

Legislative Assembly,

Wednesday, 24th August, 1910.

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

PAPERS PRESENTED.

By the Minister for Railways: Amended Salaried Staff regulations under the Railways Act.

By the Premier: Report of the Committee of the Museum and Art Gallery for the year 1909-10.

QUESTION—RAILWAY SERVICE, SUBIACO-PERTH.

Mr. DAGLISH asked the Minister for Railways: Will he draw the attention of the Commissioner of Railways to the desirability of establishing a quarter-hour train service between Subiaco and Perth, seeing that the public convenience now demands such service and the traffic will probably be remunerative?

The MINISTER FOR RAILWAYS replied: I will refer the request to the Commissioner of Railways.

QUESTION—PERTH TRAMWAYS, NATIONALISATION.

Mr. DAGLISH asked the Premier: 1, Are the Government prepared to ask the local authorities which have agreements with the Perth Electric Tramways Company if they are prepared to waive their rights ultimately to acquire the various lines, etc., on con-

dition that the Government take over the control of the whole tramway system in the interests of the metropolitan community? 2, Contingent upon the local authorities agreeing to such a step, will the Government enter into negotiations forthwith for the acquisition of the tramways?

The PREMIER replied: 1 and 2, The Government are prepared to favourably consider a proposal from the the local authorities interested for the State to acquire the metropolitan tramway system.

QUESTION—RAILWAY SALARIED STAFF REGULATIONS.

Mr. BATH (for Mr. Swan) asked the Minister for Railways: 1. Have the alterations and additions to the Railway Salaried Staff Regulations, as per *Weekly Notice* 19, 1910, gazetted during April, 1910, ever been laid on the Table of the House in accordance with the by-laws under Railways Act? 2, If not, why not?

The MINISTER FOR RAILWAYS replied: 1 and 2, No; they were overlooked at the beginning of the session. I may say I have placed them on the Table to-day.

BILL—MARRIAGE ACT AMENDMENT.

Introduced by Mr. Murphy, read a first time, and ordered to be printed.

FIRE BRIGADES BOARD, CONTRIBUTIONS.

Question.

Mr. PIESSE asked the Premier: 1, Is the hon. the Premier aware that a number of local governing bodies have refused to contribute under the District Fire Brigades Act, 1909, and that in consequence of the demands of the Fire Brigades Board considerable discontent prevails in many parts of the State? 2, Is he aware that in many instances the local authorities have not been previously consulted nor have they been advised what services are to be rendered in return for the amounts so demanded?

3, Is he aware that the Fire Brigades Board has resolved to take legal proceedings against defaulting municipalities and district road boards (*vide* report of meeting held on the 19th instant)? 4, Will the hon. the Premier take immediate steps to stay such proceedings pending some modification of the demands of the board and some reasonable and business-like understanding being arrived at between the local authorities and the Fire Brigades Board?

The PREMIER replied: 1, I am aware that some local governing bodies have protested against the levy. 2, In no instance were the local authorities individually consulted before assessment, otherwise than through their legally constituted representatives on the board. 3, No. 4, Answered by No. 3. The hon. Colonial Secretary is in conference at the present time with the board, in regard to giving relief to the local bodies.

Return.

Mr. PIESSE (Katanning) moved—

*That there be prepared and laid up on the Table of the House a return showing—*a, *The municipalities and district roads boards that have been scheduled as contributors under the District Fire Brigades Act, 1909, setting forth the amount of contribution assessed against each local authority for the present year.* b, *The basis upon which such contribution has been arrived at.*

He said: I may explain that in moving this motion I am actuated by the complaints made throughout the country districts. Only quite recently the Katanning district roads board was applied to for a contribution of £140 towards the District Fire Brigades Board. I confess that because of my having been a new member, only elected towards the end of last session, the District Fire Brigades Act, presented to the House last session, did not receive from me that close scrutiny which, under other circumstances I might have been expected to give such a measure. It appears to me altogether unreasonable that the district roads boards should be called upon to contribute such large sums

towards the District Fire Brigades Board, more especially in view of the fact that the moneys at the disposal of the boards are very small, and are urgently needed for the construction of those roads so necessary to the development of our agricultural districts. I have not the least doubt that the Act, if properly administered, will not, after all, be found to interfere so very seriously with the funds of the respective boards. Seeing that no intimation had been given to the local authority I have mentioned, the demand for a contribution of £140 came as a great surprise. The board thought that they would be exempted from contribution to the brigade, but they have been informed that they cannot be exempted and will, therefore, have to contribute. Nor can I see in the Act any provision under which the Minister has power to exempt the board. If this is so I am afraid it will be necessary for the Government to bring in an amending Bill in order that relief may be afforded in cases similar to the one I have mentioned. I therefore commend this motion to the favourable consideration of hon. members.

Mr. SCADDAN (Ivanhoe): I understood that the motion was to be merely formal, otherwise I would have objected to the hon. member's motion, of origin so recent as yesterday, preceeding motions handed in by other members on the very first day of the session. If this motion is going to be discussed I must raise my voice in objection.

Mr. SPEAKER: The hon. member yesterday gave notice of a question, and at the suggestion of the Premier he altered it to notice of motion for a return.

The PREMIER (Sir Newton J. Moore): As Mr. Speaker has pointed out, I suggested yesterday that the hon. member's notice of question should be made a notice of motion for a return; and I understood that, as in the case of a notice of question, it would be allowed to pass as merely formal. I did not anticipate that the hon. member was going to make any comment on it, because I realise that many members are anxious

to have something to say in connection with the Fire Brigades Act. I, personally, am not prepared to discuss it at the present time, although I had no objection to the formal motion for the information asked for.

Mr. BROWN (Perth): It is a question whether it is within the province of the House to order the return asked for. However, as chairman of the board, as soon as I saw the notice on the Notice Paper I instructed the secretary of the board to prepare the return, and I shall be very glad to supply the hon. members with the figures.

Mr. JACOBY (Swan): The information asked for will be interesting to hon. members on both sides of the House. I hope, therefore, that the motion will be agreed to.

Mr. TAYLOR (Mt. Margaret): In view of the situation that has arisen I move—

That the debate be adjourned.

Motion passed; the debate adjourned.

RETURN—TAXATION, EASTERN GOLDFIELDS.

Mr. COLLIER (Boulder) moved:

That there be laid upon the Table a return showing:—1, The total amount of dividend tax collected last year. 2, The proportion paid by companies operating on the Eastern Goldfields. 3, The proportion of the revenue raised from the issue of licenses for the manufacture and sale of beer, wines, and spirituous liquors, collected on the Eastern Goldfields, or from persons or companies operating thereon. 4, The amount of income tax payable last financial year by persons living on the Eastern Goldfields.

The PREMIER (Sir Newton J. Moore): There would be no difficulty in supplying the information asked for in the first two paragraphs as it simply meant going through the returns of 30 or 40 companies; and as regarded the third paragraph, the information could be got from the Treasurer with regard to the licenses for the sale of beer, while

information in regard to the manufacture of beer could be obtained from the Commonwealth authorities; the hon. member, however, should allow the fourth paragraph to stand over unless he was very anxious to obtain the information. It would necessitate searching about 13,000 or 14,000 taxpayers' returns, and the employment of special assistance. At the same time the information, if secured, would be only approximate, because there were many people living on the coast who derived a considerable amount of their income from investments made on the goldfields. So the information if obtained would probably be of no great value to the hon. member, and would entail a considerable amount of expense. The other information would be obtained if the hon. member would consent to the omission of the fourth paragraph.

The motion was amended, on motion by Mr. Holman, by striking out Paragraph 4.

Motion as amended put and passed.

RETURN—RACECOURSE FATALITIES.

Mr. DAGLISH (Subiaco) moved: That there be laid upon the Table a returning showing—

1, *The number of jockeys who have been killed or have received fatal injuries upon racecourses in Western Australia during the year ending 31st July, 1910.*

2, *The racecourses upon which each such casualty has occurred.*

3, *The class of race in which the accident has happened, namely, either (a) flat race, (b) steeplechase, (c) hurdle race.*

4, *The cause of such accident, that is, whether it has been due to some special circumstance or to the inherent danger of that class of race.*

5, *The verdict of the inquest jury in each case.*

He said: On the ground that precedence in giving notice of a motion should be adhered to, it would have been more pleasing to him had the motion stood higher

on the Notice Paper. The object in moving for the return was so that the House and the country might ascertain the exact toll of human life that had to be paid for the jumping races that were carried on in the State, and so that, when the figures were available, the House might have the opportunity of deciding whether it would not be wise to prohibit such races in order to preserve the lives of the riders. There had been a larger number of fatalities in these races, and they were races which did not seem to in any way assist the horse breeder. It appeared to be somewhat of a reflection on the community that week after week lives were lost or gravely endangered in order to give a certain proportion of people the opportunity of witnessing what was, when no accident happened, a somewhat pleasing spectacle. It was suggested that the return might be made to cover a longer period. He had no objection to any amendment in that direction, his sole purpose being to get the information to ascertain whether jumping races carried on on our race-courses were so dangerous that they should be stopped.

The Premier: There was no objection to the motion.

Mr. Scaddan: It would be well if the motion covered a longer period, otherwise a wrong impression might be conveyed.

Mr. ANGWIN (East Fremantle): The motion should also be made to cover show grounds. He moved an amendment—

That the words "and agricultural showgrounds" be inserted after "race-courses."

Amendment passed.

Mr. SCADDAN (Ivanhoe) moved a further amendment—

That the word "year" be struck out and "five years" inserted in lieu.

Amendment passed.

Question as amended put and passed.

RETURN—REPURCHASED ESTATES.

On motion by Mr. Taylor, ordered: That there be laid upon the Table a return showing the names, number, and acreage of estates purchased by the Gov-

ernment since 1902 for land settlement purposes, with the price paid in each case, together with the names of the vendors.

PAPERS—SUPERANNUATION ALLOWANCE APPLICATION.

Mr. SWAN (North Perth) had given notice to move for papers relating to the application of W. P. Smith, formerly employed in the Government Printing Office, for an allowance under the provisions of the Superannuation Act. He said: Before dealing with the motion he was anxious to know whether the Premier, who had been asked whether this motion would be accepted as a formal one, intended to oppose it.

The PREMIER (Sir Newton J. Moore): The only objection was that at the present time the question was, to some extent, sub judice. The solicitor representing Mr. Curtis was in communication with the Crown Solicitor, and there was a possibility that the case might be brought before a court; therefore, it would be wise not to lay the papers on the Table at present. They were now with the Crown Solicitor, but there was no objection to the hon. member's seeing them.

On motion by Mr. Taylor, consideration of the motion was postponed for a week.

PAPERS—RAILWAYS ACTION, FAICHING V. COMMISSIONER.

Mr. GILL (Balkatta) moved—

That all files in connection with the case of Faiching v. Commissioner of Railways, that recently came before the Perth local court, be laid on the Table of the House.

If the Government did not intend to oppose the motion, he would move it formally.

The MINISTER FOR RAILWAYS (Hon. H. Gregory): It would be unwise at the present time to lay the papers on the Table, but he would be only too glad, if the hon. member called at his office, to place the file at his disposal. There were on the file certain confidential communications, and there was also contained in it papers relative to a discussion on the

question of pay to the workmen at the different shops. It would be inadvisable for the file to be made public.

Mr. Gill: The consideration of the motion might be postponed.

On motion by Mr. Scaddan, debate adjourned.

PAPERS—REPURCHASED ESTATE, AVONDALE.

On motion by Mr. Angwin, ordered: That all papers, including the report of the Land Purchase Board dealing with the purchase by the Government of the Avondale estate, situated in the Beverley district, from Messrs. Butcher Bros., be laid on the Table of the House.

PAPERS—SECONDARY SCHOOL, HEADMASTER.

Mr. DAGLISH (Subiaco) moved—

That all papers relating to the appointment of the headmaster of the secondary school be laid upon the Table of the House.

The production of the papers would enable us to judge whether any competent men in the department had applied for the position. The gentleman who had been appointed came from outside the State. He was comparatively young, comparatively inexperienced, and without any training whatever as to the position of headmaster or principal of an educational establishment. He was a very highly educated gentleman and well qualified from that point of view, but one whose capacity as an organizer of the new institution may be largely problematical.

Mr. Collier: Was he appointed by the Public Service Commissioner?

Mr. DAGLISH: That would be shown when the papers were laid on the Table. Personally he was not aware whether the department made the recommendation to Cabinet or whether it was done through the Public Service Commissioner. We had in the State very highly qualified gentlemen from an educational point of view, and gentlemen of proved capacity for organisation, who had done a lot of

preliminary work in connection with the primary school system of the State. It would have been wise to consider their qualifications. There was no word to be said against the gentleman appointed, and the only thing that might be against him was that he lacked that experience which a large number of our officers, who might have been applicants, undoubtedly possessed. The work of organising an institution like this undoubtedly required something more than scholastic knowledge and attainments, and the Government were somewhat injudicious in taking a leap in the dark when making this outside appointment. Evidently the new headmaster lacked experience, for in answer to a question put recently to the Minister the information was vouchsafed that the gentleman was a Rhodes scholar from South Australia. As those scholarships were established comparatively recently, that gentleman could not have long completed his education and could not be possessed of a long experience in a subordinate position even in the institutions on the staffs of which he had held appointments. Members would be able to judge from the papers whether it was necessary to go outside the State. All members must admit that prior consideration should if possible be given to officers who had done good work in the State, when vacancies of this kind arose.

The ATTORNEY GENERAL (Hon. J. L. Nanson): With regard to the points brought forward by the member for Subiaco, probably a more convenient time to discuss the subject, if such a discussion were desired, would be after the papers have been laid on the Table. He had no intention of opposing the motion. He might say, however, that in making the appointment regard was paid to the qualifications of officers already in the service. He was at one with the hon. member in the idea that other things being equal, a local officer should have been appointed, but unless there was a positive instruction to the department that in making a choice they must not go outside the State, their endeavour was, and should be, to obtain the gentleman who seemed in every way most suited to

the appointment, a gentleman of the highest qualifications and who gave the greatest promise of filling the position successfully. Members must bear in mind that, in making an appointment of this nature, the primary consideration was the advantage of the school for which the appointment was to be made. In the interests of the school we should have the best headmaster possible. That consideration was the most important and much more essential than the one as to whether we shall do something to assist officers already in the service. The gentleman who had been appointed had obtained exceedingly high degrees at the Universities of Adelaide and Oxford, particularly in science and modern languages. If, after the papers had been tabled, members thought there was ground for criticism of the appointment, he would be perfectly prepared to defend the action of the department in recommending the appointment and of the Government in adopting that recommendation.

Mr. MURPHY (Fremantle): The motion raised a question affecting a grievance the public servants of the State were suffering from, not only in the Education Department, but in other departments as well. It was only human that civil servants who had spent years in the department, and had worked well, should expect that when an opportunity arose for promotion it should be afforded to an officer of the department, and the position should not be filled from outside. The Attorney General had said that preference should be given to the civil servant if all other things were equal; but, even if all other things were not quite equal, preference should be given to the man in the service, for by so doing an incentive was provided to the officers. In several instances promotion rightly due to officers of the public service had not been extended to them. A gentleman whom all knew and respected had been recently appointed superintendent of the Old Men's Home, Claremont. There were many civil servants who were just

as well qualified to fill that position as the one who obtained it and who was taken from outside. Appointments of that character were not apt to create a feeling of loyalty among the civil servants. What he was particularly concerned in just now, however, was with regard to a semi-Government department in connection with which the Government had surrendered some of their authority. He referred to certain peculiar transactions that had taken place in connection with the Fremantle Harbour Trust.

Mr. Scaddan: That was foreign to the motion.

Mr. MURPHY: It was in keeping with the contention of the mover. All he would do would be to provide an example to show that the hon. member's contention was correct. His object was to give an illustration to show the necessity for such appointments being made from within the service. The harbour-master at Albany, Captain Winzar, was due for long service leave; this was granted, and in the meantime Pilot Heaney was sent to Albany to relieve him. In consequence another pilot was required at Fremantle, but what did the Harbour Trust do? Instead of appointing one of the officers already in the service they chose a Mr. Clark, the chief mate of the *Koombana*. The whole of that officer's experience for the work was that he had been chief officer of the vessel for a short time, had come out from England with the vessel and had been in and out of Fremantle once or twice.

Mr. Scaddan: Call for the papers in that case also.

Mr. MURPHY: Yes; he had determined to move an amendment to include the papers regarding this case. Owing to the fact that Pilot Cleary, of Fremantle, had been taken from the permanent staff and put on the wharf, this new temporary pilot had been appointed a permanent pilot over the heads of many men who had given good service to the State for the last 20 or 30 years.

Mr. Johnson: On a point of order, was the matter under discussion relative to the motion?

Mr. SPEAKER: The member apparently was simply drawing a parallel case to the one referred to in the motion.

Mr. MURPHY: It was only a parallel case, but it served the point it was desired to illustrate. Having done that, the parallel was finished. It was his desire to state that it was unfair on general grounds that our officers in this State should be overlooked if they were in any way fitted for the position which for the time being was vacant. There was no man in the Government service in the State, indeed he would go so far as to say that there was no man in the House, or even a member of the Government, who could not be replaced if the position he occupied became vacant. At the same time it was unfair to go to South Australia to fill a position like the one under review. He hoped all papers would be laid on the Table, and that civil servants would be given to understand that if a vacancy occurred they would get as good a deal as people outside the State.

Mr. BATH (Brown Hill): In making an appointment in connection with the secondary schools, he agreed with the Attorney General, who was also Minister for Education, that it was necessary to take into consideration primarily the interests of those who were to be instructed in that school. If it were true that there were not in Western Australia those who were competent to fill that position, the fact of them having been in the service of Western Australia was not a matter that should be taken into consideration. It was a remarkable admission to hear from the Attorney General that in the Education Department in this State there were not those who were competent to fill this position.

The Attorney General: I never made that admission. I said we appointed, in my opinion, the most competent.

Mr. BATH: That seemed to be characteristic of what was unfortunately too common throughout Australia, and that was the depreciation of Australians.

The Attorney General: But this man is an Australian.

Mr. BATH: In the present instance there was a depreciation of the officers

of our own department. The question of degrees acquired, either at the Adelaide University, or even at the University of Oxford, was not the only consideration with regard to making the appointment. We had in Western Australia among the officers of the Education Department many who had also secured degrees, but it appeared that there was even greater consideration, or that there was another matter of even greater importance which should have been taken into consideration in the making of this appointment, and that was that the establishment of this secondary or modern school was to constitute that link in the educational system, and the man who would be best fitted to fulfil the office of headmaster would be the man who had had experience of educational work in Western Australia. The Attorney General had not been convincing in his arguments that the fact that having secured a degree at Oxford was an evidence of the qualification of the gentleman appointed to carry on the educational work as we knew it in Western Australia. We were in advance in some respects in our primary educational system of the old country and other parts of Australia. There were gentlemen in the Education Department whose qualifications, so far as their training was concerned, who were peculiarly fitted to be teachers, and more important still whose experience in Western Australia with West Australian children, and under local circumstances, rendered them superior for this special appointment to applicants from outside. That being so, in his opinion, the best selection had not been made. It was from general knowledge that he made that assertion. There was no desire to disparage in any way the qualification of the gentleman who had been appointed, and he did not want to give colour to or justification for the statement that he was unfitted, but the fact remained that there were many in the West Australian Education Department who were peculiarly fitted for the position. That being so, the fact of their training and experience, added to the fact that they were officers of long service in the State, should have been

taken into consideration. A perusal of the papers when laid on the Table would be awaited with interest.

The MINISTER FOR WORKS (Hon. F. Wilson): It would be much better to wait until the papers were laid on the table before discussing the merits of the appointment in question. The Minister for Education had accepted the motion, and it seemed to be hardly fair to the department and its responsible officers if we were to arrive at the conclusion that wrong had been done before even the papers had been seen. The appointment had been very carefully considered by the Inspector General and the Public Service Commissioner, and, in addition, the papers were carefully scrutinised by the Minister himself. The Minister for Education drew his (the Minister for Works) attention specially to the appointment at the time, and when members saw the papers, and found that care had been exercised in making the appointment, they would come to the conclusion—notwithstanding that we were all desirous that our own people should have preference, all things being equal—that in this instance a wise decision was arrived at. It was agreed that a university degree was not the only desideratum in connection with an appointment of this sort. Many more qualifications were required for a successful headmaster of a secondary school, and we could not afford to make any mistakes in extending our system of education by showing sentimental consideration for anyone. The first and only consideration was the well-being of the children who were going to be under the control of the master, and the next was the educational system of the State. Members should defer judgment until they saw the papers and found the reason which actuated the responsible officers in advising the Minister and the Government to make this appointment.

Mr. JACOB (Swan): It was impossible for an hon. member to express an opinion regarding the choice made by the department, but, in the matter of appointments from outside the State, there was always a great risk to be incurred. It was always the safest plan to, if possible, accept people of whom one had a

personal knowledge, because a great many disappointments had occurred in this State and in other parts of Australia by trusting entirely to written credentials and recommendations. Taking these things into consideration, it would probably be found when the papers were scrutinised that the risk taken in the case in question had been a wise one. We should put on one side all feelings of friendship for officers of the department, and look at the question only from the point of view of the children to be instructed. Thousands of children would pass through this secondary school, and, if the new headmaster remained there for any length of time, thousands of children would pass through his hands. It was of the utmost importance, therefore, that we should have the most qualified man it was possible to obtain. Under the circumstances we should recognise that the Public Service Commissioner, the Inspector General of Schools, and the Minister for Education constituted a board for the selection of the headmaster of this school, and it would be impossible to improve upon that selection, and unless we had good evidence to the contrary we should have every confidence in the choice which had been made. Apart from that he hoped members would never support the appointment of people to responsible positions merely because they had for some time occupied other positions in the State. Most of the failures which had occurred in the administration of public affairs in Australia had arisen through that very system of appointing people who had been a certain time in positions irrespective of their particular merits.

Mr. Murphy: Name some.

Mr. JACOB: It was common enough. Disappointed applicants were always the people to cry out and make a fuss. The motion would receive his support.

Mr. DAGLISH (in reply): It was not his intention to discuss the merits of the appointment, but, what he complained of was, that the Minister for Education and the Minister for Works had not replied to what he had previously stated, namely that the gentleman appointed had not had that practical experience in control and organisation which was necessary in

order that his fitness might be proved. Connected with the work of organisation of the primary schools, and the building up of the Education Department itself, there were a large number of officers, and it was presumed that some of them were applicants for the position who had demonstrated their fitness and capacity for it. There were admittedly a large number of officers in the Education Department whose scholastic qualifications were beyond all dispute, and it was to be presumed that several of these gentlemen were applicants. Seeing, therefore, that our applicants had possessed both experience and scholastic attainments, it was difficult to understand how the decision had been arrived at that a gentleman possessing only one of these qualifications was superior to all other applicants. It seemed that the tendency still was to see greater merit, the greater the distance from which it was contemplated. Very frequently when vacancies in this State were advertised both locally and abroad it was found that the applicant selected was one from outside the State. The member for Swan had said that frequently failure followed upon the appointment of officers whose chief qualification was that they were already in the service. But no one had advocated the giving of this position to any man merely because he happened to be a local man. His (Mr. Daglish's) contention was rather that no officer should have been refused this promotion merely because it was his misfortune to serve in Western Australia.

The Attorney General: All the gentlemen you refer to were imported men in the first place.

Mr. DAGLISH: Originally they had been imported because in the days when population was flowing rapidly into Western Australia it was found impossible to provide sufficient local men and women competent, and at the same time willing to teach. Surely the Minister would not suggest that because we were all imported in the first place, we should never admit when we had brought local candidates to a high degree of efficiency that those candidates had a claim upon important vacancies.

The Attorney General: When you came over the same argument could have been used against importation.

Mr. DAGLISH: No doubt arguments of all sorts had been raised against importation, against appointments from outside the State; but such arguments were worth nothing unless it were possible to make a satisfactory appointment from within the Western Australian service. The making of such appointment in this instance had been easily possible—and he said this as one with some degree of knowledge of the attainments of the officers of the Education Department; knowledge of their fitness as teachers and of the services they had rendered in the work of primary education. He had been, at all events for a little time, the head of the Education Department, and it was significant that the member for Brown Hill also, who had spoken so strongly on the same side, had had experience in the Education Department and possessed some knowledge of the capacity of the staff at present in Western Australia.

The Minister for Works: He hardly had time to acquire a knowledge of the names of the staff.

Mr. DAGLISH: The member for Brown Hill had had longer time to acquire a knowledge of the staff than had the Minister for Education to get a knowledge of this new appointee. It was understood that the appointee had been brought over for personal inspection, and that the Minister had made a physiological assay of the applicant before undertaking to give him the appointment. Seemingly the testimonials of the appointee had not been considered in themselves sufficient to secure the appointment, for it was not until he submitted to a rigid personal inspection that the appointment was made. He (Mr. Daglish) sometimes wondered that it was not proposed to appoint Ministers and members of Parliament from outside the State. Because, surely, if we had not men of sufficient capacity to do the work of administration in the different departments we might well distrust the capacity of our citizens to hold the highest offices of administration, and discharge the important duties of legislators. He intended

to refer to the subject again at a later stage in the session.

Question put and passed.

RETURN—LICENSED HOUSES, STATISTICS.

Mr. MURPHY (Fremantle) moved—

That a return be laid upon the Table of the House showing—1, The capital value (approximate) of the premises used in the manufacture or sale of beer, wines, and spirituous liquors in the State. 2, The number of employees engaged in the liquor trade in the State.

The motion, he thought, could very well be permitted to pass as merely formal. He was asking for the information in order that it might serve as a guide to hon. members in a certain important discussion to come on later in the session. It had been pointed out to him that it would not be possible to obtain an accurate estimate of the number of employees engaged in the liquor trade, but he thought that such a return as would be furnished would be sufficiently accurate for his purpose. The estimate of capital value could be secured by communication with the various municipal authorities in the State, who could give the capital value of all the licensed premises in the respective municipalities, leaving out the roadside inns. The return, he thought, would surprise some hon. members in respect to the amount of capital invested in the trade in Western Australia. A good deal had been heard of the desire of hon. members to find employment for our people. He thought that hon. members, when they came to learn the number of people employed in the liquor trade, would be reluctant to do anything calculated to swell the ranks of the unemployed. The difficulty in obtaining this information would be very slight, and would be entirely outweighed by the value of such information when the Licensing Bill was before the House.

Mr. Bath: The information will be very unfortunate for you.

Mr. DAGLISH (Subiaco) moved an amendment—

That the words "and rental value" be inserted after "approximate."

By the term "rental value" he meant that the return should include the amount paid for rent under the various leasing agreements. We should know not only the value expended on these various premises but also what that capital value brought in in the shape of annual rental.

Mr. FOULKES (Claremont): Perhaps the member for Subiaco would agree to his amendment being altered to include the amounts paid for annual licenses, and ingoing.

The Minister for Works: How are you going to arrive at the ingoing?

Mr. FOULKES: Only last year information had been obtained by the Crown Law Department showing the amounts paid as rent and ingoing in respect to many licensed houses in the State. This return had comprised at least one or two licensed houses in every municipality in the State, excepting the North-Western districts. It had been compiled as the result of a searching of the records in the Lands and Titles office, and there would be very little trouble entailed in again compiling it and bringing it up to date. With such information to hand hon. members would realise the enormous value that was handed over by the State to certain individuals entrusted with the monopoly of selling liquor in the State.

Mr. Daglish: I withdraw my amendment.

Amendment, by leave, withdrawn.

Mr. FOULKES moved an amendment—

That the following paragraph be added to the motion to stand as paragraph 3:—The amounts paid as annual rent and ingoing in respect to houses licensed for the sale of liquor, and the amount paid to the State annually for such licenses by the various licensees.

Mr. ANGWIN (East Fremantle): It was to be hoped carrying this motion would not mean delaying the Licensing Bill.

The Attorney General: I am afraid it will.

Mr. ANGWIN: If the motion was moved for the purpose of getting information to enable hon. members to deal with the Licensing Bill this session

it would be impossible to get the information in time. The mover of the motion claimed that the information as to the capital value could be easily obtained from the municipal authorities ; but outside Perth there were no municipal officers qualified to say what were the capital values of the hotels in their districts. Few municipalities employed building surveyors able to give such an estimate ; and so it would be necessary for the department to send out a proper valuer to get the information. If the information were obtained it would, no doubt, be valuable to every hon. member, but if the motion meant that the information was to be obtained before members dealt with the Licensing Bill it would be advisable not to have the motion agreed to.

The MINISTER FOR WORKS (Hon. F. Wilson): The hon. member who moved the motion would realise the Government had no wish to keep back any information, and that they would be only too happy to supply it as fully as they possible could ; but some of the information it would take a long time, and would cost a considerable amount of money to obtain. Of course there would be a difficulty in getting an accurate statement, but one could readily estimate the value the information would be during the discussion of the Licensing Bill. There was already some information in the possession of the department in the direction asked, but it was nothing like as complete a return as the motion, if carried, would necessitate being prepared. To get detailed information concerning about 1,200 licences throughout the State would take a very long time and cause considerable expenditure. No doubt an effort would have to be made to get information from the municipalities and roads boards. It should be made clear whether members desired that the information was merely to be what the department could supply, or information that could be obtained through departmental sources without a staff having to be put on to make a census of the different licensed houses. If that was the understanding the motion might be passed, and the Govern-

ment would do their best to supply as much information as possible.

Mr. Foulkes : I shall be glad to get the information already in the Crown Law Department.

The MINISTER FOR WORKS : The Government would be willing to give that information at any time. If it was understood that a special man was not to be put on to make a census, and if only the information available in the Statistical Department, supplemented possibly by information that might be obtained by departmental officers need be given, the Government would be glad to supply it ; otherwise, if the House considered the fullest information was necessary, and that it was worth going to the expense to get it, the information would not be available in time for any measure that might be introduced during the session.

Mr. BATH (Brown Hill) : As the Minister said, this was not a matter in which the department should be asked to involve itself in a great amount of expense to acquire the information desired by the member for Fremantle. There was no objection if, as the Minister said, information could be got from departmental sources and from inquiries not involving expense ; but the member for Fremantle should possess his soul in patience until next year, when the census would be taken, and then he would find all the information he required accurately compiled and obtained by the Federal officers. But the information would be of no use in passing a Bill by which it was desired to give the people the opportunity of expressing an opinion on licensing matters by a referendum, and in the circumstances it would be absurd to ask members to delay discussing the Licensing Bill until the member for Fremantle secured his information. If the information could be got cheaply the hon. member could be supplied with it, but if it would involve expense to get it the hon. member's own sense of economy should induce him to wait until the census returns were available.

Mr. MURPHY (in reply) : If supplying the information in as complete a form

as possible would in any way delay the introduction of the Licensing Bill the motion might as well be defeated. He was just as anxious as any member that the question of local option should come before the House and be fought out and, if carried, submitted to the people ; but before being called upon to give an opinion upon that question he wished to be furnished with as much information as he could possibly get. As for the *Year Book* that might be issued after the census next year, experience showed that in many instances the Commonwealth *Year Book* was a most unreliable document to possess so far as statistics were concerned, while what information it would give would be too late. He readily agreed to any amendment asking for information that could be easily supplied, any amendment that would not tend to produce evidence for one particular side of the question, but would shed light upon the various matters of ingoing, rent, and such like. The matter upon which we would be asked to give a decision during the session was of sufficient importance for one to ask that first of all the fullest information should be supplied to members. If members were to be guided by some, like the member for Brown Hill, there would be only one spectacle to look through, the spectacle of temperance bias. All possible information should be before the House before members dealt with the Licensing Bill, but if the Government could not give the complete information desired he (Mr. Murphy) had no desire to carry any responsibility in regard to delaying the Bill. Let the Bill be introduced to-morrow if the Government so desired, and he would have to put up with no information, or with what little the Government could supply from that already in their possession.

Mr. FOULKES : As the Crown law authorities had the information he desired, would the Attorney General lay it on the Table to-morrow ? Last session he had approached the Crown Law Department to obtain certain information with regard to the amounts paid for rent and ingoing in licensed houses

in certain parts of the State, in the city, in various municipalities, and in agricultural districts, and in the various mining towns. He had not asked to be supplied with the amounts for all the licensed houses in the State, because it would be an enormous amount of work. However, the information obtained at that time would be of great assistance to members in discussing the Licensing Bill.

Mr. MURPHY : The Government should not entertain this request ; the motion was his motion and not the motion of the member for Claremont, as no mean course should be adopted in supplying merely the information the member for Claremont wanted.

The ATTORNEY GENERAL : A portion of the information asked for by the member for Claremont was available, and could be laid on the Table to-morrow or on Tuesday.

Amendment passed.

Question as amended put and passed.

MOTION—TUBERCULOSIS, PROPOSED CONFERENCE.

Mr. HEITMANN (Cue) : moved—

That in the opinion of this House the Government should communicate with the Federal Prime Minister requesting him to convene a conference of State medical officers for the purpose of devising systematic and uniform methods for combating tuberculosis.

He said : It had been my intention to ask for a postponement of this motion owing to the fact that certain information I have written for has not yet arrived, also that I have left certain information at home ; but I will continue with the motion as I am afraid that otherwise there would be a possibility of its receiving the fate which many other motions have met with—crowded out of the Notice Paper and forgotten. There is no necessity for me to apologise to members for introducing this motion, which has for its object the making of a request to the Federal Prime Minister to take certain action so that we may possibly deal effectively with the question of tuberculosis. All will admit that this

question is of the utmost importance to people in all parts of the world. In almost every civilised country steps are now being taken to deal with it, and very many of the Federated States of America have combined to fight it. In introducing this motion, I would like to refer to the large number of deaths which occur annually in Australia from tuberculosis, and point out that any motion or action which has for its object the ultimate eradication of this or any other infectious disease is worthy of full consideration. In Australia in 1908, not by any means an exceptional year, 3,966 people died from tuberculosis in its various forms. Members must admit that this is an extraordinarily large loss from one complaint, particularly in Australia where the conditions of living are supposed to lend themselves to the good health of the people. It might be asked why similar action should not be taken with regard to other diseases, and I notice on looking through the causes of death, of which there are no fewer than 35 set out in the *Commonwealth Year Book*, that in close proximity to tuberculosis, which heads the list, other diseases are mentioned. I take this action with regard to tuberculosis, however, because all the highest authorities agree that it is a disease that can be cured and which ultimately can be eradicated from a country. From an economic, or what may be termed a business, standpoint the death of 3,966 people from the disease is a very large loss. The Government Actuary, when giving evidence before the Immigration Commission some years ago, estimated that the value to the State of the lives of persons between the ages of twenty and fifty was something like £309 per head. Now, many of those 3,966 people who died of tuberculosis were between those ages and on the basis of the figures I have presented it will be seen how great is the loss to the community of Australia. Basing my opinion upon other authorities I believe the estimate of £309 made by our officer is too low. In America a life between the ages of twenty and fifty is valued at from 6,000 to 10,000 dollars. We are in

need of population; we are anxious from a business standpoint that more people should come here, and it can readily be understood how serious is the position when we are losing so many people by this disease. Then, looking at the question from the sentimental and humane standpoint, all who have gone into the subject must recognise that the existence of the disease to such an extent must entail a vast amount of suffering upon those who are attacked by it. I am introducing this motion in the hope that a conference of State medical officers, or of experts appointed by the various Governments, will be held in order to try and arrive at a good system of dealing with the whole question of tuberculosis with the object in view of ultimately stamping out the disease. I am pleased to do this, because throughout Australia at the present time the attention which the question deserves is not being paid to it. I do not desire to try and belittle the efforts of our Health Department, but the question of finance plays too important a part in it here. I believe the officers of this country are doing the best with the means at their disposal, but as one who has taken an interest in the question, it appears to me that they are only touching on the outside fringe. From what I can read in the report of the Health Department, and from what I know of the work done in various parts of the country, I realise that while the department are prepared to give advice and issue pamphlets as to the proper hygienic methods of living, still they are not doing sufficient. It is all very well to give advice in an off-handed way and to send out circulars to the various health bodies, but we have first to teach the people, by legislative enactment if necessary, the seriousness of the position, and if we do this we may then be able to teach them how to avoid the trouble and so ultimately eradicate the disease. Dr. Hope, the Principal Medical Officer, points out very clearly in his report that a large number of the cases that have occurred here could have been cured had they been dealt with in their early stages; he also points out how

difficult it is to get at these cases in their early stages. It appears to me that the department have been too content to deal with the question by issuing pamphlets and information, and have not taken sufficient care to obtain early reports of the existence of the disease. The system of notification is anything but effective. Whenever a case is reported either by the sufferer or his relatives or friends, admission is in nearly every case granted to the sanatorium at Coolgardie. We only have about 70 cases in the sanatorium now, and there are deaths there almost every week. There must therefore be a vast number of cases in various parts of the State which have never been notified by the medical men or by the relatives of the patients. Dr. Hope says that even the medical men themselves often fail to give due recognition to the importance of notifying the cases that come under their observation. How necessary this notification is will be realised when it is known that, if cases are taken in time, 95 per cent. can in a few months be cured. If we could take in their early stages all the cases that occur in Western Australia, and place the patients under treatment, in a few months we would turn them out from the sanatorium, not only cured men, but also travelling educationalists on the question. The greatest trouble is to combat the great ignorance of the people as to the cause of the disease and the best way of dealing with it. I am asking that the Federal Government should take action in this matter because I think, that after the quarantine laws have been taken over by them, they will also probably deal with this question of infectious diseases. I believe it would be possible that under a Federal system, and the adoption of a uniform method of dealing with the trouble in Australia, within a few years we would not only improve the condition immensely, but the authorities would know where practically every case of lung trouble existed. Many cases have been brought to my notice where the greatest ignorance has been displayed both in the methods of remedying the

evil and of preventing the spread of the disease.

(Sitting suspended from 6.15 to 7.30 p.m.)

Resolved, that motions be continued.

Mr. HEITMANN: I was referring to the ignorance displayed by the general public on the question of infectious diseases. I did so that it might easily be seen by hon. members how futile is the effort of the Health Department of the State, how effete the arrangement which depends so much upon the people themselves doing certain things. I would like to point to what is being done by the State at the present time to educate the people in the matter. In the first place the treatment of cases—and, after all, infectious diseases, at all events tuberculosis, can be treated most effectively by the people themselves, of course, with a little education; and I want to show what is being done by the Department to educate them. It was pointed out in the report of the chief of the Health Department, that they fail to get even the medical fraternity to recognise the seriousness of the disease; inasmuch as though we have in certain Acts upon the statute-book provision that every case of tuberculosis should be reported by the medical men, we find that during last year only 104 cases were so reported out of a total number of 204. I would ask how is it possible at the present time to expect so much assistance from the general public, when we cannot get that assistance from the medical men who are acquainted with the disease and the serious consequences attaching to it? In his report touching the question of how we are going to deal with the matter, Dr. Hope says—

To medical men, who are the first line of defence, and local health authorities, this request for help is made. I must say it is apparent to any observant member of the community that the medical world is not doing all it should in the matter of prevention of various diseases; and after consideration I am forced to classify the medical fraternity. On the one hand we have men who seem to have gone into the medical profession

with the object of doing some good to mankind, with the object of studying, as far as they can, this science; at the same time, of course, recognising that they are going to make a living out of it. These men are most useful servants of the people, men who are always ready to give information to the public, information making for the prevention, instead of the cure of diseases. On the other hand we have medical men who, it appears to me, have gone into the profession simply because they happened to be born of wealthy parents, and, as usual with such parents, it was desired that the boy should go into a profession. We have men in the medical profession in this country, I am sorry to say, who have no consideration for the people themselves, or the general health of the public; men who have taken up this profession simply for the means of keeping up a certain social status which it obtains for them, and at the same time using it as a means for making a good living. It is unfortunate this is the position. I always consider that in those branches of science which come in such close contact with the health of the people we should only have men who are absolutely in love with their professions. I am quoting these things to show that, at all events in Western Australia, up to the present we have not had effective methods of dealing with infectious diseases. As a matter of fact, in going through the country I am forced to recognise that, while we have comparatively few cases notified, there are hundreds of cases that have not been notified, which one comes across every day in their various stages. It stands to reason if the medical profession fail to notify the Health Department, there are many cases of sufferers in the country who have not even gone to the medical profession, who have not even recognised the seriousness of their condition; and I want to make it possible under a system which I have in view, and which I believe will undoubtedly come about, that the State health authorities will be able to locate every case of tuberculosis in any part of the country. I want to see that every case shall be recorded in its early stages. I want to see

it that in industries injurious to the lungs medical inspection of the employees shall take place. In fact, I want to see a system in the whole of Australia where we shall have absolute control of every case of tuberculosis on this side of Australia or on the other side. Only yesterday morning I received a telegram from one of the Eastern States telling me that an old employee of the Fingal mine had died in Victoria. Now, only a couple of years ago he was a strong and healthy man. I know he was in a very bad state when he left here for Victoria. His case was unknown to the health authorities and he possibly spread disease in every direction. If we had had for the Commonwealth a uniform system of dealing with these various infectious diseases, particularly tuberculosis, on leaving this State the health authorities in every part of Australia, wherever that man was going, would have been notified, and they would have assisted him with whatever preventive steps were necessary in order that he might not be a danger to the rest of the community. It is only one case of many. Another reason why we should have uniform laws in Australia is for the governing of the importation of stock. It is well known that tuberculosis is to a great extent contracted through stock, and it is well known that not only tuberculosis but other diseases have been introduced into this State by stock. So we must always have uniform laws dealing with the importation of stock in the various States, which I do not think is the case at present. One State may now, for the time being, refuse to accept a certificate on stock from another State; but we find that where they cannot get into Western Australia, perhaps they get into Queensland or South Australia. Now, that should not be. I think if we are going to effectively deal with infectious diseases we must have laws right throughout Australia dealing in the various States with the same methods. As I stated in my opening remarks, I introduced the motion so that it might be possible for members to discuss it, and for the Government to get information, if necessary, from their medical officers upon it. I think it is essential that some-

thing should be done in this direction. In other parts of the world, particularly in America, there are wholesale crusades being made against this infectious disease, and I want to see it here. It is altogether too many deaths, 3,896, for Australia to stand in one year. We want to save these lives, we want to keep them for Australia. We also want to make it so that it will be unnecessary for these unfortunate sufferers to suffer to the extent they have to at the present time. I do not wish to cast any reflection, at this period at all events, upon the work carried on by the various State medical departments—I recognise that in many of the States they have done well; and, as I have said already, with the means at their disposal they are also doing well in Western Australia—but at the same time they are only touching on the outside fringe of the question; and while we have different systems in each State we shall never be able to deal effectively with the trouble. There may be stringent laws in one State dealing with the isolation of patients, and in other States they may be quite lax; in one State there may be strict laws of inspection by medical men and others of all cases, in other States laws may be either non-existent or laxly administered. It is impossible to deal effectively with this trouble with the conditions that I have outlined. I want to see things uniform throughout Australia. I feel positive great work can be done in this direction just as it is done in Germany and other parts of the world. Just what they are doing we can do in Australia. It is impossible for this condition to continue in Australia; at all events it is wrong for it to continue; and I certainly hope my motion will commend itself to the Government. It is a commonsense motion, and one that, in my opinion, it does not require professional knowledge to go into. I think it is recognised that there are many things upon which we require uniform laws. In my opinion this is one of the most important of all. I sincerely hope the Government will favourably consider the motion and, as soon as possible, allow the conference to take place, and I feel sure good results will follow.

On motion by the Minister for Works debate adjourned.

PRIVILEGE—SUMMONSES SERVED ON MEMBERS.

Mr. SCADDAN (Ivanhoe): Before other business is proceeded with, on a matter of privilege, I desire to obtain some information with regard to the decision arrived at by this House last night in connection with a certain action taken by the police in serving summonses on members within the precincts of the House. The Standing Orders Committee were by resolution last night appointed to deal with the matter, and what I want to know is whether they have yet met, and if so what decision has been arrived at. This is a matter of some urgency because the members on whom the summonses were served are called upon to appear at the police court to-morrow morning, and what we want to know before they appear is whether those summonses were in order.

Mr. SPEAKER: I do not know whether the Premier can give any information to the House. I had arranged for a meeting of the Standing Orders Committee to take place to-morrow afternoon.

Mr. Walker: The cases will be over then.

Mr. SPEAKER: We could meet earlier. If desired we could meet to-morrow morning, or we could even hold a meeting after the adjournment of the House to-night.

Mr. Troy: Why did not the Government instruct the Solicitor General to present the summonses in a proper manner?

The Premier: The hon member knows well that I never gave any instructions at all.

Mr. Troy: The Government did.

The Premier: The Government did not.

Mr. Troy: They gave instructions to prosecute.

The Premier: I give that an emphatic denial.

Mr. Troy: But I know you did.

The Premier: I insist, Mr. Speaker, on a withdrawal of that statement.

Mr. SPEAKER: The hon. member must accept the Premier's denial, and he must withdraw.

The Premier: I knew absolutely nothing about it.

Mr. SPEAKER: The hon. member must accept that explanation.

Mr. Troy: I am asked to accept the Premier's statement that the Government did not issue instructions to prosecute. I only want to say that I have it on the best authority that the Government did do so, and what is more I am going to ask later on why dozens of others whose names were taken, and many of them friends of the Government, were not prosecuted.

Mr. SPEAKER: The hon. member must accept the Premier's statement and withdraw.

The Premier: If I gave instructions to prosecute, I would not be afraid to say so. I knew absolutely nothing at all about the matter until I asked the Commissioner of Police whether there was anything in the statement made, and he said instructions had been given to issue summonses against two members of Parliament.

Mr. SCADDAN: There is no need for warmth in connection with the matter. The member for Mount Magnet did not accuse the Premier of having issued instructions; he said the Government had done so.

The Premier: The members of the Government are not the authorities.

Mr. Walker: What about the Attorney General?

The Premier: The Attorney General knew nothing at all about it at mid-day yesterday.

Mr. SPEAKER: The hon. member must be respectful to the House, and withdraw.

Mr. Hudson: Will the Premier positively declare that the Attorney General knew nothing at all about it?

Mr. Troy: The Premier cannot answer for the Attorney General.

Mr. SPEAKER: The hon. member must withdraw the accusation he made

that the Premier had said something which was false.

Mr. Troy: Whom did I charge?

The Premier: You made a statement which flatly contradicted what I said.

Mr. SPEAKER: The hon. member must be respectful to the House. He made a charge which was contradicted by the Premier, and in accordance with Standing Orders he must accept the explanation given.

Mr. Troy: In accordance with the Standing Orders, I shall withdraw, but I intend later on to call for the papers which will set forth clearly the true position of affairs. I withdraw the remarks that I made use of.

Mr. Walker: Here is the Attorney General now.

Mr. Troy: Why was not Bob Holmes summoned; he stood at the corner of Hay and Barrack-streets and defied the police?

Mr. SCADDAN: All this has nothing to do with the point I raised. As I stated previously, two members of this Assembly are called upon to appear at the police court to-morrow, and the Standing Orders Committee should have been ready before this with a report to present to the House in order that those members should know how they are to act. As members of the community having been summoned to appear at the police court, they must in obedience to the summons appear, but my point is that the Standing Orders Committee have not complied with the decision of the House of last evening.

The Attorney General: Do you suggest that it is a breach of privilege to summon a member of Parliament?

Mr. Scaddan: We are not discussing that at all.

The Attorney General: I have only just come in.

Mr. SCADDAN: I am speaking on the question of the resolution carried last evening which instructed the Standing Orders Committee to inquire as to whether there had been a breach of privilege. If these hon. members appear before the police court to-morrow without the Standing Orders Committee hav-

ing taken some action, our case is gone. We want a decision from the Standing Orders Committee before the House adjourns to-night.

The Attorney General: The summonses were served outside the House.

Mr. SCADDAN: If the Attorney General knows the position, what was the object of the Government last night in passing the matter on to the Standing Orders Committee? The Premier stated definitely that he was not in a position to say what action should be taken, and the House asked the Standing Orders Committee to do something, and it would appear that they have not done anything. If there is anything to be done, it requires to be done at once, because the case will be called on to-morrow and the members will have to appear.

Mr. Osborn: Why should they not appear?

Mr. SCADDAN: I will ask the hon. member not to interject in that strain.

Mr. Osborn: I mean, why should they not appear if they have been served with summonses?

Mr. SCADDAN: Because it is possible there has been a breach of the privileges of this House.

The Attorney General: It might ye: be a breach of privilege, but the summonses would be good.

Mr. SCADDAN: That might be so. I want to be definitely assured that it is so. Last evening the Attorney General could not give any information.

The Attorney General: I could.

Mr. SCADDAN: Then why did not the Attorney General do so.

Mr. SPEAKER: I would remind hon. members that there is nothing before the House.

Mr. HUDSON: The hon. member has brought up the matter of privilege, and as a member of the Standing Orders Committee I ask to be allowed to make an explanation.

Mr. SPEAKER: The hon. member may make an explanation.

Mr. HUDSON: My explanation is that we are not dealing with the question whether or not these members are going to answer their summonses. The two

members in question are going to answer the summonses, and answer the complaint made against them as citizens, and any suggestion by the member for Roebourne that they are going to hide themselves behind the privileges of the House is one that could only emanate from a brain such as his.

Mr. Osborn: I ask the hon. member to address me in respectful language, and I claim that he should withdraw that disrespectful remark.

Mr. SPEAKER: Any offensive remark must be withdrawn.

Mr. HUDSON: If the hon. member for Roebourne considers that the remark was offensive, and if he recognises that his brain is superior to any other in the House, I shall withdraw the remark. On the question of the meeting of the Standing Orders Committee, I say as a member of that committee that I expected to be called upon by the chairman of the committee, or by the secretary, but no notice has been given me, although I have been available all day to attend to the matter. I think it is due to the House that I, as a member of the committee, should explain that the absence of a notification of a meeting is the excuse for not taking any action. Perhaps the chairman will tell us why the committee were not given notice.

Mr. DAGLISH: May I with the indulgence of the House say a word or two on this matter. I think there is no great difficulty, certainly no insurmountable difficulty presented at the present time. The simple course of procedure is that instructions should be issued that the officers apply for an adjournment of the case. I do not think it is possible, and the leader of the Opposition will agree with me, that it is quite impossible for the Standing Orders Committee to hold a meeting while the House is sitting. I am satisfied that every member of that committee, I myself at all events, is determined to protect the privileges of Parliament to the fullest extent, and if a simple instruction is issued to the police I do not see that there will be any difficulty at all. I have no doubt that the Standing Orders Committee will have a

report available by Tuesday next; but I would point out that it would be necessary to hear one or two statements before the committee can have a knowledge of the actual facts. It would have been impossible, even had there been a meeting to-day, to present a report this evening. I would suggest that the course I have put forward would perhaps meet the wishes of the leader of the Opposition, and at the same time those of the House and the Government.

Mr. TROY: May I have the same privilege as has been given to other members? Let me at once remove any misunderstanding which may exist in hon. members' minds that I and the other member on this side of the House who are being prosecuted, desire to shelter ourselves behind the privileges of the House. I would have the utmost contempt for myself if I desired to shelter myself behind what might be called the sanctity of these walls and evade the responsibilities attaching to citizenship. As far as I am personally concerned, whatever I did I do not see any reason to be sorry for; rather do I say—well, I will not discuss it now. Whatever I did, I am prepared to take the responsibility for. What I want to say regarding the question of privilege is not as far as it affects the House itself. Are the authorities able to come here to the House and call a member out of the Chamber and present him with a summons? However, so far as I am concerned I intend to present myself at the police court, and I do not want any privilege at all.

Mr. Foulkes: You won't want an adjournment?

Mr. TROY: So far as regards an adjournment that is a matter that concerns myself; but so far as regards any privilege I desire none.

Mr. WALKER: On a matter of privilege. I understand I am to be summoned as a witness to-morrow. There has been a time-honoured practice when a member is summoned in the courts, of his obtaining permission of the House. So delicate is the matter of privilege that it is only by permission of the House that one of its members can be taken into the court.

Frequently the House of Commons has given that privilege, whilst on several occasions it has refused to give it. And the House of Commons in times gone by was so jealous of its privileges that it put mayors and sheriffs into the Tower of London for disrespect of those privileges. In due form I ought to ask the permission of this House to appear to-morrow in the police court in respect to the summons served on one of the members of this Chamber. I ask you if I can have that permission from the Assembly?

Mr. Collier: We cannot spare you, brother.

Mr. MURPHY: During the short time I have been in the House I have on so many occasions presumed to take part in discussions on points of order where, in a few minutes, I have been proved wrong, that probably in the particular phase of the question I am about to raise to-night I will also be shown to be wrong. But I have always been given to understand, and I believe that by the British House of Commons' rule it is so, that all questions of privilege should be referred to the Speaker. To refer privileges of members to the Standing Orders Committee, when we have in the Chamber one who in his capacity as Speaker is the custodian of the privileges and to whom we look to protect those privileges, is something that seems to be peculiar to the Parliament of Western Australia. I claim, with all due respect to you, Sir, that the moment information was given that a breach of the privileges of this House had been committed you, Sir, beside the leader of the Government and the Standing Orders Committee, were the only one qualified to protect the privileges of our members. And if I may be pardoned for saying so, I think it is not now too late for you to assume the office to which you have been elected, independent of your position as Speaker, as the custodian of our privileges and rise superior to the Standing Orders Committee or the leader of the Government, and see that the privileges of the members are preserved in every particular.

Mr. SPEAKER: In reply to what has been said—and which really is not strictly

in order; because there is no motion before the House—but for the information of the House I desire to say that I discussed this subject to-day with the Clerk and arranged for a special meeting of the Standing Orders Committee to-morrow. I had not then the slightest idea that the cases were to be heard to-morrow. As it is, that arrangement can be altered, and we can have a meeting of the committee immediately after the proceedings in the Chamber to-night. I had thought that members would require ordinary notice and I arranged with the Clerk for a round robin to be sent to the members of the Standing Orders Committee to-night asking if it would be convenient for them to attend a meeting of the committee at 3.30 o'clock to-morrow afternoon, this time having been fixed upon because there is a meeting of the House Committee at 3 o'clock. However, if it will help honourable members, no matter what hour of the day or night, I will be only too pleased to call and attend a meeting.

The Premier: Perhaps it will suit the convenience of honourable members if we adjourn early to allow of a meeting to-night.

Mr. Hudson: Let the Attorney General deal with the suggestion of the member for Subiaco.

The ATTORNEY GENERAL: The observations of the member for Mt. Magnet struck me as being exceedingly proper. The honourable member states he does not wish to shelter himself behind the privileges of the House. Surely that is the right attitude to adopt. There can be no doubt that, the summonses having been served, it is a perfectly good service.

Mr. Walker: Not necessarily.

The ATTORNEY GENERAL: Anyhow, that is a legal question.

Mr. Walker: It is a question for the House to deal with?

The ATTORNEY GENERAL: The question as to whether it were a good or a bad service is one to be argued in a court of law.

Mr. Walker: No—permit me to correct you. This House solely is the custodian of its privileges; and no court in

the land, and the Minister ought to know it, can review this court in its own jurisdiction over its own members.

The ATTORNEY GENERAL: I can only repeat my opinion that the question as to whether it were a good or a bad service in a legal sense is for a court of law to determine. The question as to whether a breach of privilege has or has not been committed is, of course, for this House to determine. I express no opinion whatever on the question of breach of privilege until I shall have heard the report of the committee dealing with the subject. I have my opinion but, as I say, I reserve it. However, as to the service, I believe it was a good legal service. In any case that is a point to be raised in a court of law if hon. members wish to raise it. If they wish for an adjournment they will have a good reason, and as a matter of fact not much reason is required for so slight a concession. If they are not ready with their evidence the magistrate will assuredly grant them an adjournment. That is not a question for the Government or the Executive, but one in which the magistrate will exercise his own discretion. The Government could hardly be asked to deal with matters of a simple nature like this, the simple matter of an adjournment.

Mr. Hudson: You would not take it upon yourself to adopt the suggestion of the member for Subiaco—to instruct the police to ask for an adjournment.

The Attorney General: Certainly not.

Mr. HOLMAN: I have not been served with a summons, because whatever I may be doing I take good care to keep within the law. I wish to say, however, that if I had been served with a summons within the precincts of this Chamber I should have torn it up and thrown it in the Attorney General's face, to show my opinion of the attitude he has adopted.

Mr. GORDON: I think all this talk about the privileges of the House is absolutely ludicrous. If any member is guilty of any offence, or for any reason entitled to have a summons served upon him, there is no reason why he should not be called out of the House and have it served on him outside. The debates of

last night compared with the discussion of the privileges of the House to-day will make the House the laughing stock of the State.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Second Reading.

Mr. HUDSON (Dundas) in moving the second reading said: It is a matter for regret that a measure of such importance to so large a number of people should have been delayed in its passage for so long. It is within the knowledge of hon. members that this Bill was introduced into this Parliament in its first session, and we are now in the third session. In the second session it reached the Committee stage. Prior to its reaching that stage it was introduced by me on its second reading, on which occasion I fully explained to hon. members its provisions, and I do not, therefore, propose to enlarge upon what I said on that occasion, because, with the exception of the member for Beverley, all members had the opportunity of hearing what was said by me and of listening to the debate that took place. The Bill is in exactly the same terms as that of last session, and members can have no opportunity of saying that they are not conversant with its provisions. I urge upon the Government, in the circumstances I have related, the necessity for giving an early opportunity for the passage of the Bill, which is in exactly the same state as when it was introduced last session. The principles of the Workers' Compensation Act of 1902 have not really been departed from. There are a few amendments which have been rendered necessary by the experience of the administration of the Act, and there is an enlargement of some of the definitions so as to extend the operations of the measure. The principal one is with regard to the number of persons who will be affected by the measure should it become law. The ideas are not new. A similar provision with regard to the definition of "worker" is included in the English Act of 1906, and we have had the experience of its operation in England. I think it commends itself to hon. members

that we should rather be in the van in legislation of this description than lagging behind. There is one provision which, perhaps, involves a new principle, and that is the extension of the benefits of the Workers' Compensation Act to persons suffering from a disease contracted in an industry. This is limited in extent to the mining industry. Under the clause provision is made for men who contract the disease in the course of their employment to receive compensation. It was suggested during the debate last session that there was no provision in the English Act with regard to the extension of such provision to mining, but the speaker on that occasion was under a wrong impression. The measure works satisfactorily in England, and I hope members will make themselves conversant with the Act as it exists there. I do not intend on this occasion to make a long speech in introducing the second reading of the Bill. I would urge upon members the necessity of assisting me in my effort to get the measure through the House. I hope the second reading debate will be gone on with to-night, as the hour is early and we might at least carry the second reading. There is no necessity for a long debate as we had a second reading discussion last session. I am only asking under this Bill that similar provision should be made as that passed by the British House of Parliament, and I will conclude by quoting the remarks made by the late Lord Salisbury when the amendment to the original Act in England was being proposed. On that occasion he said—

To my mind the great attraction of this Bill is that it will turn out a great machinery for the saving of life. It will throw the necessity upon insurance offices that they shall take the utmost means in their power to see that accidents are avoided. We are now, by a wise and general revision of the principles on which the law rests, applying it for the purpose for which it was originally destined and has been profitably employed.

I beg to move—

That the Bill be now read a second time.

The **MINISTER FOR MINES**: I would suggest that the debate be now adjourned. There will be no delay in dealing with the second reading.

Mr. **HUDSON**: There is nothing new in the measure, and there is no necessity for the postponement of the second reading debate. It is not fair that the Government should suggest a postponement now.

The **MINISTER FOR WORKS**: It is proposed that the House adjourn now in order that a meeting of the Standing Orders Committee may be held.

Mr. **HUDSON**: No meeting of the Standing Orders Committee need be held to-night as to-morrow's cases will be postponed.

The **MINISTER FOR WORKS**: The Premier sent me a message to say that, if the leader of the Opposition were agreeable, we would adjourn the House now so that the Standing Orders Committee may meet in order to consider the question of privilege which has cropped up.

Mr. **COLLIER**: As a member of the Standing Orders Committee I do not intend to be present at any meeting to-night. I object to a meeting being held to-night for there was all day in which members might have been called together. Let us go on with the business of the House now. Anyhow, I shall not attend a meeting of that committee to-night.

Mr. **Hudson**: Nor will I.

The **MINISTER FOR WORKS**: But it has been agreed that we should adjourn to enable a meeting of the committee to be held.

Mr. **SCADDAN**: It would be well to go on with the business of the House. The member for Dundas is desirous of getting through the second reading stage of this Bill as soon as possible. The measure passed its second reading last year and even went so far as reaching the Committee stage. There is, therefore, no reason why we cannot pass the second reading to-night. If that stage is reached then the member for Kanowna also has a Bill on the Notice Paper and will be able to go on with the second reading of that measure. It appears now that the

Standing Orders Committee cannot get a meeting to-night, therefore, we can proceed with the business of the House. Unfortunately there is too great a desire on the part of the Government to adjourn business on private members' night. In any case there would be no necessity to adjourn to let the Standing Orders Committee meet. If members are not desirous of adjourning, especially seeing that certain members of the Standing Orders Committee on this side of the House have notified they will not attend the meeting should one be called, we can proceed with ordinary business.

Mr. **HUDSON**: Before referring to this matter of the meeting of Standing Orders Committee I consulted the leader of the Opposition, and I also informed the Premier that I had arranged with the Crown Law Department for an adjournment of the case, to be brought against Messrs. Troy and O'Loghlen until next week. Consequently there is no necessity for the committee to meet to-night.

The **PREMIER**: There was a desire to give the Standing Orders Committee an opportunity of meeting to-night. The member for Dundas explains that there is a possibility of the case being adjourned to-morrow. On that account there will be no necessity for a meeting of the Standing Orders Committee to be held to-night, or for the House to adjourn. When I left the Chamber I was not in a position to give my colleague that information, and he was under the impression that the agreement was that the House should adjourn now. Certainly the idea was that the House should adjourn so as to enable the Standing Orders Committee to meet at 9 o'clock this evening, and I understand that the Speaker ordered notices to be issued with that object in view. However, if members wish to proceed with the debate the Government have no desire to press for an adjournment.

The **MINISTER FOR MINES** (Hon. H. Gregory): I have no desire to press unduly for an adjournment of the debate. There is no doubt this is a very important Bill. It looks an exceedingly simple one, but it bristles with many amendments which are of the utmost importance to the

various industries of the State. I thought in the circumstances that we might, perhaps, have adjourned the second reading debate for a while. I certainly expected that the member for Dundas, in moving the second reading to-night, would have produced new arguments in connection with the proposal he has brought forward. There is only one phase of this amending Bill I desire to deal with, and that is regarding those clauses having reference to the introduction of something very new to our legislation which enables those miners who contract the disease of pneumoconiosis in the course of their employment to obtain compensation from the persons by whom they are employed at the time they discover they have contracted the disease. When introducing the Bill last session the hon. member drew attention to what had been done in New Zealand, and to the fact that the Government there had introduced a measure in which it was provided that men suffering from the disease of pneumoconiosis should receive compensation. Since then, however, it has been found that such grave difficulties came in the way in connection with the Bill that the Government brought forward an amending measure last year. That amending Bill went through the Legislative Assembly of New Zealand, passing its second and third reading in one evening without any opposition. By this measure the clauses which had been introduced the year before with regard to compensation to those contracting this disease were eliminated from the measure. I have here a copy of the Bill which was passed in December, 1909, amending the Workers' Compensation Act of 1908. The amendment was simply to omit the word "pneumoconiosis," as affecting miners, from the Act. We communicated with the Mines Department of Wellington asking for information as to this amendment, and the Under Secretary for Mines there advised us as follows:—

Dear Sir, I beg to acknowledge the receipt of your cablegram of yesterday's date inquiring as to the action taken with reference to miners' disease. In reply I beg to state that pneumon-

osis, as affecting miners only, was included in the Workers' Compensation Act of 1908, of which I enclose a copy. This Act came into force on the 10th of October, 1908, and the clause remained on the statute-book until the 24th December, 1909, when it was repealed by the Workers' Compensation Amendment Act of 1909, a copy of which I also enclose. I may state that no private insurance company would take risks covering the disease. The Government Life Insurance Department, however, accepted the risk, but during the period the provision was in force no claim for compensation was made on that department.

When the measure, which originally provided for compensation to men suffering from the disease, had passed through the New Zealand Parliament it caused an enormous amount of trouble. In the first place, the employers stated at once that they would not employ any man, entitled to receive compensation if he contracted the disease, until he had been subjected to a medical examination. The men refused to be subjected to this medical examination, with the result that there was a strike which existed for some time. For some time it was found impossible to get over the difficulty. The insurance companies refused to insure these workmen against accident, and the employers refused to take the responsibility unless they could get their men insured.

Mr. Hudson: You told us all about this last time.

The MINISTER FOR MINES: The hon. member need not be in such a hurry but might allow a few facts to be put before the House. He should have been aware of these facts I am now recounting, but he has not told the House to-night anything about them. He took members into his confidence last year when he advised them as to the New Zealand Act, but he has failed to inform us on this occasion of the steps that have since been taken.

Mr. Hudson: You told us all about that last year.

The MINISTER FOR MINES: It was impossible for me to have done that, as the amendment I am now referring to has only recently been made. The amending Bill was only passed on the 24th December, 1909, so it was impossible either for the member, for me, or for anyone else, to have given that information to the House. Certainly the hon. member might have told the House tonight about the amending measure which passed through the New Zealand Parliament. We are going the wrong way in trying to do that good which the hon. member hopes to bring about to those persons who are working in a big industry. That is the question. Are we proceeding on the right lines? It is as well that members should know the difficulties. In connection with the addition the hon. member now proposes to make to our Act, we should remember the action taken by the New Zealand Government who brought in an amending Bill for the purpose of eliminating all similar words from their Act. That amending Bill passed through its second and third readings without any comment from any person other than the introducer. The difficulties were exceedingly great in connection with the section of this description. I was pointing out that the insurance companies refused to insure these men unless there was a medical examination. The men refused to submit themselves to a medical examination and the Government had to give a special guarantee to their own insurance company to indemnify them against any special amount they might have to pay in the way of insurance to persons claiming under that section. It is a peculiar thing that during the whole of this period no claims for compensation were made against the department. I am not sufficiently learned to describe the difference between silicosis and tuberculosis other than to state that silicosis is brought on by inhaling sharp particles of dust which adhere to the lungs and which make a person suffering from silicosis very liable to contract tuberculosis, the lungs in such a case having been affected and injured by these sharp particles of dust. These people are more predisposed

to contract tuberculosis than a person whose lungs are in a sound condition. I have looked up the question and I have never heard of a case in which the cause of death was given as due to silicosis. As I stated, silicosis may have caused a predisposition to tuberculosis or phthisis and it may also be given as one of the reasons for death being ascribed to silicosis or anthracosis, the two diseases named in the schedule of this Bill, but not as the actual cause of death. It would be almost impossible for any doctor to certify to the fact that a person had died from silicosis or anthracosis without conducting a post mortem examination. One might assume that a person was suffering from this complaint, but it would be extremely difficult for any doctor to swear to it unless the patient suffering from any of these diseases died and a post mortem examination was held, and so far as I can judge in connection with this clause, I am under the impression that by having it included in the Bill, it will cause an enormous amount of trouble between employers and employees. The employers will refuse to engage men in this industry unless they come with a clean bill of health, that is, unless after a medical examination it is proved that the employee is not suffering or not likely to contract the disease of silicosis. It almost stands to reason that the miners would refuse to be subjected to a medical examination. At the present time we have power under the Mines Regulation Act to draft regulations dealing with the examination and exclusion from mines of persons likely to be affected by tuberculosis or other transmissible diseases. Up to the present time we have not framed regulations dealing with the examination of any persons supposed to be suffering from this disease, and I have purposely refrained from taking such action. I do not know whether I have done right or wrong. It is a moot point whether we have not acted wrongly in not having insisted upon any person suffering from tuberculosis not being allowed to work underground. One has only to read the report of the Health Department to see what great loss

of life there has been in Western Australia and in other countries through tuberculosis. The report shows how the complaint is transmissible from one person to another and it explains that every effort should be made to try and segregate people suffering from the disease. There is no doubt about it that there is a great liability of persons contracting the disease underground from a fellow worker who might be suffering from it. I do not know whether we have not been wrong in not making this regulation more strict and refusing to allow any person suffering from any of these diseases to be employed underground. I do not care to take action until some provision has been made for men suffering from these diseases. It has not been urged upon me to take action in this direction and I feel that if I were to do so I would be taking on myself too great a responsibility. Until such time as the State or the friendly societies or the various unions make some provision for the care of those men and their families, I do not care to prevent a person who may have contracted disease from following his calling, and until that is done, I hardly feel justified in enforcing the regulations to the extent of preventing such a person from working in a mine. I have always felt in the interests of those who have good health and who are employed underground that something should be done to prevent others who suffer from disease, from being employed beside them. If the proposal contained in the Bill becomes law, I feel sure we will have difficulties between employer and employee, and that the mine owner will refuse to employ any workman unless he can show a clean bill of health? I feel satisfied also that the workmen will refuse to undergo a medical examination, with the result that we will be bound to have labour troubles throughout the gold-fields. We are not in the same position as the New Zealand Government were in having an accident insurance company.

Mr. Walker: Are you not going to move for that?

The MINISTER FOR MINES: No. We have not a State accident insurance

company and we would not be in the position that the New Zealand Government were in a year ago and be prepared to undertake our own insurance. As far as I can see there would be trouble between the workmen and their employers and as far as I can read the Bill it appears to me that there would be nothing but trouble in connection with the person who would be compelled to pay compensation. We must not only recognise the difficulty of diagnosing the disease silicosis, but we do know from experience that it is a slow and insidious complaint and that a person may be suffering from it not only for one year, but for as long as 10 or more years and be able to follow his ordinary avocation and show no bad results from the complaint. The person who employs him at the time when it is suddenly discovered that he is suffering from the disease would be the person who would be compelled to pay compensation. He is the person who would be attacked under this Bill. The disease might have originated in Victoria, New Zealand, or South Africa, or any other part of the world, and not necessarily here; it might have been contracted on an adjoining mine and the employer who perhaps has been exceedingly careful with regard to his workings to see that they were kept as clean as possible and well ventilated and everything done as far as the property was concerned to make the working conditions of the men healthful, because he employed this new workman who might have contracted the disease elsewhere, he would be responsible for the reason that the man happened to be employed on his mine at the time of the discovery of the disease. The Bill says that this mine owner in his turn can sue someone else, but the whole difficulty would rest upon the person who had last employed the man. The second portion of the schedule refers to the poisoning due to the inhalation of gases. If a person inhaled bad gases in a mine and contracted a sudden illness and died, that would be classed by us as an accident and would be treated as an accident and dealt with as such under the Workers' Com-

pensation Act. If he did not succumb and became well again there would be no further difficulty and probably no demand for compensation. I do think that we have started wrongly in connection with this matter and I do not know whether we are not wrong in connection with the whole principle of the Workers' Compensation Act, that is as far as the question of compensation and the method of settling cases are concerned. The unfortunate part of this Bill is that it only protects one class of miners. I am referring not only to the diseases mentioned in the schedule, but also to any question that might occur in the administration of the whole Bill. The Bill does not protect the man who goes out prospecting nor the small mine owner. They are not protected in any sense under the Bill. It is only the wages man all the time who is protected and it appears to me that it would be far better if we could have some general scheme in which all would contribute, the employer, the employee, and the State, instead of limiting the amount now payable in the event of death to £400 the amount might be made greater, and I can say this with authority, that if some such scheme were evolved there would be no difficulty as far as the big mining companies are concerned in the way of accepting such a proposition. They would be prepared to have the amount increased, subject of course to its being made under the conditions I have suggested. Then, so far as I am concerned, we would want something that goes beyond the miner alone, that is to say, the wages-earning miner. I want to make it apply also to the person who is working his own mine. We require to see that the same facilities should be given to him under the provisions of this Act as are given to the wages men. I do not know whether it has been published, but I have here a paper read by Mr. Cowle before the mining conference; it is exceedingly interesting, and I will be pleased to lend it to any member who desires to peruse it. The author deals with the question of the settlement of these cases. He thinks instead of the ordinary procedure being adopted of resorting to litigation there should be a standing pre-

sident of a workers' compensation court, a Judge, or a police magistrate, and that with two assessors that president, subject of course to a principle to be fixed by the Legislature, should do the assessing of those applications for compensation which would come within the provisions of the Act.

Mr. Hudson: Would it mean that no settlement should take place except before the tribunal?

The MINISTER FOR MINES: I do not know if the writer meant to go that far. I certainly would not care to interfere with any parties who desired to settle their case outside; although there is an element of danger in that, which is one of the worst features of this question at the present time. To-day, when an accident occurs and the manager of a mine comes forward with some little assistance, and perhaps sends the victim away for his health's sake, it is sometimes held in the subsequent action that the rendering of such assistance is an admission of liability on the part of the person providing that assistance. In consequence, when an accident occurs the person controlling the mining proposition has occasion to be afraid to give the slightest assistance, because it might subsequently be used to his detriment in the court of law.

Mr. Hudson: There is an opportunity here to rectify such trouble by a short amendment.

The MINISTER FOR MINES: I have not consulted my colleagues at all in regard to this matter; but I am anxious to make the Bill better than it is in its present form; and I think that the author of the Bill might consult with the Premier and the Leader of the Opposition with a view to appointing a select committee to deal with the Bill, conditionally on their setting to work immediately and taking evidence for the purpose of improving the measure. If the Bill remain in its present form, I shall certainly vote against the second reading; but if it could be improved I would be only too pleased to give the hon. member all assistance in my power. Let me repeat that I make this suggestion

purely on my own responsibility ; that I have not in this respect consulted with any of my colleagues. I feel certain that if we were to pass the Bill in its present form it would do considerable injury to the mining industry, and would not better the workers in any sense. If hon. members would read the report of the Health Department in connection with tuberculosis, we might be able to arrive at a Bill which would give the desired assistance to those suffering from silicosis, and some measure of assistance to any person who might contract the greater and more terrible disease of tuberculosis. In my capacity as Minister I look upon it as my duty to see that no legislation pass which will be injurious to the mining industry ; and when we consider the action taken by the New Zealand Parliament, and the fact that no similar legislation exists in Australia, or in the old country, I can only express the hope that members will pause before agreeing to pass the Bill in its present form. So far as other portions of the measure are concerned, I have nothing to say just now. I think those matters can be dealt with in Committee. But it must be remembered that under this Bill we are bringing a far greater proportion of persons within the scope of the Workers' Compensation Act. Probably to an extent some good would result from that ; but the alterations to these definitions should be clearly understood by hon. members. Certainly some amendments will be required in connection with those definitions. However, I am quite satisfied the hon. member desires only to get an effective measure, and one which will do good for those connected with the mining industry, and will also be a beneficial measure as a whole.

Mr. George : How far does this amending Bill carry us ?

The MINISTER FOR MINES : I could not advise the hon. member to-night. Last year I went fully into the various definitions, but they are exceedingly intricate, and it is difficult to sum up the alterations.

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Mr. Hudson : It is the same as the English Act.

The MINISTER FOR MINES : Does the English Act allow compensation to any person receiving £350 a year ?

Mr. Hudson : It is £250 there.

The MINISTER FOR MINES : The definition of "worker" is considerably altered. However, those matters can be dealt with in Committee. But why the hon. member should refuse to allow the employer's son to receive compensation in case of accident, I cannot understand. If the employer has a son working in the industry, if he pays him wages, and insures him, I cannot understand why he should not receive compensation.

Mr. Hudson : Would you be in favour of an amendment in that direction ?

The MINISTER FOR MINES : I would like to see the whole definition amended.

Mr. Hudson : To extend it to the sons of the employer ?

The MINISTER FOR MINES : Oh, I think so. I want the definition to be much clearer than it is, and to give a better knowledge as to what would constitute the casual worker.

Mr. Hudson : There have been very clear decisions upon it.

The MINISTER FOR MINES : Well, I do not want to bother with those definitions just here ; they can be dealt with in Committee. In cases of accident at the present time the injured person cannot claim compensation unless disabled for a fortnight ; but under the Bill in its present form he will be able to claim if disabled for a week. Then there is another provision which I look upon with a good deal of apprehension, namely that which enables a person one month after an accident to apply to a court and have his compensation fixed as a lump sum, and obtain it that way instead of by weekly payments. I am afraid improper use might be made of that provision by malingering. My only desire is to point out that which in my mind will prove an injury to the industry, namely the inclusion in the diseases enumerated in the schedule bringing them within the

scope of the compensation to be paid under the Bill. However, I will not delay the House any longer, because I do not want the hon. member to have any reason to think that I am stonewalling his Bill.

Question—put and passed.

Bill read a second time.

BILL—TRIBUTERS.

Second Reading.

Mr. WALKER (Kanowna) in moving the second reading said: I do not think it will be necessary to enter into a very lengthy discussion upon the Bill I have now to submit to the House, as its provisions can mostly be dealt with in the Committee stage. I desire that the Bill shall merely be read a second time to-night. The object of the Bill is to give some relief and some security to the labour of those people who are classed under the name of "tributers" upon the goldfields; those who themselves are not owners of mines, or leases, but who do a vast amount of developmental and prospecting work upon the fields, and—I was going to say, mostly in the interests of the large mine owners. There is a vast number of mines, it will be necessary to tell hon. members, which are not being worked by those who have claims to them under the Mining Act. Those people are holding those mines at the present time by fulfilling the labour conditions through the agency of tributers. These tributers are too often treated somewhat harshly, considering the good they do in some instances in keeping our mining fields going and the good done in consequence to the mining industry. I think the Mines Department receives too much in the way of charge for the licenses to the tributers. The present charge is £1. The Bill proposes to lessen the fee to 5s. On consultation with a large number of tributers I find this is considered a fair sum and I do not think it will cause any loss to the revenue if the charge be lowered to that amount. The Bill also provides that these tributes shall be in a definite form. Word-of-mouth contracts orally

made between tributers and the lessees or holders of a claim, shall not be binding or hold good in law; there shall be some definite agreement; and as in all other commercial matters, that definite agreement must be in writing. In Clause 4 it is provided that "every lessee or holder of a claim entering into a tribute, otherwise than in writing and signed as aforesaid, shall be deemed guilty of a breach of his covenant not to assign or underlet, and the holder of a claim entering into any such agreement shall render his holding liable to forfeiture." The measure goes a step further and says that if tributers, in the course of their search for gold, are specially requested by the mine holder to do what is known technically as clear development work, that development work shall not be considered part of the tributers' obligation to the holder, but as a service to the mine and a service to the holder and shall be paid for in these circumstances at the current rate of wages.

The Minister for Mines: Would you explain what is meant?

Mr. WALKER: The terms of the agreement are set out by the contract; what development work is to be done is there, stated in the agreement. The object of putting the contract in writing is to show what was meant when the tribute was undertaken. When tributers are at work under their contract any work requested over and above what is expressed in the terms of their contract shall be paid for at the current rate of wages.

The Minister for Mines: Supposing the contract specifies that the tributer shall sink a shaft to a depth of 50 feet, how is that to be paid for?

Mr. WALKER: Whatever is signed for by the two parties as the terms of the agreement is not set out as development work unless it is agreed therein to be paid for, but this clause is to prevent the holder coming in and saying to the tributers, "You must drive in a little further in that direction"; or, "You must do some development work here," or, "We require this to be done or otherwise the agreement is at an

end." Now it is clear that if they express this as clear development work for their benefit which the tributer could honestly and honourably have avoided in searching for gold for his own benefit, it should be paid for at the rate of current wages. I am only asking now that clear development work, apart from the contract operations of the tributer in the pursuit of his calling, should be paid for at the current rate of wages. That is the principle that is involved. Another object of the measure is to make tributes for some definite term and not, as so often happens, allow the contract to be terminable at the will of the mine holder. It is only fair that if a tributer gets on good payable stuff he should be allowed to continue for some time in order that he may be able to recoup himself for his outlay. It often happens that he works month after month and gets no pay whatsoever, nothing with which to pay wages or even the expense of his explosives; but he suddenly comes upon a leader, or good payable stone, and immediately he is given notice to quit; the stone is required for the mine, and so he has to go about his business. I certainly submit the term mentioned in the Bill is not too much. The duration of an agreement under the Bill is six months. Surely that is not too long in order to give miners a chance to pay themselves.

The Minister for Mines: Sometimes it would be wise to give them a block to work instead of time. Men might lose a lot of time doing development work.

Mr. WALKER: It may be so, but the Minister will see the Bill will not prevent that. One of the main features we reach in Clause 8. I am not quite sure that this clause ought not also to be put into the Workers' Compensation Act Amendment Bill, the second reading of which we have just passed. It defines tributers as "workers." Tributers are, for the purpose of the Workers' Compensation Act, 1902, and the amendments thereof, to be deemed to be workers in the employ of the other party to the tribute. I think this will

be considered as more or less the vital portion of the Bill. Its object is to bring tributers under the Workers' Compensation Act. Hitherto they have not been considered workers; they contracted themselves out of that position. Yet this fact is transparent, that there are a number of mines to-day that would be forfeited, and, I submit, ought to be forfeited, for non-fulfilment of the labour conditions, if it were not that the tributer is, so far as holding the mine is concerned, considered a labourer. Tributers are fulfilling the labour conditions of the mines and the mines are held by their work. If they do so, and certainly it is the case, then there can be no wrong or injustice in saying that these men, for the purpose of compensation in case of accident, should be considered workers. I admit there may be some discussion upon this. The object of making them workers is to bring them clearly and distinctly within the Workers' Compensation Act. The Bill also provides a species of compulsory insurance. When tributers sign their tribute agreements it is provided there shall be an assessment as to the wages they can earn. This can be done by the parties to the agreement or, in a case of difficulty, can be referred to the Registrar of Friendly Societies as provided for in Clause 10, which says—

"Every such provision shall specify the weekly amount to be paid by the individual tributer, which shall be proportioned to his estimated average weekly earnings in accordance with a scale agreed on by the parties or fixed by rules made by the Registrar of Friendly Societies."

After the estimate is formed an amount to be paid weekly in respect thereto is to be considered as though it were paid upon actual wages received. The object of this is to meet a difficulty that sometimes occurs under the Workers' Compensation Act. The amount of pay that is given by an insurance company is based on the average of a man's earnings for some time previously. If he has been lucky and has made, we will say, £5 a week, he can draw his £2 10s.; if

he has been less lucky and has got £3 a week he can draw 30s. ; but it often happens that the tributer works for months and months and does not get a penny, and just at the time of his accident he happens upon something which will enable him, we will say, to average £1 a week for the whole time he has been working and paying his premium ; and so he draws 10s. in the case of accident. There is manifest unfairness about this. The object of the measure is to say, if you are paying your premium on your insurance in such proportion as would cover £4 a week as wages, if an accident occurs and you have not earned a penny in the meantime from your tribute you shall receive that allowance or that due from the insurance company. Clause 13 deals with penalties connected therewith—

If any lessee or holder of a claim exacts or receives directly or indirectly from a tributer, except under such a provision as aforesaid, any sum for or in respect of any such premium as aforesaid, or otherwise in respect of his liability under the Workers' Compensation Act, 1902, and the amendments thereof, or in respect of any liability or alleged liability, on account of casualties to tributers, under any other Act or at Common Law, or otherwise, such sum may be recovered by the tributer in any court of competent jurisdiction, and such lessee or holder of the claim, or the agent acting in that behalf for such lessee or holder of the claim, shall be guilty of an offence against this Act and be liable to a penalty not exceeding ten pounds.

These briefly, are the objects of the Bill. The measure, if passed into law, will be of great benefit to our miners upon the goldfields. It is almost impossible to overestimate the value of these tributers in some of the now decaying, for the time being at all events, centres of our gold-mining districts. They have been a brave strong-hearted set of toilers, who have kept townships going, and communities, small it is true, have been kept together by virtue of the efforts of these brave men. It is time we gave them some

favourable consideration, because they have been the means more than once not only of doing what I have said in the way of keeping townships together, but also of actually tapping the rich gold-bearing strata, and pointing out the possibilities of greater mining enterprise. They are pioneers in every sense of the word, brave, stout battlers in the interests of the mining industry, and for their protection and for their encouragement I beg to move—

That the Bill be now read a second time.

The MINISTER FOR MINES (Hon. H. Gregory): I regret I did not notice the Bill was on my file, for I had not seen it until this moment. However, I do not want there to be any delay, but I hope that the substance of this Bill will be made as public as possible among those in the habit of taking tributes upon our mines, and that they may know not only what the member proposes, but also whether there is any further provision they desire to be inserted for the purpose of assisting the tributing of our mines. They will be in a position to bring forward their side of the question, enabling us to deal more effectively with this measure. It must be understood that any question affecting the granting of tributes on our mines has to be approached very gingerly. In Victoria there has been a great deal of trouble by the Bendigo miners who have been desirous of certain action being taken in connection with the granting of tributes. On the other hand, the Ballarat miners have been entirely opposed to those proposals, for what suits one community is altogether unsuitable to the other. The same thing will apply under this Bill, and, therefore, close attention should be paid to the various clauses by mining members who have probably held tributes themselves. Attention should be paid to Clause 4, which provides, "Every lessee or holder of a claim entering into a tribute, otherwise than in writing and signed as aforesaid, shall be deemed guilty of a breach of his covenant not to assign or underlet, and the holder of a claim entering into any such agreement shall render his holding liable to for-

feiture." I know many instances in connection with small claims where the owner gives his friends a tribute to a certain portion of the property, but if he has not the tribute registered he may be making the sad mistake of rendering the lease liable to forfeiture. Lots of instances might occur, if the clause is too drastic, where great injury would be done to people who are prepared to give small tributes. In any case, I could not approve of forfeiture following the letting of an unregistered tribute.

Mr. Holman: In those cases they do not ask for a tribute, they give it for nothing.

The MINISTER FOR MINES: Not always. Probably it would be wise to define certain districts, and say that in those districts only the clause should not apply, while in others it might be necessary for a less stringent liability to exist.

Mr. Walker: I do not think harm would be done in any district.

The MINISTER FOR MINES: I have not had time to give the Bill very careful consideration, but I hope to be able to do so before the Committee stage is reached. The next clause says, "Every tribute shall provide that all development work done at the express request or by the express order of the lessee or holder of the claim shall be paid for in cash at the current rate of wages." Under this any development work which was done at the express request of the lessee should be paid for at the current rate of wages. That is a matter we may well discuss in Committee and define more clearly what is meant. With regard to the next clause, I am quite aware that the object is to make the Bill useful, but I think it would be possible to make it more so by some slight amendment. For instance, what I suggest is that there should be power given to the tributer to apply, after his six months has expired, to the warden for the right to continue the tribute for a certain time. A man might take a tribute thinking he could do the development work within a certain time, be able to stope out all

the ore available, and so take advantage of the development work he has done; but it might happen that he is out in his calculations, and that it takes him all the six months to do the development work, so that he would not be able to stope out the ore before having to hand the property over to the holder of the lease.

Mr. Walker: The clause says, "at least six months."

The MINISTER FOR MINES: It does not matter what the period might be, for it all depends upon the amount of development work necessary. The longer the period is naturally the longer the tributer imagines it will take him to do the development work. It might be that he will have to sink 100ft. and then drive 50, 80, or 100ft. before getting the advantage of the development work. It might take him very much longer to do that development work than he expected, with the result that he might find the whole of the period of his tribute has expired before he can get any advantage from that work, and he would be compelled to hand over the property to the lessee, and obtain possibly very little recompense for all the work he had done. What I would suggest is that a provision should be inserted whereby the person, after he has done a certain amount of development work, should be able to apply to the warden for an extension of the period if he shows that he has carried out this development work, but has not been able to obtain any advantage from it. In such a circumstance the warden should be allowed to grant an extension of the term of the tribute. That would certainly be conducive to tributing. There is no doubt, especially in the poorer districts, that a very great deal has been done by the tributers in resuscitating mining. They are a fine body of workmen prepared to take a big responsibility and risk, and they deserve every encouragement. They comply, as a rule, with all the conditions set out in the Mining Act, and deserve our consideration. I am quite willing that all the assistance possible should be given to them. I will see whether we cannot frame amend-

ments which will probably be more conducive to the better working of tributes in this State while protecting the interests of the lessee. I do not quite follow one clause, which provides that in order to form an estimate of the average weekly earnings of a tributer, the whole amount it is estimated he will receive may be divided into the number of weeks. Put him under the Workers' Compensation Act, and it will be provided that a certain amount shall be deducted from the earnings, or supposed earnings, to pay insurance, and it is suggested that an estimate should be formed of what his earnings would be under the tribute. That is an impossibility. It would be far better to state the average earnings. A tributer may earn £100 one week and nothing the next. He may not earn £5 in the whole course of the tribute in the six months, while, on the other hand, he may earn many thousands of pounds. It would be quite impossible to fix the rate of remuneration.

Mr. Walker: If the Minister looks at Clause 10 he will see the reason for that. A sum per week has to be paid, and the amount can be estimated at whatever is thought fit.

THE MINISTER FOR MINES: It is clear what the hon. member means, but it is impossible to estimate what a tributer will earn.

Mr. Bath: The member for Kanowna means that an estimate should be made of the earnings by the amount of the premium paid.

THE MINISTER FOR MINES: I do not think there will be any great difficulty in bringing tributers under the Workers' Compensation Act, but we will have to fix the amount to be payable according to the average weekly earnings of men obtaining weekly wages in the particular district. I have nothing further to say on the Bill. I would like to have the Bill published on the fields and get an expression of opinion on it from the tributers themselves. We must take care not to do anything to make it impossible for tributes to be taken, and we should give the tributer every protection we can, while taking

care not to impose undue restrictions upon lessees.

Question put and passed.

Bill read a second time.

BILL—GERALDTON MUNICIPAL GAS SUPPLY, 1910.

Second Reading.

Mr. CARSON (Geraldton) in moving the second reading said: This Bill empowers the municipality of Geraldton to secure the gas works from the Colonial Gas Association, Limited, of Melbourne, and to give the municipality power to raise the money to buy the works. It is necessary for me to point out the reasons for the introduction of this Bill. Some 14 years ago a right was conceded to Messrs. Coates and Swinburne to establish gas works at Geraldton and to supply the municipality with light. The concession was given for a term of 21 years, but it was provided that the municipality would have the right after ten years, on giving 12 months' notice, to purchase the works. The municipality have given the notice, as they desired to purchase the works, and they have come to an agreement with the company to buy. It is necessary that the Bill should be passed in order that the contract can be completed. The gas works are a paying concern. According to a clause in the Municipal Act the company have to give a statement of receipts from the supply of gas, and in the schedule to the Bill, which is really the agreement between the municipality and the Colonial Gas Association, Limited, the latter agree to furnish a certified balance sheet showing a profit of something over £1,000 for the past three years. Therefore, members will see this is a very good proposition for the municipality of Geraldton. The municipality have taken the necessary proceedings in connection with notifying the ratepayers and giving them the opportunity of raising objections to the purchase of the works. No objection has been offered by the ratepayers, and all that remains to be done is to secure the passage of the necessary legislation. I hope

there will not be any opposition to the passage of the Bill because the contract has to be completed and the money raised before the end of the present year. I do not think it is necessary for me to refer to the Bill in detail. The first three clauses give the municipality power to purchase and carry on the works and the other clause gives power to raise money for the purchase. In the Schedule we have the agreement between the Colonial Gas Association, Limited, and the municipality of Geraldton. I hope hon. members will realise that the Bill is in the best interests of Geraldton, and that it is a good proposition. Knowing that hon. members will recognise it is in the interests of the State that municipalities should own the lighting systems I feel sure there will not be any objection to the passage of the Bill. I move—

That the Bill be now read a second time.

Mr. Bath: I understand that it is a Private Bill.

Mr. SPEAKER: No. 258 of our Standing Orders provides—

Every Bill for the paving, lighting, draining, cleansing, or otherwise improving any city, town or district, or for supplying the same with water, promoted by the Municipal or District authorities of such city, town, or district, shall be deemed to be a Public Bill.

I thought the question might be raised and I took the precaution to consult the Crown Law Department and I have their authority for declaring this to be a Public Bill. It states that the Bill comes within the category mentioned in the Standing Orders, and a case is quoted as having occurred in New South Wales, where they have a Standing Order dealing with similar Bills which is on all fours with ours.

Mr. Taylor: This Bill provides for the raising of a loan and consequently taxation.

Mr. Bath: I am perfectly satisfied. I understood the hon. member was introducing it as a Private Bill.

The Attorney General: A private member introducing a Government Bill.

Question put and passed.

Bill read a second time.

House adjourned at 9:30 p.m.

Legislative Assembly,

Thursday, 25th August, 1910.

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

QUESTION—RAILWAY LOCO. DEPOT, REMOVAL.

Mr. SWAN (for Mr. Horan) asked the Minister for Railways: Does the Railway Department contemplate the removal of the West Perth loco. depot to East Perth or other suburban station?

The MINISTER FOR RAILWAYS replied: The extension of the Perth goods yards for future requirements is under consideration, but no determination has been arrived at.

QUESTION—STATE MINING ENGINEER, LEAVE OF ABSENCE.

Mr. SWAN (for Mr. Horan) asked the Minister for Mines: Is he satisfied that the present backward state of the geological survey of Western Australia warrants the granting of four months' leave of absence to the State Mining Engineer?

The MINISTER FOR MINES replied: The fact of the State Mining Engineer taking the leave due to him under the provisions of the Public Ser-