic wage to a worker of 16 if the evidence was conclusive, but it is evidently intended by the amendment that the wage for the junior worker shall be lower than for an adult. If a boy of 17 can wheel trucks in a mine and do the work of a man he is entitled to the wages of a man.

The COLONIAL SECRETARY: I agree with Mr. Cornell. The original Act has not been amended by the Bill, and it defines a worker as any person not less than 14 years of age. It now rests with the court to decide the rate of pay for all workers.

Hon. A. LOVEKIN: No youth of 16 or 17 should go underground and push trucks. It is getting back to the dark ages when children used to work in coal mines, to permit labour of that sort to be engaged. In the Children's Court I have seen the effects of paying too much money to young people. They go to picture shows, horse racing, and frequent billiard saloons. It is not a good thing that they should have this money.

Hon. J. Cornell: But they earn it.

Hon. A. LOVEKIN: I do not dispute that, but they should not be in a position to earn it, especially in mines. Every one should know what a junior worker means.

Hon. E. H. HARRIS: In an award delivered in 1922 special rates of pay are set out for junior workers between the ages of 16 and 21. Unless the term "junior worker" was defined any one over 14 would be entitled to the basic wage. The various awards that have been delivered vary in accordance with the conditions of the industry concerned, and if we do define "junior worker" complications may ensue. On the other hand, it seems necessary to have some

definition of the term. Perhaps the matter of the junior worker might be left to the court to decide.

Hon. A. Lovekin: But then we must say so.

Hon. J. E. DODD: Does it really matter whether or not we insert a definition of "junior worker"? The fewer amendments we send down to another place, the better the prospects of the measure becoming law. The definition would apply only to unskilled workers. During the war boys of 18 were said to be the best soldiers we had, standing more, and standing it better, than older men. Many a lad between 17 and 18 as an unskilled labourer is as good a man as ever he will be. Why should we restrict him, then?

Hon. A. Lovekin: Because the new term is introduced into this Bill.

The COLONIAL SECRETARY: The matter is covered by the principal Act in the definition of "industrial matters." All industrial matters are dealt with by the court, including the employment of children and young persons. Thus the court has power to deal with the question of age.

Hon. A. LOVEKIN: The definition of "worker" in the parent Act says "employed by any employer to do any skilled or unskilled work." Therefore "junior worker" in this Bill will mean a junior worker employed in any skilled or unskilled work. Under the Education Act "children" means under the age of 14. Under the Criminal Code "young person" means under the age of 16. The age I am prescribing for junior workers is 18.

Hon. J. EWING: I am inclined to agree with the Minister, because at Collie boys of 14 go to work on the mines, looking after the dumps. When they reach the age of 16 they seem to become men almost at once; certainly, many youths of 18 on the mines are doing men's work and getting men's pay. It would be well to accept the Minister's explanation.

Hon. J. CORNELL: "Junior worker" occurs only in the basic wage clause. Mr. Lovekin's argument would apply equally to the aged or infirm worker.

Hon. A. Lovekin: That will be dealt with presently.

Hon. J. CORNELL: The present arrangement has worked satisfactorily. Let us give it a further trial. Mr. Lovekin, for the purposes of his definition, should seek to amend the Mines Regulation Act. I hope the hon. member will withdraw his amendment.

Hon. J. NICHOLSON: "Junior worker" is mentioned not only in Clause 56 of the reprint of the Bill, but also in Clause 63 of the reprint. Who is to prescribe the age of junior workers under Clause 53—the court, the Governor-in-Council, or Parliament?

Hon. J. E. Dodd: Under the Mines Regulation Act the age is prescribed for health reasons.

Hon. J. NICHOLSON: And quite rightly, too. We do not want to see a recurrence of boys working underground. "Junior worker," being a new term, some guidance must be given to the court, which otherwise would have to find out the meaning in some other way. The only thing to do is to adopt the amendment, if members approve the ages stated in it. During the Committee stage it was suggested that there ought to be some definition of "junior worker." Reference has been made to the clause dealing with aged and infirm workers. If it is considered desirable to provide some guidance as to who shall be considered aged and infirm workers, we can provide the necessary definition, but I can see that difficulties will arise.

Hon. J. Cornell: The same difficulties will apply when dealing with junior workers.

Hon. J. NICHOLSON: But a man may be comparatively young, although incapable of doing certain classes of work. It is all a question of fact relating to a man's physical condition as to whether he is infirm or capable. Then again, a man of a certain age may be capable, whereas another man of the same age may be quite incapable of doing a full day's work. We cannot deal with ages; the question must be determined from the standpoint of capability.

The COLONIAL SECRETARY: This question is already provided for in Clause 63 in the reprint of the Bill. It is left to the discretion of the court to determine. The age is to be prescribed by the court.

Amendment put and negatived.

Clause put and passed.

Clause 3—agreed to.

Clause 8—Amendment of Section 43:

Hon. H. STEWART: The clause in the reprint of the Bill has been modified for the purpose of simplification and my amendment was based on that moved by Mr. Ewing as it appeared on the Notice Paper. My amendment will, therefore, have to be slightly altered. It deals with the desirability of authorising from the outset the appointment of a deputy president. I believe it will be better to have too many, rather than too few, officers of the court. When I suggested making provision in that direction at an earlier stage, I withdrew it so as to allow the Committee to decide on a clear-cut issue. It seems desirable to bring the matter before the Committee again.

Hon. A. Lovekin: It will mean the recasting of portions of the Bill.

Hon. H. STEWART: As the clause stands at present, it provides only for the illness or absence of the president, in which event the Governor may appoint a judge of the Supreme Court as acting president. Undoubtedly there will be a number of conse-

quential amendments to be made if the clause be redrafted to take the form I suggest. If that course were agreed to, the clause would read—

> The Governor may nominate a judge of the Supreme Court as deputy president to act as required by the president, and as acting president during the illness or absence of the president and until the termination of any pending inquiry.

Hon. J. R. Brown: Would you have a layman?

Hon. H. STEWART: If the Committee decide that a layman shall be appointed, well and good. I think it will be helpful if we provide for an understudy to the president from the outset. To test the feeling of the Committee, I move an amendment—

> *That in lines 1 and 2 of the proposed new Section 43, the following words be struck out:—"In the case of the illness or the absence of the president at any time."*

Hon. J. E. Dodd: If the president were so ill that he could not nominate anyone else, how would we get on? What if he were away altogether? The court would be held up.

Hon. H. STEWART: I had in mind the appointment by the Governor-in-Council of a deputy president almost from the outset. In that event, if the president were ill or absent, the deputy president would simply step into the position of acting president. Perhaps the amendment would be made more clear if the words "to act as acting president" appeared in my amendment.

Hon. J. Nicholson: Mr. Dodd means, if the President were so ill that he could not make a request, what would happen?

Hon. H. STEWART: If the President sustained a paralytic stroke, the deputy president would act in his place. It would not be necessary for the President to make any request.

The CHAIRMAN: The hon. member moves his amendment as a test of the other amendments he will subsequently move if it be carried?

Hon. H. STEWART: Yes. It will involve several amendments, and I am prepared to take the first one as a test.

Hon. J. Nicholson: You would pay the deputy president from the time of his appointment?

Hon. H. STEWART: Yes.

Hon. J. Nicholson: There may not be any work for him to do.

Hon. H. STEWART: He is bound to have plenty to do from the start.

Hon. J. CORNELL: What Mr. Stewart desires is that the Governor shall appoint simultaneously a President and a deputy president.

Hon. H. Stewart: I do not say simultaneously.

Hon. J. CORNELL: At all events, there shall be a President and a deputy president, and when the President is ill or absent the deputy will act.

Hon. H. Stewart: First of all the President will allocate the duties of the deputy president.

Hon. J. CORNELL: And what are they to be? The deputy president will be more or less an understudy to the President and will take his place when necessary. Further than that we cannot go, unless we throw overboard the machinery for the boards that we have agreed to. We are committed to the boards, and so we ought to give them a trial.

The COLONIAL SECRETARY: The clause to which the amendment has been moved is not the clause submitted by the Government, but an amendment of that clause. So, this is an amendment on the amending clause. Had that clause not been amended, there would have been no necessity for the appointment of a deputy president.

Hon. J. EWING: I was responsible for the amending of the original clause. I have sympathy with Mr. Stewart's object; in fact, I supported it at the outset, but gave way to the feeling of the Committee. It would be better if we were to recommit the Bill on Clause 5 rather than have the amendment inserted in the clause before us. At all events I favour having the one court for 12 months, after which, if necessary, we could have the deputy court. We do not want a deputy president merely to take the place of the President when the President is ill or absent; if we have a deputy president, he must be clothed with full power.

Hon. H. STEWART: Some members are afraid that a deputy president would not have any work to do, and that the Bill would need recasting. The Minister for Works, when moving the second reading in another place, laid it down that there was to be one court supreme, and half a dozen subsidiary boards.

Hon. J. Nicholson: Are you prepared to abolish the boards?

Hon. H. STEWART: No. The object of my amendment is that the Governor, on the recommendation of the court, shall declare the districts of conciliation boards and shall appoint the representatives of those boards and their chairman. The work of the court would be better correlated if the deputy president were made chairman of a number of the boards. That would give him quite a lot of work to do and would secure correlation between the court and the boards. There is something in Mr. Ewing's suggestion that the amendment might be made in Clause 5, so as not to interfere with the provision in Clause 6. However, that is not a serious objection, because if I am allowed to amend the clause as I wish, it will provide what Mr. Ewing wants. I know I have the support of a sufficiently large following to carry the amendment.

Hon. J. EWING: The hon. member has left it rather late to bring his ideas forward,

but he cannot say that his amendment has not been considered.

Hon. H. STEWART: I did not leave it late; I proposed it when the clause was first dealt with, but members suggested that it would be better to deal with it on recommittal. Now when we reach the recommittal stage, members walk out of the Chamber. That is the consideration they give the proposal.

Amendment put and negatived.

Clause put and passed.

Clause 14—Amendment of Section 58:

Hon. J. CORNELL: It was proposed that the commissioner should report in writing to the Minister, and the Minister would refer the matter in dispute to the court. The Committee deleted the reference to the Minister by the commissioner and provided that the commissioner should report direct to the court. That necessitates a consequential amendment. I move an amendment—

That in the last line of the clause the words "the Minister" be struck out, and "the commissioner" inserted in lieu.

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

On motions by Hon. A. Lovekin, Clause 15 consequentially amended by striking out the words "or the president as the case may be"; and Clause 22 consequentially amended by striking out "thinks necessary or" and inserting the words "direct as" in lieu.

Clause 37—Enforcement orders may be made by industrial magistrates:

Hon. J. NICHOLSON: We had a definition of "industrial magistrate," but struck it out. I think it would be wise to restore it. Under the Workers' Compensation Bill "industrial magistrate" means a police or resident magistrate appointed by the Governor as industrial magistrate. Is it intended to give this power to any police or resident magistrate, or only to those appointed industrial magistrates under the Act?

Hon. H. Stewart: I think it is desirable to have a definition.

Hon. A. Lovekin: Look at Section 95 of the principal Act.

Hon. J. NICHOLSON: But I am dealing with Clause 37. To me it seems that it would be better to have industrial magistrates.

Hon. H. STEWART: I agree with Mr. Nicholson that it would be better if industrial magistrates had not been struck out. Some police or resident magistrates might not be as suitable as others for the work of industrial magistrates.

Hon. J. J. HOLMES: The Government would appoint the police and resident magistrates best suited for the work to be industrial magistrates.

Hon. A. LOVEKIN: If some police or resident magistrates are appointed and others are omitted, then industrial magistrates will be available in some parts of the country and not in other parts. If police and resident magistrates are fitted for their positions, they are fitted to be industrial magistrates.

Clause put and passed.

Clause 43—Oath to be taken by members:

Hon. J. NICHOLSON: I move an amendment—

That the following be added to the clause:—"and shall not be eligible for re-appointment."

The reference is to a man who has violated his oath.

Hon. G. W. Miles: Do you think any Government would re-appoint such a man?

Hon. J. NICHOLSON: I want to make certain.

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

Clause 52—Notification of districts:

Hon. H. STEWART: In another place the Minister for Labour distinctly stated that the Arbitration Court was to have the supreme power, with boards subsidiary to the court. I propose that instead of the Minister doing what is provided by this clause, it shall be done by the Governor in Council on the recommendation of the court. I move an amendment—

That "Minister," in line 1 be struck out, and "Governor in Council on the recommendation of the court" inserted in lieu.

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

Clause 53—Conciliation committees:

Hon. H. STEWART: I move a similar amendment in this clause—

That "Minister," in line 1, be struck out, with a view to inserting "Governor in Council on the recommendation of the court."

Hon. W. H. KITSON: The court might not be sitting for a month or two while it was necessary to appoint a conciliation committee. As we have agreed that expedition is desirable in these things, it seems to me that the clause should not be altered.

Hon. H. STEWART: In another place the Minister for Labour stated that the court should be supreme, with boards correlated to the court, and that it was not for the Minister of the day to intervene. If what Mr. Kitson forecasts is going to be the position, this legislation is faulty. The matter could have been provided for by the appointment of a deputy president. If Mr. Kitson's argument has any validity, it shows that the court under this measure will not be continuous, as it ought to be.

Hon. A. LOVEKIN: Mr. Stewart fails to realise the effects of his amendment. Suppose an industrial trouble is about to occur. Are we then to wait to go through the red tape of a recommendation to the court, which recommendation is to be put up to the Governor for his decision, which means the advice of his responsible Ministers, without which advice he cannot act? In the meantime the industrial trouble would be assuming larger proportions. Surely it is well to save time in this case. Is it not better, therefore, to say at once that the Minister can do these things? The clause should stand as it is.

Hon. J. E. DODD: I feel inclined to support Mr. Stewart's proposal. I was a member of the first conciliation board appointed on the goldfields, and I remember that, as it was elective, by the time the members were elected a long time elapsed. There were three employees and three employers, and the Minister appointed a mine manager as chairman. Then the court never sat. That may happen again. I prefer to see power given to the court to do what is required.

Hon. W. H. [illegible]: If both parties do not come to an agreement with regard to the chairman; the question of the appointment is then referred to the Minister. In most cases the conciliation board will have very little difficulty in finding someone who will act.

Amendment put and passed.

Hon. H. STEWART: In place of the words struck out I move—

That the following be inserted:—"The Governor on the recommendation of the court."

Hon. A. LOVEKIN: I move an amendment on the amendment—

That the words "the Governor on the recommendation of" be struck out.

That will leave the matter to the court. If we adopt the roundabout course Mr. Stewart suggests, the result will only be to hang up matters.

Hon. E. H. HARRIS: The Committee would welcome a declaration from the Minister as to what the intention of the court as constituted by the Bill would be. The court will be going into recess shortly for a period of three months and an industrial trouble may develop early in the new year, in which case we shall have to wait for the court to reassemble before we can approach it. If we do as suggested we shall be making a great mistake. If a member of the court were available at any time I would feel inclined to support the amendment.

The COLONIAL SECRETARY: As I have already said, all the amendments that are being made are impracticable. Now it is proposed to adopt a roundabout way of dealing with an industrial dispute in connection with which prompt action is essential. Every obstacle is being placed in the way by hon. members. I have been beaten on this principle, and consequently I am not endeavouring to influence members.

Amendment on amendment put and passed.

Hon. A. LOVEKIN: It will now be necessary to strike out the words in the first line "in the manner prescribed" because it will not be possible to prescribe anything for the court.

Hon. J. CORNELL: I have only a few words to say generally about the pinpricking course that is now being adopted. This clause went through without question when the Bill was originally before the Committee and now members are loading it up and knocking out "the Minister" everywhere and substituting "the court." We are wasting time; nothing else.

Hon. A. LOVEKIN: I had no desire to touch the clause at all, but having amended it, we must now make it consistent.

Hon. J. NICHOLSON: I call the Committee's attention particularly to the last [illegible] of the clause reading "or failing any such nomination shall be recommended by the court." Those words and several other words that remain in the clause make it necessary that it be recast. Properly speaking, I think we should again recommit the Bill and restore the clause as it was before we amended it. I suggest that course to Mr. Stewart. That, too, should be done for the sake of expedition. There will be a risk if we leave the matter of conciliation committees to the court. It may go into recess for six weeks, not three months, as has been suggested.

Hon. E. H. Harris: We have been advised that they cannot come back until after Easter.

Hon. J. NICHOLSON: Not the new court it is proposed to appoint. The Supreme Court goes into recess until a certain date in February, but there is always a vacation judge available. The Minister could arrange for the vacation judge to act during the absence of the president of the Arbitration Court.

Hon. J. CORNELL: We are in an absurd position. The chairman will merely preside at the meetings and will take no part in the decisions. What is the use of all this argument as to who shall be appointed to the position?

Hon. H. STEWART: The difficulty arose because some member wanted certain words struck out of the clause. My sole object has been to put the whole business of arbitration on such a basis that every section would be co-related.

Hon. A. LOVEKIN: Mr. Stewart finds certain clauses in the Bill, and without considering them voices a complaint about them. He rarely puts any of his own amendments on the Notice Paper. I wanted to leave the clause as it was, but, when he had certain words struck out, I tried to make the best I could of it. It would be better to let the clause go and deal with it on recommittal.

Hon. H. STEWART: All my amendments are on the Notice Paper, and it is only when they deal with minor matters that they are not printed there.

Clause, as previously amended, agreed to.

Clause 56—Repeal of Part V. and insertion of a new part in place thereof:

Hon. E. H. HARRIS: Is it the intention of the Government that the court shall fix the basic wage in each and every area in the State at one and the same time?

The COLONIAL SECRETARY: The court will fix the basic wage in different defined districts. There will be a basic wage for each district, and the basic wage may differ between districts, or be the same in certain cases. The court will be governed by the cost of living, the climatic conditions, and other circumstances.

Hon. E. H. Harris: Will all the industrial districts be defined at the same time?

The COLONIAL SECRETARY: The basic wage will be fixed for the various districts at the same time, but it may vary as between one district and another. I have here the opinion of the Crown Law Department concerning proposed Subsection 2. The court will fix the basic wage, but if there is a question of house allowance for an employee, that matter will be adjusted between the employer and employee. The court could not take all these questions into consideration.

Hon. E. H. Harris: In the mining districts the miners have to contribute to the Mine Workers' Relief Fund. Would that be taken into consideration?

The COLONIAL SECRETARY: If a mining community was obliged to contribute to a certain fund, the court would doubtless take that into consideration when fixing the basic wage for the district.

Hon. J. NICHOLSON: When this proposed new subsection was before us in Committee before, I told the Minister I had difficulty in construing it because I could not understand what was meant by taking into consideration, in fixing the basic wage, any deductions for allowances. I see, from the explanation furnished by the Crown Law authorities, what is meant, but nevertheless I do not agree with the provision. What are deductions for allowances? I could understand additions by way of allowances, but I do not think it is right to provide for deductions for allowances, whatever they may be.

Hon. A. Lovekin: What have deductions to do with fixing the basic wage?

Hon. J. NICHOLSON: That is so. The court has to fix the basic wage in accordance with the provisions of the Act. The court will not take into consideration allowances or deductions. It would be only a few individuals who would have the benefit of allowances, and those considerations should be matters for arrangement between the parties. I move an amendment—

That proposed Subsection 2 be struck out.

The COLONIAL SECRETARY: The subsection simply provides for what Mr. Nicholson suggests and means that nothing shall be taken into consideration in fixing the basic wage, except as provided in the Bill. The subsection affirms that allowances shall not be taken into consideration by the court.

Hon. A. LOVEKIN: If the Minister looks at the proposed new section he will see that the subsection is unnecessary and out of place. The basic wage is to apply generally, whereas allowances or deductions are quite apart from that question.

Hon. J. E. Dodd: The subsection is rather obscure.

The Colonial Secretary: It is taken from the South Australian Act.

Amendment put, and a division taken with the following result:—

Ayes	9
Noes	13
Majority against ..	4

AYES.

Hon. V. Hamersley	Hon. H. A. Stephenson
Hon. J. J. Holmes	Hon. H. Stewart
Hon. A. Lovekin	Hon. H. J. Yelland
Hon. J. M. Macfarlane	Hon. J. Duffell
Hon. J. Nicholson	(*Teller.*)

NOES.

Hon. C. F. Baxter	Hon. E. H. Harris
Hon. A. Burvill	Hon. J. W. Hickey
Hon. J. Cornell	Hon. G. W. Miles
Hon. J. E. Dodd	Hon. T. Moore
Hon. J. M. Drew	Hon. A. J. H. Saw
Hon. J. Ewing	Hon. J. R. Brown
Hon. E. H. Gray	(*Teller.*)

Amendment thus negatived.

Hon. A. LOVEKIN: I move an amendment—

That in line 2 of Subsection 1 of proposed new Section 101, the word "and" be struck out and "not later than the 14th day of June in each year and shall thereupon be" inserted in lieu.

The basic wage is to operate as from the 1st of July, and it will be necessary to publish information disclosing what that basic

wage shall be some time before it becomes operative. The amendment will provide for that being done.

Amendment put and passed.

Hon. A. LOVEKIN: I move an amendment—

That after "Parliament" in line 5 of proposed Subsection 2 the following words be added: "and such determination shall be deemed to be a regulation under this Act."

As the subsection stands at present it provides that the Minister shall, within 14 days after the receipt of the determination of the court as to the basic wage, if Parliament is then sitting, or, if not, then within 14 days after the meeting of Parliament, cause such determination to be laid before both Houses of Parliament. The clause stops there and if allowed to remain at that, Parliament will be quite impotent. The subsection will simply mean that the determination will be laid before Parliament as a paper for the information of members. The amendment will go further and bring the determination within the scope of the Interpretation Act. There is no provision for dealing with "determinations" under that Act, and by the inclusion of the amendment, those determinations will be dealt with as regulations, and as such will have to remain on the Table for 14 days and be subject to the approval or disapproval of Parliament. If hon. members think that when the basic wage is determined by the court Parliament should have an opportunity of discussing it and acting upon it, they will support the amendment; if on the other hand they think the basic wage should be formally laid on the Table and that be an end of the powers of Parliament in respect of it, they will vote against the amendment.

The COLONIAL SECRETARY: This is a most extraordinary amendment. The determination of the court, the establishment of the basic wage, is to come before Parliament and be deemed a regulation, and so a vote of either House can upset the whole thing and the basic wage be disallowed!

Hon. J. Nicholson: Although Parliament has not made the inquiry.

The COLONIAL SECRETARY: Although Parliament knows nothing about it! I suggest that the hon. member withdraw his amendment.

Hon. J. EWING: The court is supreme in this matter. It fixes the basic wage, and its presentation to Parliament should be merely formal. The amendment is of no value.

Amendment put and negatived.

Clause, as previously amended, agreed to.

Clause 57—Apprentices in building trades:

Hon. J. NICHOLSON: I move an amendment—

That after "employed" in line 3 of Subsection (1) of proposed Section 115a the words "in the building trade" be inserted.

The clause is confined to the building trades, and so this amendment is necessary.

The COLONIAL SECRETARY: In considering this clause, one must have in mind Clause 58. We were in some doubt as to whether that clause applied simply to apprentices to the building trades or to apprentices generally. I have since learnt that it applies to apprentices in every trade. Under it the board or court may compel every employer to take his percentage of apprentices.

Hon. J. NICHOLSON: But that is quite impossible. I refer the Minister to paragraphs (a) and (b).

The Colonial Secretary: I was not referring to this clause.

Hon. J. NICHOLSON: Then this clause is exclusively limited to the building trade?

The Colonial Secretary: Yes.

Hon. J. EWING: The Minister has said that Clause 58 applies to apprentices in all trades. If that be so Clause 57 is of no value at all.

Hon. J. Nicholson: We shall see.

The COLONIAL SECRETARY: What I said was we must consider Clause 58 in dealing with Clause 57. If we restrict the operations of the board under Clause 57, they will not be able to operate under Clause 58 in respect of the distribution of apprentices in various trades. The board must not be limited to the building trades.

Hon. A. J. H. SAW: I understand from the Minister it is the intention of the Government that an apprenticeship board, constituted entirely of people in the building trades, are to function for every trade in the State. Is that so?

The Colonial Secretary: The apprenticeship board or court. The court is supreme.

Hon. J. E. DODD: Like Dr. Saw, I am rather at sea. Proposed Section 115a prescribes that the Governor may appoint a board. The Minister says that is to deal with all apprentices. But paragraph (a) provides that one member of the board shall be nominated by the employers in the building trade, and paragraph (b) provides that one member of the board shall be nominated by the workers in the building trades. So it appears that this board of building trades' representatives are to appoint apprentices for all trades.

Hon. J. Nicholson: Look at proposed Subsection 2. Under that, you cannot make the section apply to any but the building trades.

Hon. A. LOVEKIN: We are dealing with Clause 57. Whatever we may do with Clause 58, this provision will apply to apprentices

to the building trades only. When we come to apprentices in other trades, we can deal with them under Clause 58. If Mr. Nicholson's amendment be carried, this clause as it stands will apply exclusively to the building trades, and will be quite clear.

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

Clause 58—*Apprentices generally*:

Hon. A. LOVEKIN: I move an amendment—

That after "apprentice" in line 2 of proposed Subsection (1) the words "to the building trade" be inserted.

If this clause be not limited to the building trades, I do not know where we shall get to. Proposed Subsection 3 provides that every such apprentice shall be indentured to the apprenticeship board in the prescribed form. An apprentice cannot be indentured to an individual, but must be indentured to the board. In Subsection 1 of proposed Section 115b we see that every person desirous of becoming an apprentice shall be employed on probation for three months and that such probationary period shall be counted in the term of his apprenticeship. Even if he be going in for watch-making, he is apprenticed, not to the employer, but to the apprenticeship board, which is composed of members of the building trade. That is an impossible position.

Hon. J. Ewing: We require another board.

Hon. A. LOVEKIN: We must confine this clause, as well as Clause 57, to apprentices in the building trade. Other apprentices are already provided for in the principal Act. All sorts of rules and regulations are laid down in awards, and there are decisions of the court affecting other apprentices. If we insert the words I have suggested, the balance of Clause 58 will be consistent and will be helpful to apprentices in the building trade. Imagine the apprenticeship board for the building trade telling a watchmaker how many apprentices he shall employ! The provisions of the clause apply to the building trade and to no other trade.

The COLONIAL SECRETARY: It is highly desirable that the trade of Australia should be kept going. I have heard that opinion expressed frequently, not so much in Labour as in capitalistic circles. It has been said the Labour Party are opposed to apprentices, are doing all they can to prevent boys being apprenticed; that they are always urging the limitation of apprentices, and that employers are permitted only a comparatively small number of apprentices. The whole blame is thrown upon the unions. Here is an opportunity to secure a remedy. Every employer of more than four or five men is entitled to take on apprentices in proportion to the number of employees engaged.

Hon. A. Lovekin: The employer would be forced to take apprentices whether he wanted them or not.

The COLONIAL SECRETARY: If they were unsuitable, action could be taken to get rid of them.

Hon. J. DUFFELL: The board appointed for the building trades would not be capable of dealing with apprentices for the higher skilled trades. We should require a special board to deal with apprentices generally. I do not approve of the amendment, though I agree that a board should be appointed for apprentices generally.

Hon. A. LOVEKIN: The only real necessity for the board is in the building trade, where continuity of employment and instruction cannot be carried out because contractors' jobs are intermittent. In the printing trade we have apprentices working under rules and regulations. We are compelled to let them off in the afternoon to attend the Technical School; we are bound to pay their fees at the Technical School. They are examined every six months and the Government pay the examiners. Only in the building trade does any difficulty arise, and for that reason this special provision has been included. I take it we are not going to foist apprentices upon employers, regardless of whether they can conveniently take them.

Hon. J. Duffell: Strike out the words "or by the apprenticeship board" in the proposed new Subsection 4.

Hon. A. LOVEKIN: We do not want to double-bank that. All other industries, except the building trade, have provisions for apprentices set out in their awards.

Hon. J. E. DODD: I cannot agree with Mr. Lovekin. Apprentices may be provided for in some industries, but in others they are not. Not long ago three apprentices were taken on at mechanical work, and they had to pay pretty stiff premiums. The principle the Government are seeking to apply is a good one. Not only the workers but the employers have been bewailing the lack of apprentices, and if we can do anything to provide for an apprenticeship board to deal with all apprentices, we shall be on the right track.

Hon. J. EWING: An apprenticeship board constituted of representatives of the building trade will not be of any value for apprentices generally. Therefore the amendment should be agreed to.

Hon. J. E. Dodd: You could have a board.

Hon. J. EWING: Yes, but it would be unworkable to adopt the building trade board for all industries. If the Minister deleted from paragraphs (a) and (b) of the proposed new Section 115a the words "in the building trade," he would have a satisfactory board. One representative of the unions and one representative of the employers, together with a member of the court, should constitute a satisfactory board for apprentices generally.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. J. HOLMES: The clause is designed for the building trade only, and that for special reasons. When a contract is completed, the contractor has no further use for his apprentices. Therefore apprentices are to be bound to the trade generally. The contractor would report to the board, and the board would assign the apprentices to other contractors, with work in hand. If necessary, a further board could be appointed to deal with apprentices in other trades. However, in most industries union rules and arbitration awards are so stringent as to prevent the apprenticing of youths. Numerous employers, especially in the engineering trade, want apprentices; but the trouble is that the employers must be employing so many fully paid men before they can take any apprentices.

Hon. A. Lovekin: The proportion is one apprentice to five men.

Hon. J. J. HOLMES: Employers are only too anxious to get smart boys as apprentices. Another clause is needed, compelling employers to take apprentices and preventing unions from raising frivolous objections to apprenticeship.

Hon. A. J. H. SAW: One thing that struck the Royal Commission on Education, of which I was a member, was Western Australia's failure to meet the requirements of its youths in the matter of technical education and of facilities for apprenticeship. The chairman of the Commission, Mr. Board, coming from a more highly industrialised State, New South Wales, was especially impressed by this failure. On the part of the employers there was a want of sympathy, and on the part of the unions actual hostility. The crude system of apprenticeship proposed by the Bill will not remove the reproach. I could understand the setting-up of a board composed of men interested in the apprenticeship system, who would see to the welfare of apprentices in all trades. I could also understand a special board for apprentices in the building trade, together with the appointment of a board, or a series of boards, for apprentices in other trades. If the question is to be dealt with in a big way let us appoint a board representative not of a single trade, but representative of trades generally. In this respect all trades need looking after, and not the building trade only.

Hon. T. MOORE: The only clause in which the powers of the proposed board could be set forth is this clause. The board for the building trades will have the powers of the court as regards apprentices. With reference to other trades, I have never heard of the existence of difficulties in the matter of apprenticeship. The board for the building trades is given power, subject to the approval of the Governor, to make regulations for apprenticeship. The board under this clause would deal only with apprenticeship in the building trade.

Hon. J. DUFFELL: I gather it is the intention of the apprenticeship board to have control of apprentices in all trades. That being so, will this apply to apprentices already indentured? Will they come under the jurisdiction of this clause? If it is going to affect future indentures there is going to be some difficulty in regard to employers taking apprentices under this as compared with apprentices already indentured. There are some employers to-day working under extreme difficulties, and the only thing that compels them to continue operations is the question of apprentices. I know that to be a fact. If an employer fails to continue in business, the board will take charge of the apprentices and place them in other businesses where they may continue their apprenticeship. That will be a step in the right direction. Will the Leader of the House assure me that that will be the case when youths are apprenticed to the board?

Hon. J. Lovekin: You must not take an assurance; you must take the Act.

Hon. J. DUFFELL: It is evidently intended that what I have said will be the case. I wish to be quite clear on the point.

The COLONIAL SECRETARY: The method of operation under Clauses 57 and 58 is different. Under Clause 57 the apprenticeship board has sole control. It can indenture apprentices and permit employers in the building trade to have them. Under Clause 58 they are not [illegible] to the apprenticeship board. The court or the board, however, can force employers to take apprentices under regulations prescribed by the court. Even though the board is dealing with the building trade, I do not think it is necessary for it to have a knowledge of that trade. The building trade comprises numerous trades, easily 20.

Hon. G. W. MILES: We should recommit Clause 57 and make it clear that the board may appoint three members, to be called the building trade apprenticeship board. They would deal only with the apprentices to the building trade. The court deals with all other apprentices. The apprenticeship board must have power to take apprentices when they are available.

Hon. A. Lovekin: Well, put that in Clause 57.

Hon. G. W. MILES: That would make the provision clear. It may be necessary, as was suggested, to form another board to deal with other apprentices.

Hon. A. J. H. SAW: If the Leader will accept it I will move an amendment to Subclause 4 to include the building trade so that the clause shall read, "Any employer who, when required by the court or, in the case of the building trade, by the apprenticeship board to enter into an agreement of apprenticeship, neglects or refuses to do so without reasonable cause, shall be guilty of an offence."

Hon. A. Lovekin: I ask leave to withdraw my amendment.

Amendment by leave withdrawn.

Hon. A. J. H. SAW: I move an amendment—

That after "or," in line 2 of Subclause 4, the words "in the case of the building trade" be inserted.

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

Clauses 62 and 66—agreed to.

New clause:

Hon. J. J. HOLMES: I move—

That a new clause be inserted as follows:—"Section 108 (a) (1), It shall be the duty of the Registrar whenever a total or partial cessation of work occurs in or in connection with any industry to make immediate inquiry into the cause thereof, and to take legal action to enforce against any person found on such inquiry to be committing any breach of this Act or of any industrial agreement or award of the court all or any of the remedies provided by this Act which he may deem applicable to the case. (2), In the carrying out and discharge of his duties under this section, the Registrar shall be entitled to the assistance of all industrial inspectors and officers of the court.

Members have expressed a desire that any dispute that arises in the industrial world may be dealt with as quickly as possible. It would be unwise that either an employer or a trade union official should be called upon to play a prominent part in the settlement of such disputes. I wish to place this responsibility upon the registrar, who would be an independent person, and should be empowered to act immediately the necessity arose. I am informed that the inclusion of this proposed new clause would have a good effect and assist in keeping the wheels of industry in motion.

New clause put and passed.

New clause:

The COLONIAL SECRETARY: I move—

That a new clause be inserted to stand as Clause 65, as follows:—"A section is inserted in the principal Act as follows:—'184 (b). The secretary and any person authorised by the president or secretary of a union shall, for the purpose of ascertaining whether the terms of an industrial agreement or award are duly observed, have the powers of entry and inspection of an inspector under the Factories and Shops Act, 1920.'"

This clause was regarded as consequential, but I now want to have it reinstated in the Bill. This power is contained in all recent awards issued by the court.

Hon. J. J. HOLMES: We do not know what these powers are. I do not mind a properly authorised person inspecting the books to see if an award is being carried out, but to arm any person with these powers is going too far. I shall vote against the proposed new clause.

Hon. E. H. HARRIS: The powers conferred upon inspectors under the Factories and Shops Act cover the whole State, or any district defined by proclamation. They enable an inspector to examine a factory, shop or warehouse at all reasonable hours by day or by night, or to examine any place that he has reason to believe is a factory, shop or warehouse. In a great many awards issued by the court someone is authorised to inspect books, documents and so on, and also to enter premises, but no award that I know of has gone so far as to say that the president or secretary of a union or anyone authorised by them shall have that power. The latest "Industrial Gazette" indicated that there were in this State 36,000 unionists. While I do not for a moment suggest that such a position would arise, it would be possible for the unions to arrange that every member on enrolment would be appointed for this purpose and have the powers of an inspector under the Shops and Factories Act. I suggest that the Minister should agree to limit the number of persons to be authorised for the purposes indicated in the clause and if that were done I think it would overcome a certain amount of hostility to the clause as it stands.

Hon. A. J. H. SAW: The Minister has given no reason why we should reinsert this clause. Wide powers are sought. Under the existing Act the secretary or some other officer of the union is authorised to enter and inspect as prescribed by an award of the court. The Minister has not indicated why we should depart from the present practice.

Hon. J. J. HOLMES: Section 96 of the parent Act provides that every inspector appointed under the Factories Act, 1904, shall be an industrial inspector for the whole State and "shall be charged with the duty of seeing that the provisions of any industrial agreement or award or order of the court are duly observed, and with such other duties as are by this Act imposed upon him." That should cover the position.

Hon. J. R. Brown: But where is the inspector? We do not see an inspector on the goldfields once in six months.

Hon. J. J. HOLMES: There would be an army of inspectors if the clause were agreed to.

Hon. T. Moore: There would be no pay, you know.

Hon. J. J. HOLMES: Not by the Crown, but perhaps by the union. Sufficient provision is already made in the Act to deal with this position.

The COLONIAL SECRETARY: The section of the Act referred to is almost useless. There are less than a dozen factory inspectors to cover the whole State. If they encounter anything contrary to the conditions that should obtain, they report the position, but if there is no such provision as that contained in the clause, the difficulty will not be overcome.

Hon. J. Duffell: If anything is wrong in a factory, it is quickly reported.

The COLONIAL SECRETARY: But it will not be quickly reported unless the clause be inserted in the Bill. The amendment merely gives power of entry and inspection, and does not seek to provide those authorised with the full powers of an inspector under the Factories Act.

Hon. A. J. H. SAW: The Minister overlooks Section 119 of the parent Act which sets out that the court may, of its own motion, confer on the registrar or industrial inspector such powers as the court may deem necessary to enable him to carry its directions into effect and also to empower any person to exercise any power or perform any duty vested in an industrial inspector under the Act.

Hon. J. DUFFELL: Can anything be more ridiculous than the suggestion that if some industrial agreement was not being carried out those concerned would remain silent and the breach would not be reported?

Hon. J. R. Brown: They would report the matter to the secretary of their union.

Hon. J. DUFFELL: Yes, and he would direct the attention of the inspector to the breach.

Hon. J. R. Brown: But the secretary may be in Timbuctoo!

Hon. J. DUFFELL: Some of the men who will be appointed if the clause be agreed to should be sent to Timbuctoo. The clause is not necessary. At most the president or secretary might be empowered to carry out these duties, but even then he should be appointed by the court and should be required to give an assurance that he will carry out the duties imposed upon him faithfully and not divulge confidences gained as a result of an inspection of books.

Hon. A. Lovekin: What about the employers seeing the union's books?

Hon. J. DUFFELL: Quite so. The unions would not like their books to be inspected and information gained as to the disposal of some of their funds and the way in which some of their funds were raised.

Hon. J. R. BROWN: Members are running away with false ideas of the whole business. All that would be done by those authorised to make the desired inspections would be to see that the agreements were being carried out, and possibly to peruse time books and wages sheets. The suggestion that the persons authorised would examine banking accounts and so forth is beside the mark. The factory inspectors are so few in number that it is difficult to secure the services of one when desired. If it would meet with the desire of hon. members they could amend the clause to confine the powers to the president or secretary, or even to the executive of a union. Even if the clause be deleted, that will not deprive the unions of the right of inspection, because it is provided in every award of the court.

Hon. H. A. STEPHENSON: The Committee should be very careful regarding the vesting of powers of inspection as suggested. Some few years ago, in one of my bulk stores, I had occasion to erect some machinery. No sooner was the machinery in operation than I was informed that my premises constituted a factory under the Act. Everything went smoothly until an inspector came round to look over the premises. He did not look at my books but his great concern was to know whether the employees had any fault to find. He was told they were quite satisfied. He came back in a week or two and had another look round. He still wanted to know if there was anything wrong. This went on for some little time and he called again. He said to one of the men, "Surely there must be something wrong. You know, all you have to do is to put up a complaint and I will do the rest." The man he was speaking to said that everything was all right. The inspector did not know that he was speaking to one of my own sons when he was endeavouring to get him to put up a complaint. Still, that is the sort of thing that goes on, and it is necessary that the Committee should be very careful as to whom they invest with the powers of an inspector.

Hon. J. DUFFELL: I am sure Mr. Brown would not wilfully mislead the Committee, but Section 69, Subsection 2, of the Act prescribes that every inspector of mines appointed under the Mines Regulation Act, 1906, or the Coal Mines Regulation Act, 1902, shall be an industrial inspector and shall be charged with the duty of seeing that the provisions of any such agreement, award or order are fully observed in or about any mine subject to his inspection. The clause is not necessary, since the power is already vested in the mining inspecors.

Hon. J. CORNELL: I cannot see what benefit the clause will be. The Minister pointed out that the only powers sought under the clause are already in operation. The court has already granted this power, but with the qualification that the inspection must be made within reasonable hours. Moreover, if the inspector abuses the power reposed in him, recourse may be had to the court. We shall be on dangerous ground if, by Act of Parliament, we confer on union president or secretary, the rights now conferred on a departmental inspector; for,

while the departmental inspector can be brought to book, there is no such redress against the union official. In the interests of the unions, it is as well to continue what has been in operation for many years without any widespread complaint.

Hon. J. R. Brown: The union secretary will get that power, whether we grant it or not.

Hon. J. CORNELL: He has it to-day, but if he abuses it recourse can be had to the court. Now it is proposed to embody the privilege in an Act of Parliament. I am opposed to it.

Hon. E. H. HARRIS: Let me quote what the court does. I have here an award covering the goldfields. Section 16 reads:—

> A duly accredited official of the union shall be allowed to collect union fees at the office of the mine on pay days and shall be allowed to inspect the time sheets and pay sheets relating to any worker affected by the award, and make extracts therefrom.

In September of this year Mr. Justice Burnside, delivering the award of the carpenters and oiners, prescribed—

> The employer shall be responsible for the proper posting of the book each week. The said book shall be open to inspection by authorised representatives of the union during working hours.

I have here a later document, an industrial agreement relating to the hotel employees. This was signed "J. M. Drew, Colonial Secretary" on the 4th July, 1924. Dealing with the record book we have this—

> The employer and the workers shall be severally responsible for the proper daily posting of the book, which shall be open to inspection by a duly authorised representative of the union, who shall be permitted to visit the employer's premises and take extracts therefrom on a portion of the employer's premises during all working hours.

So, it is usual that an authorised representative of the union shall have the right to inspect books and documents relating to the award, or to any of the workers that are subject to the award.

Hon. J. R. Brown: That is all the clause asks.

Hon. E. H. HARRIS: No, it asks to go much further. I think the clause is all that is necessary.

The COLONIAL SECRETARY: I repeat that the Bill does not give the union secretary all the powers of a factory inspector. His powers are very limited. They are confined to ascertaining whether the terms of an industrial agreement or award are being duly observed. He can examine the time sheets and the books wherein the names of the employers and the amounts of wages paid are recorded. To that extent he has the powers of a factory inspector, but beyond that he has no power whatever.

Clause put and negatived.

Bill again reported with further amendments.

Further Recommittal.

On motion by the Colonial Secretary, Bill again recommitted to further consider Clause 53.

Clause 53—Conciliation committees:

The COLONIAL SECRETARY: The Committee struck out the word "Minister" and inserted "court." It is now necessary to revert to the word "Minister." I move an amendment—

That in line 1 the word "court" be struck out and "Minister" inserted in lieu.

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

Bill again reported with a further amendment.

BILLS (5)—FIRST READING.

1, Appropriation.

2, Loan, £3,645,000.

3, Main Roads.

4, Permanent Reserves (No. 2).

5, Inspection of Machinery Act Amendment.

Received from the Assembly.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Recommittal.

On motion by Hon. J. Ewing, Bill recommitted to further consider certain clauses.

In Committee.

Hon. J. W. Kirwan in the Chair; the Colonial Secretary in charge of the Bill.

Clause 3—Amendment of Section 4:

Hon. J. CORNELL: An error occurred in deleting from Subclause 3 the provision that a wages man employed by a tributer should be deemed a worker under the Act. I do not think any member desires to refuse the right of compensation to any worker. Under the clause as it now stands, the tributor himself is a worker within the meaning of the measure, but a wages man employed by him is not. However, the mine managers, be it said to their credit, insist upon the tributer's wages men as well as the tributer himself coming under the Workers' Compensation Act. I move an amendment—

That the following be inserted to stand as Subclause 2:—"By inserting in the paragraph relating to tributers after the word 'year,' in line 4, the words:—'and

any wages man employed by a tributer whose rate of remuneration does not exceed £400 per year,' and by the insertion of the words, 'or wages man' after the word 'tributer' in line 6.''

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

Clause 5—Amendment of Section 6:

Hon. A. BURVILL: I move an amendment—

That the following be inserted to stand as Subclause 1:—''(1) By the repeal of Subsection 1 and the substitution of a subclause as follows:—'(1)If the personal injury by accident is caused to a worker (a) at his place of employment; or (b) at any place whatsoever if the accident occurs in the course of the employment, or whilst the worker is acting under his employer's instructions, his employer shall, subject as hereinafter mentioned, be liable to pay compensation in accordance with the First Schedule and Second Schedule of this Act.' ''

At Mr. Ewing's instance, an amendment was carried deleting the provision as to compensation for accident during an employee's journey to and from his work.

Hon. J. NICHOLSON: Mr. Burvill seeks in effect to restore the clause struck out by the Committee, with the exception of the second paragraph of that clause. The hon. member has not advanced any reason for the proposed restoration.

Hon. A. Burvill: The amendment is more comprehensive.

Hon. J. NICHOLSON: Yes, it is. Obviously it has not occurred to Mr. Burvill that his constituents would feel very aggrieved if he succeeded in getting the amendment carried. In the province represented by Mr. Burvill, there are many people engaged permanently on farms and other holdings. If the amendment were carried, there would be a constant liability on the owners of those farms and holdings. A farm hand is usually on his place of employment seven days a week. In this connection Mr. Holmes, when the clause was previously under discussion, gave a very pertinent instance as to a man who was mending his boots on a Saturday afternoon, and in doing so cut his arm, and claimed and received compensation. In such circumstance the employer would be liable under Mr. Burvill's amendment. The existing law is fair and reasonable, providing compensation for accidents ''arising out of, and in the course of, the employment.'' The amendment goes beyond the bounds of fairness, and I shall vote against it.

The COLONIAL SECRETARY: I support Mr. Burvill's amendment. It throws upon the employer the obligation to insure his men during the whole course of their employment. Mr. Nicholson referred to the case of the shearer quoted by Mr. Holmes. The incident happened in Queensland, if it happened at all; and the shearer was covered by insurance. Whilst the rate is 25s. in Western Australia, it is only £1 in Queensland. What obstacle is there to the covering of these men not only in the course of their employment, but at the place of their employment?

Hon. J. J. HOLMES: We have heard so much about Queensland, that I may be permitted to quote this from the ''Australasian Insurance and Banking Record'' of the 22nd September last. Amongst other things it states that workers' compensation in Queensland is costing the people of Queensland an average of 8s. 11d. per head, compared with the cost in Victoria of 3s. 9d.

The COLONIAL SECRETARY: I, too, may be permitted to give some of the relative costs of insurance. In Queensland the premiums average 8s. 2d. per head, as against 3s. 7d. in Victoria, but in Victoria the premiums there are not paid for the same benefits as are given in Queensland. The benefits under the Queensland Act are much greater, and consequently the comparison of the premiums is not fair. A fair comparison would be of the returns received from the premiums paid. In other words, what we have to consider is whether the workers of Victoria are getting a better return from the private companies than the workers in Queensland are getting from the State offices. The Government Statistician here reports that for every pound premium paid in Victoria the sum of 10s. 4d. is required for claims, whilst in Queensland the claims take 16s. 10d. from each £1 premium. It is evident, therefore, that Queensland is giving a better relative return for the premium charged than is the case with private companies in Victoria.

Hon. J. E. DODD: I support Mr. Burvill's amendment because it is more direct and much fairer than that which exists. Mr. Nicholson has quoted an extreme case, and I may be allowed also to repeat the instance I gave the other evening where a man suffering from aneurism of the heart, engaged in some work on a mine in Kalgoorlie ten minutes before his actual hour for starting, died from the aneurism which burst. In that case the insurance company contested the action, but the Full Court decided in favour of the dependants. If we could always be sure that the insurance companies would place a fair interpretation on the law, it would not be so bad.

Hon. A. J. H. SAW: Mr. Burvill's amendment is not as explicit as it appears to be. We find already that there have been many claims made and disputed in connection with the words ''arising in or out of his employment.'' In the Old Country it has been laid down that a man meeting with an accident whilst walking along the path of his employer's premises where he was engaged, was covered. It would be wrong to

upset words the meaning of which has already been so clearly defined in many ways. Mr. Dodd referred to the case of the man who died from aneurism and whose dependants claimed compensation and got it. The House of Lords decided a long way back that where a man had aneurism and it appeared during the course of his employment, he was entitled to compensation. I believe that decision has been upset, but all these cases are now decided on their merits. It seems to be the utmost folly for a court to hold that a man with aneurism should be entitled to compensation. An aneurism may burst at any time, and to say that it arose out of or in the course of his employment seems to a medical man to be the height of folly. An aneurism might easily burst in bed or anywhere else.

Hon. A. BURVILL: The Committee might withdraw paragraph (a) "at his place of employment." Then the clause would be infinitely better and would cover cases where a dispute might arise and might mean considerable expense for the worker. If the Committee will allow this paragraph to be struck out, the subclause will be as tight as we could wish it to be.

Hon. J. EWING: I move an amendment on the amendment—

That paragraph (a) be struck out.

Hon. J. NICHOLSON: If the amendment is carried, it will greatly alter the law.

Hon. A. Burvill: It will make things more explicit.

Hon. J. NICHOLSON: It will make them more involved, for we shall provide the means of creating a new line of court decisions. The amendment will not prevent companies contesting claims for compensation, and may do more harm than we can imagine. It would be better in the interests of the workers to leave the law as it stands, because there is a line of established decisions that enable people to make their claims under the law as it exists.

Amendment on amendment put and passed.

Amendment, as amended, put and a division taken with the following result:—

Ayes	9
Noes	10
Majority against	1

Ayes.	
Hon. J. R. Brown	Hon. J. Ewing
Hon. A. Burvill	Hon. E. H. Harris
Hon. J. Cornell	Hon. J. W. Hickey
Hon. J. E. Dodd	Hon. T. Moore
Hon. J. M. Drew	*(Teller.)*

Noes.	
Hon. J. Duffell	Hon. A. J. H. Saw
Hon. V. Hamersley	Hon. H. A. Stephenson
Hon. J. J. Holmes	Hon. H. Stewart
Hon. A. Lovekin	Hon. H. J. Yelland
Hon. J. Nicholson	Hon. J. A. Greig *(Teller.)*

Pair.

Aye.	No.
Hon. J. M. Macfarlane	Hon. W. H. Kitson.

Amendment thus negatived.

Hon. J. J. HOLMES: I move an amendment—

That in proposed Subsection 2, paragraph (b) be struck out.

We all agree that compensation should be paid from the date when the accident occurs, and the Minister expressed a desire that litigation should be minimised as much as possible. In this paragraph (b), however, we are providing further opportunities for litigation and placing a further penalty upon industry. I hope, therefore, it will be struck out.

The CHAIRMAN: Mr. Holmes will achieve his object if he strikes out "(b)" in the first line of the proposed Subsection 2.

Hon. J. J. HOLMES: That is so. I will withdraw my first amendment and move—

That in line 1 of proposed Subsection 2 the letter "(b)" be struck out.

Hon. A. LOVEKIN: If the hon. member's amendment be agreed to, that will leave paragraph (b) as it stands in Section 6 of the parent Act.

Hon. J. J. Holmes: That is so. That is the intention.

Hon. J. NICHOLSON: I support the amendment, which will give me an opportunity to deal with my amendment later on. Paragraph (b) was framed in accordance with the preceding paragraphs of Section 6, and refers largely to matters arising out of and in course of employment, which are referred to in Section 6 which we have included. It is essential therefore that we should retain paragraph (b) as it appears in the existing Act.

Hon. T. Moore: What is wrong with the proposed paragraph (b) in the Bill?

Hon. J. NICHOLSON: On the other hand, what is wrong with paragraph (b) in the Act?

Hon. T. MOORE: The employee is entitled to all he can get in respect of injuries due to wilful negligence on the part of the employer. If anyone says we should not have five barrels to deal with such a position, let alone the double-barrelled gun referred to by Mr. Holmes, then I say such a person will be wrong. The employer may have his employee covered by insurance, and under the Act he can recover up to that amount. But I would be surprised to know that members would stand behind the employer guilty of negligence to the extent that they would debar the employee from getting further compensation in respect of injuries due to the negligence of the employer or of anyone acting under his instruction.

Hon. A. J. H. SAW: I have always understood that the objection to the provision in the parent Act arose from the fact that

the worker had to exercise his option as to the Act under which he took proceedings for compensation. If he chose to take action under the Workers' Compensation Act he would be debarred from exercising his rights under the Employers' Liability Act. The paragraph in the Bill seeks to amend that by giving the worker power to exercise his rights under both Acts in the event of injury being due to negligence on the part of the employer. I see nothing wrong with giving the worker that double right in the circumstances. I cannot agree with Mr. Holmes that a person injured through the wilful and negligent action of an employer, should not have the right to the benefits conferred by both Acts.

Hon. J. E. DODD: The trouble to-day is that under the existing industrial system the worker has recourse to only one Act, and that is the Workers' Compensation Act. With the growth of industries to-day, much of the authority is exercised by managers. If the manager is responsible for the negligence that results in an accident, the worker cannot recover damages for compensation because the manager is an employee in the same sense as the worker. Thus the Employers' Liability Act is of no avail and the worker is confined to the Workers' Compensation Act. As to the Mines Regulation Act, the worker is wiped out altogether, because unless the man who owns the mine personally acts, the worker has no chance of succeeding in proceedings under that measure against a manager or somebody else acting for the employer.

Hon. J. CORNELL: The paragraph is similar to that contained in the Queensland Act which, however, contains a provision distinct from the paragraph in the Bill. The Queensland Act sets out that while the worker may at his option take proceedings under the Act, or take proceedings independently, he is not entitled to compensation under the Act if he has obtained judgment against his employer independently of that Act. The position in the Queensland legislation is therefore clear. The paragraph in the Bill, however, would enable the employer to sue under one Act, and get compensation with which to sue the employer under the other Act and get more compensation.

Hon. T. Moore: I hope that is what the paragraph means and what the Committee will agree to.

The Honorary Minister: And what is wrong with that?

Hon. J. CORNELL: There is a lot wrong with it. In the days before the Workers' Compensation Act was passed, the onus of finding money with which to sue, was cast upon the person injured. As a measure of relief to the worker, Parliament gave the worker the absolute right to secure compensation. Now we have got down to the point where he shall reap that benefit and use the money he gets for it to go to law. That is entirely wrong. The Queensland Act is fair, but this Bill is loaded in both barrels. If it be a clear case of wilful negligence, let the worker elect to go on that and win his case.

The COLONIAL SECRETARY: If it were a case of wilful negligence on the part of the employer, the employee would be able to get judgment under the Workers' Compensation Act, amounting to £400. Then subsequently he could sue under the Employers' Liability Act and get anything up to £2,000, in which case the £400 already received under the Workers' Compensation Act would be deducted. He cannot get it with both barrels.

Hon. J. J. Holmes: No, he wings the employer with the first barrel, and brings him down with the second.

Hon. T. MOORE: Well, he is entitled to it. The man who meets with an injury for which he himself may have been partly responsible, will get £400. If he be injured as the result of the wilful negligence on the part of the employer, he certainly ought to get all that is allowed under the Employers' Liability Act, We cannot protect an employer who wilfully sends another man to his death.

Amendment put and a division taken with the following result:—

Ayes	11
Noes	8
Majority for ..	3

AYES.	
Hon. J. Cornell	Hon. J. Nicholson
Hon. J. Ewing	Hon. H. A. Stephenson
Hon. J. A. Greig	Hon. H. Stewart
Hon. V. Hamersley	Hon. H. J. Yelland
Hon. J. J. Holmes	Hon. J. Duffell
Hon. A. Lovekin	(*Teller.*)

NOES.	
Hon. J. R. Brown	Hon. J. W. Hickey
Hon. J. E. Dodd	Hon. T. Moore
Hon. J. M. Drew	Hon. A. J. H. Saw
Hon. E. H. Harris	Hon. A. Burvill
	(*Teller.*)

PAIR.

AYE.	NO.
Hon. J. M. Macfarlane	Hon. W. H. Kitson

Amendment thus passed.

Hon. J. NICHOLSON: I move an amendment—

That in line 1 of Subclause (1), "and (c)" be struck out.

The object of the amendment is to get rid of paragraph (c) reading as follows:—

> No compensation shall be payable under this Act on account of any injury to or death of a worker caused by an intentional self-inflicted injury.

We have many cases of wilful misconduct, and of course they must be provided against. But they are already provided against in the existing law.

Amendment put and passed.

The CHAIRMAN: There are now various consequential amendments required in the clause. They will all be made.

Clause, as amended, agreed to.

Clause 6—Compensation on workers dying from or affected by certain industrial diseases:

Hon. A. J. H. SAW: At the previous sitting I was successful in getting an amendment passed whereby a medical certificate had to be obtained in order to connect up the disease from which the person was suffering with the nature of his employment. In the other States and in England this is the duty of a certifying surgeon, and there is an appeal from the certifying surgeon to a medical referee. I propose that we give an appeal from the medical certificate granted by any medical practitioner to a medical referee appointed under the regulations. I move an amendment—

That the following new subsection be inserted:—"(9) If an employer disputes the medical certificate as set out in Subsection (8), the matter shall, in accordance with regulations under this Act, be referred to a medical referee, whose decision shall be final."

Amendment put and passed.

Hon. A. J. H. SAW: The proposed new Subsection 10 provides that a worker coming to Western Australia after the commencement of the Act shall not be entitled to benefit under this section until he has lodged a certificate from a medical referee certifying him to be free from pulmonary tuberculosis and from the diseases mentioned in the Third Schedule to this Act. I had an amendment on the Notice Paper a week or two ago but it had disappeared from the Notice Paper when this question was previously before us. Consequently I could not move it. It is not sufficient for any newcomer to get a certificate merely stating that he is not suffering from pulmonary tuberculosis. He needs a certificate that he is not suffering from tuberculosis in the active form or from pneumoconiosis or miners' phthisis. I move an amendment—

That the words "and from the diseases mentioned in the Third Schedule to this Act" be struck out and the words "pneumoconiosis and miners' phthisis" inserted in lieu.

Amendment put and passed.

Hon. J. J. HOLMES: I ask the Committee to delete the whole of the clause. The more I have studied the question, the more convinced I am that the clause and the schedule dealing with occupational diseases have been put up without proper consideration. I can only speak as to how it affects one industry in the province I represent, namely the diving carried on by coloured men. I understand that the Malay divers can fix a day on which they will die, and they die on that day. Divers are employed under water, and the longer they stay down, the more shell and pearls they get. The responsibility as to when they are ready to come to the surface rests entirely with them. When they signal to come up, they are brought up. Because they are avaricious, they remain down longer than they should. If the fact of their staying down too long results in total deafness, they will be entitled to £600 compensation, which would be an independency for one of these men. He would go back to the country whence he came with £600 in his pocket. If he contracted divers' paralysis, he would be entitled to £750. Sufficient consideration has not been given to occupational diseases. I have before me a letter setting out that when the occupational disease section is proclaimed, the responsibility of the mines will date as from 12 months prior to the proclamation. There is a nice responsibility to impose upon the mines! How will they be able to discover the stage that miners' phthisis had reached in the miners, say on the 1st January last?

Hon. T. Moore: It is time the mining industry had some responsibility.

Hon. J. J. HOLMES: I admit that and it is time the Miners' Phthisis Act was proclaimed by your Government.

Hon. T. Moore: The mining industry bears no responsibility.

Hon. J. J. HOLMES: The reason the Act has not been proclaimed is that no provision has been made to deal with the affected miners when they are turned out of the mines. Nor has any provision been made to deal with the subject of any other occupational disease when turned out of his occupation. We have not clearly defined where the responsibility commences and where it ceases. The Labour Government have a firm objection to coloured labour, and one would have thought they would have excluded coloured men from the operation of this measure.

Hon. T. Moore: And make slaves of them.

Hon. J. J. HOLMES: It would do nothing of the kind.

Hon. E. H. Harris: Are not they protected by the present Act?

Hon. J. J. HOLMES: Not as regards occupational diseases.

Hon. E. H. Harris: Where does the occupation come in with divers?

Hon. J. J. HOLMES: If a diver lost his hearing, under this measure it would be, not an accident, but an occupational disease.

I intend to test the views of the Committee on this clause.

Clause as amended put, and a division taken with the following result:—

Ayes	.. ..	8
Noes	.. ..	9
Majority against		1

AYES.

Hon. J. R. Brown	Hon. T. Moore
Hon. A. Burvill	Hon. A. J. H. Saw
Hon. J. Cornell	Hon. E. H. Harris
Hon. J. M. Drew	(*Teller.*)
Hon. J. W. Hickey	

NOES.

Hon. J. Duffell	Hon. J. Nicholson
Hon. J. Ewing	Hon. H. Stewart
Hon. J. A. Greig	Hon. H. J. Yelland
Hon. V. Hamersley	Hon. H. A. Stephenson
Hon. J. J. Holmes	(*Teller.*)

Clause thus negatived.

Clause 7—Notification of disease:

The CHAIRMAN: Mr. Ewing asked for the recommittal of Clause 7.

Hon. J. EWING: In view of the amendment which has just been carried, I do not think it necessary to move a motion regarding this clause.

Progress reported.

BILL—PEARLING ACT AMENDMENT.

Returned from the Assembly without amendment.

BILL—TREASURY BONDS. DEFICIENCY.

Received from the Assembly, and read a first time.

House adjourned at 10.36 p.m.

Legislative Assembly,

Tuesday, 16th December, 1924.

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

QUESTION—WAR PATRIOTIC FUNDS.

Mr. SAMPSON (for Lieut. Col. Denton) asked the Premier: Is it the intention of the Government to introduce a Bill for an Act to give effect to the recommendations of the Royal Commission on the War Patriotic Funds?

The PREMIER replied: Not this session.

QUESTION—STATE PAYMENTS TO COMMONWEALTH.

Mr. THOMSON (without notice) asked the Premier: Will a return be laid on the Table of the House showing the amounts paid to the Commonwealth by the State?

The PREMIER replied: I am endeavouring to get the information, but it will take some time to do so.

MOTION—STANDING ORDERS SUSPENSION.

The PREMIER (Hon. P. Collier—Boulder) [4.35]: I move—

That during the present sitting the Standing Orders be suspended so far as to enable Bills to be introduced without notice, and to be passed through their remaining stages on this day, and messages from the Legislative Council to be taken into consideration forthwith.

Question put and passed.

BILL—APPROPRIATION.

Message.

Message from the Governor received and read recommending the Bill.