

# Legislative Council,

Thursday, 11th December, 1924.

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

## QUESTIONS (2)—DENMARK DISTRICT.

### Publican's License.

Hon. J. A. GREIG asked the Colonial Secretary: 1, Has a petition for a publican's license in Denmark been considered by the Licensing Board; (a) Who was the applicant; (b) What decision was arrived at? 2, Is it a fact that tenders have been called for fresh applications for the above license; (a) If so, when do tenders close; (b) What are the conditions of tenders?

The COLONIAL SECRETARY replied: 1, Yes; (a) The electors residing in the area; (b) The petition was referred to the Licensing Court. 2, Tenders have been called for applications; (a) They closed on the 28th November; (b) The schedule of the conditions will be laid on the Table.

### Townsite and Farms.

Hon. J. A. GREIG asked the Colonial Secretary: Will he lay on the Table a copy of the agreement under which Millars' estate and townsite were sold to the Western Australian Government? 2, Also a copy of the leases under which the settlers on Denmark Estate conditionally purchased their farms from the Government prior to the Group Settlement Scheme?

The COLONIAL SECRETARY replied: 1 and 2, Yes.

## LEAVE OF ABSENCE.

On motion by Hon. J. Ewing, leave of absence for six consecutive sittings of the House granted to Hon. E. Rose (South-West) on the ground of ill-health.

## BILLS (2)—THIRD READING.

### 1, Closer Settlement.

Returned to the Assembly with amendments.

### 2, Mining Development Act Amendment. Passed.

## BILL—INDUSTRIES ASSISTANCE ACT AMENDMENT.

### In Committee.

Bill passed through Committee without debate, reported without amendment, and the report adopted.

## BILL—FORESTS ACT AMENDMENT.

### In Committee.

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

Clause 1—agreed to.

Clause 2—Amendment of Section 41:

Hon. J. J. HOLMES: Mr. Nicholson has given notice of an amendment to limit the amount to be transferred to revenue to 75 per cent. for one year only, 25 per cent. being retained for reforestation. We were told that for the current year £2,000 would be sufficient for the replanting of sandalwood, but that in the immediate future £5,000 would be required. If we keep on at the present rate all sandalwood that is within reach of a railway will have been cut out in a couple of years.

Hon. E. H. Gray: Experts do not say that.

Hon. J. R. Brown: It will take a long time to cut it out.

Hon. J. J. HOLMES: There will be very little more in the way of railway extensions on the goldfields into the sandalwood areas. Wherever possible those engaged in the industry are getting hold of all the sandalwood they can, that is, over 3in. in diameter. I fear that in two or three years' time the revenue from sandalwood will have so greatly diminished that there will be no money available for replanting. Now is the time, while there is a substantial revenue, to look to the future and retain sufficient money to carry on for a few years. Any money retained and not required for sandalwood can be utilised in re-planting other timbers. Meantime, the Treasurer has the use of the money free of interest. I move an amendment—

*That in Subclause 1, after "inserting," in line 2, there be inserted "subject as hereinafter provided."*

The COLONIAL SECRETARY: Nothing like an additional 25 per cent. is required for the re-growth of sandalwood. In the reforestation fund there is already a credit balance of some £71,000. The Forests Department's gross revenue last year from timber other than sandalwood was £82,982.

But for 1919-20 it amounted to only £48,498. The ordinary gross revenue has gone up in four years by £34,484. In 1922-23, when the big sandalwood royalty was not in operation, the ordinary gross revenue reached £71,498. At the end of that financial year, when the big royalty had not yet been introduced, the department had a surplus of £39,447; and there is no evidence that reforestation had meantime been neglected by either the department or the late Government. The present proposal is to spend a large amount of money on purely experimental work. The Conservator is now making judicious experiments in every direction. But the fact that this money is set aside for afforestation purposes obliges the Treasurer to find a means of spending it. There are many ways in which the money can be spent to the advantage of outback settlers—for instance, in the maintenance of roads. I have discussed the matter with the Treasurer, and he points out that the time is rapidly approaching—the Conservator himself says so—when the maximum expenditure on re-growth will be £5,000 annually. The Treasurer is quite agreeable to an amendment which will set aside £5,000 annually for that purpose. He is also agreeable to an amendment limiting the operation of this measure to the end of the current financial year. In the meantime Parliament will be able to make up its mind what is the best course to pursue.

Hon. J. R. BROWN: Sandalwood is not going to be cut out in a couple of years.

Hon. J. J. Holmes: In a few years.

Hon. J. R. BROWN: Not in a few years either. The sandalwood growing within a radius of 20 miles of Kalgoorlie has been culled 25 or 30 times, and sandalwood is still obtainable there. We shall have sandalwood for the next hundred years in this State. To allow 10 per cent. of the revenue for re-growth will be ample. To tie all this money up in the Forests Department would be a dog-in-the-manger policy.

Hon. J. EWING: The only difference between the amendment moved by Mr. Holmes on behalf of Mr. Nicholson and the amendment which the Minister is prepared to move is that under the latter about £5,000 a year will be set aside for the regeneration of sandalwood, whereas under the former the amount would be about £13,500. The carrying of the Minister's amendment would mean that there would be £8,500 per annum more available in the Treasury for urgent works. Therefore Mr. Nicholson and Mr. Holmes should not press the amendment before the Chair. The Conservator is not able to spend even £5,000 during the current financial year on re-growth of sandalwood. Considering the way in which the Minister is meeting the wishes of the Committee, he should be allowed to carry his amendment.

Hon. J. NICHOLSON: Having regard to the Minister's explanation and Mr. Ewing's

remarks, I ask leave to withdraw the amendment moved on my behalf by Mr. Holmes.

Amendment by leave withdrawn.

The COLONIAL SECRETARY: I shall at a later stage move an amendment to this effect—

*That the following words be added to Subclause 1:—"and a proviso is added to Subsection 3 thereof, as follows:—"provided that ten per centum of the net revenue from sandalwood shall be credited to the said special account in the Treasury and applied to the re-growth of sandalwood."*

If this amendment is carried, I shall move another amendment to substitute "subsections" for "subsection" and to add the words "until the 30th day of June, 1925, but no longer," thus limiting the operation of the measure to the current financial year.

Hon. H. STEWART: The Minister's amendment is reasonable and I will support it. I wish to draw the attention of the Committee, however, to Subsection 2 of Section 41 of the principal Act which sets out that three-fifths of the net revenue of the department shall, in every year, be placed to the credit of a special account at the Treasury for the purposes of reforestation. I would like to know from the Minister exactly what is the net revenue of the department so that we may know what proportion will be paid into the fund for the reforestation of sandalwood. We must see that we do not interfere with Subsection 2 as it appears in the Act, and that the proviso will not have the effect of making it inoperative beyond the 30th June, 1925.

The COLONIAL SECRETARY: Under the Bill we propose to except sandalwood from the three-fifths provision.

Hon. H. Stewart: Then that should not be agreed to by the Committee in that form.

The COLONIAL SECRETARY: If the amendments I have indicated be agreed to it will mean that one-tenth of the net revenue of the department, less the cost of administration in respect of the sandalwood industry, will be made available for the reforestation of sandalwood. The net revenue of the department amounts to £54,000, and the cost of administration in respect of the sandalwood industry to about £3,375 a year. On that basis there will be provided £5,400 less the cost of administration, but if any money is needed to make up the amount to £5,000 the Treasurer will provide for it on the Estimates.

Hon. J. J. HOLMES: The limitation of the proposal to one year is not fair. Surely if there is one department that should have continuity of policy, it is the Forests Department. At the end of the year the Conservator will be between the devil and the deep sea regarding the future.

Hon. J. Cornell: At the end of the 12 months the original Act will apply.

Hon. J. J. HOLMES: The Conservator will not know where he stands until after the end of 12 months. We may be sure that this matter will come before us again, for a Treasurer who is looking for funds is not likely to overlook this point. I understood that the Treasurer was prepared to provide £5,000 a year if necessary.

The Colonial Secretary: Whatever amount is required will be provided.

Hon. J. J. HOLMES: With the object of securing continuity of policy I suggest an amendment that will provide specifically for the retention by the department of £5,000 for the exclusive purpose of the reforestation of sandalwood.

The COLONIAL SECRETARY: If I give an undertaking to the Committee that £5,000 shall be provided and the clause limiting the period of the measure is agreed to, I or someone else will have to justify the position unless we are prepared to provide the £5,000. I am prepared to give the undertaking that the Treasurer will provide £5,000 clear for the year if necessary, apart from administration expenses. I take a deep interest in the sandalwood question and I will give special attention to this matter.

Hon. H. STEWART: It would be a mistake to strike out the words "except the revenue derived from sandalwood." When the Forests Act was passed and it provided that three-fifths of the net revenue of the department should be applied to forestry purposes generally, it was never intended that the revenue derived from one particular section should be devoted to the requirements of that particular portion of the industry. We cannot tell how the net revenue will fluctuate from one year to another, consequently I consider nothing should be done to interfere with Subsection 2 as it appears in the Act. While I agree in principle with the Minister's proposal, I think his amendments should take the form of a proviso to the effect that for the period from the 30th June, 1924, to the 30th June, 1925, 10 per cent. of the net revenue from sandalwood during that period shall be retained for the reforestation of sandalwood, the balance going to Consolidated Revenue.

The COLONIAL SECRETARY: If the three-fifths provision were allowed to remain, the sandalwood position would be the same as it is now. The gross revenue from sandalwood will be £54,000, from which has to be deducted administrative costs totalling £3,375, leaving a net revenue of £50,625. Ten per cent. of the net revenue will give the department £5,000 odd. That is what my amendment proposes.

Hon. H. STEWART: I am in accord with the Minister regarding the allocation of 10 per cent. but I think it would be better not to interfere with the wording of the Subsection but to add a proviso making it clear

that for the 12 months ending the 30th June, 1925, 90 per cent. of the net revenue from sandalwood shall be diverted to Consolidated Revenue.

Hon. J. CORNELL: I am prepared to accept the Minister's amendment conditionally on the Standing Orders being adhered to. The second amendment he has outlined will not be in conformity with the Standing Orders which distinctly provide that if a Bill is limited in its operation there shall be a specific clause to that effect at the end of the Bill.

The CHAIRMAN: That Standing Order has not been overlooked. We have not come to that particular amendment yet.

Hon. J. CORNELL: On the general question of taking portion of the revenue of the department, I wish to make a few observations. It has not been suggested that the Treasury would go bankrupt if it did not get this money. We have on the statute-book, waiting to be proclaimed, the Miners' Phthisis Act, providing that all miners found to be suffering from tuberculosis are to be withdrawn from the mines and furnished with other employment by the Mines Department. Mr. Scaddan, when Minister for Forests, cherished the idea that the men so withdrawn from the mines should be employed in reforestation. That is practically the only congenial avenue presented for the employment of those men. This is one of the reasons why I am intolerant of any interference with the Forests Act. I will support the suggested amendment conditionally on its being in operation only during the present financial year. It is expected that before June the laboratory at Kalgoolie will be in operation and the Miners' Phthisis Act proclaimed. We can then review the whole situation.

Hon. H. SEDDON: In spite of what Mr. Brown says, men are travelling 70 miles to get sandalwood. Just consider the sandalwood output of the last three years: In 1922 there were 3,390 tons cut; in 1923, with the prospect of a monopoly, the quantity cut was 7,623 tons, and in 1924 it rose to 11,125 tons. That was under the stimulus of the increased royalty and the threatened monopoly. In view of the increased output I cannot see how the present supply of sandalwood is to be reckoned on for more than a few years ahead. As Mr. Cornell pointed out, forestry work is peculiarly adapted to those men who are to be taken out of the mines.

Hon. T. Moore: Could'nt they be placed on the land?

Hon. H. SEDDON: The trouble is they are incapacitated for heavy work. Lighter supervisory work in the Forests Department would suit them very well. Up to the present there are no working plans for reforestation on the goldfields. To provide those plans and put them into operation will cost money. So I am prepared to support the

amendment for this year; but it would be unwise to further alienate sandalwood money in the years to come.

The COLONIAL SECRETARY: What Mr. Cornell said about the phthisical miners is quite correct: it will be an obligation on the Government to provide those men with employment. But employment in sandalwood reforestation would be only spasmodic, carried out at certain seasons of the year. My view is that those men could be settled in groups in the Esperance district, which is likely to become a most important agricultural area.

Hon. J. NICHOLSON: The Minister has said he will guarantee that the Government will see to it that at least £5,000 is credited to this account. Unfortunately an Act of Parliament is construed according to what is in it. The Minister's suggested amendment reads, "Provided 10 per cent. of the net revenue from sandalwood should be credited to a special account—." I suggest that after "sandalwood" the words be inserted "or the sum of £5,000, whichever sum shall be the greater." That would bind any subsequent Government. Discussion has taken place over the words in the clause "except revenue derived from sandalwood." I agree that those words must remain; otherwise the Government could not deduct any part of the revenue, but would be bound by the principal Act, which directs how the revenue is to be applied. We might first render clearer those words "except revenue derived from sandalwood," after which the Minister's proviso could come in.

The CHAIRMAN: I have not yet accepted any of the suggested amendments, because it seemed to be the desire of the Committee to have a general discussion on the clause.

Hon. J. NICHOLSON: Then I move an amendment—

*That after "except," in line 3, the words "as hereinafter provided" be inserted.*

Amendment put and passed.

The COLONIAL SECRETARY: I move an amendment—

*That the following be added:—"and a provision is added to Subsection 3 thereof as follows:—'Provided that 10 per centum of the net revenue from sandalwood or the sum of £5,000, whichever sum is the greater, shall be credited to the said special account at the Treasury and applied to the regrowth of sandalwood.'"*

Amendment put and passed.

On motion by the Colonial Secretary, Subclause 2 further amended by substituting "subsections" for "subsection."

The COLONIAL SECRETARY: I also propose to add a provision to the effect that the subsections shall remain in force until the 30th June, 1925, and no longer.

Hon. J. CORNELL: Standing Order No. 175 states that the precise duration of any Bill, the provisions of which are intended to be temporary, shall be inserted in a distinct clause at the end thereof. I suggest that we insert a new clause to cover the duration of this measure. If it is to be temporary, there is no need for Clause 3 authorising the principal Act to be reprinted as amended.

The CHAIRMAN: The proposal is to amend only two subsections of the parent Act, and does not affect the precise duration of the Bill, because there are other clauses in the Bill. Still, I think it would be better if the Minister adopted the usual form and moved a new clause to provide for the duration.

Clause, as amended, put and passed.

Clause 3 put and negatived.

New Clause—Duration of Act:

Hon. J. CORNELL: I move—

*That the following be inserted to stand as Clause 3:—"This Act shall continue in force until the 30th day of June, 1925, and no longer."*

New clause put and passed.

Title—agreed to.

Bill reported with amendments.

## BILL—WORKERS' COMPENSATION ACT AMENDMENT.

In Committee.

Hon. Sir E. H. Wittenoom in the Chair; the Colonial Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Proclamation of Act in several sections:

Hon. J. CORNELL: I move an amendment—

*That a new subclause be inserted as follows:—(1) The provisions of Section 6, so far as it applies to the diseases mentioned in the first column of the Third Schedule, set opposite the words "mining or quarrying, or stone crushing or cutting," as the description of process shall come into operation within the East Coolgardie Goldfields District upon the first day of July, 1925.*

The clause provides that the Act might be confined to certain portions of the State as regards industrial diseases relating to mining, quarrying, or stone crushing or cutting. There would be no difficulty in proclaiming the form of workers' compensation that applies to-day, and there would be little difficulty in proclaiming that the measure applied to all industrial diseases other than those peculiar to mining, quarrying, stone crushing or cutting. As to diseases relating to mining,

there would be a formidable barrier. Mining diseases are in no way similar to other industrial diseases. The latter can be classed almost without exception as accidents, whereas mining diseases may be of gradual growth extending over 25 or 30 years.

Hon. W. H. Kitson: What about white lead poisoning?

Hon. J. CORNELL: The number of people likely to be affected by white lead poisoning as compared with the number of those affected by mining diseases is infinitesimal. We need not, therefore, raise that contention. The white lead worker, however, has been recognised, but the metalliferous miner has not. The Colonial Secretary should inform the Committee as to when it is intended to extend this measure to our metalliferous miners. If he would give members an assurance on those lines, I would probably be content. I understand that the mine owners are insisting that if their men are to be brought under the Workers' Compensation Act they must first submit to medical examination. If that is so, what will become of the men who through ill health are excluded from the industry? The miner has been the victim of procrastination. This clause was inserted in the Bill as a result of the personal investigations of the Minister for Mines. It is, however, vague and leaves the matter where it was two years ago.

The COLONIAL SECRETARY: Mr. Cornell wishes to take control of the situation and insists that the provisions of the Bill with respect to miners' complaint shall come into operation on an arbitrary date. It is not desirable to fix the date in that way. The Government have under consideration a number of schemes. Before the Bill can be proclaimed on the East Coolgardie goldfields, some means must be provided whereby the men who cannot work in the mines may be absorbed. If a man is found to have contracted an industrial disease, he must be provided with other employment, and that employment should be of a permanent nature. I cannot at the moment give members the details of the schemes that are under consideration; I would be glad if it were possible to do so. I certainly must oppose the amendment.

Hon. J. EWING: Mr. Cornell's explanation to my mind is no explanation at all. In view of the necessity for protection of those who have embarked their capital in the industry, there must be some provision for the men who will be thrown out of employment. I am sorry the Minister has not made an explicit statement on that point. I have on the Notice Paper an amendment providing for compulsory examination, which I consider absolutely necessary. The carrying of Mr. Cornell's amendment might destroy the Bill, as under that amendment the Government

would be obliged to apply the provisions as to occupational disease to the Eastern Goldfields on the 1st July next, and the effect of that would be to kill the industry. I understand that the proclamation of the Miners' Phthisis Act would overcome the difficulty.

Hon. J. CORNELL: It would not.

Hon. J. EWING: Then some other policy must be devised by the Government. This matter is the very crux of the Bill. Occupational diseases should be regarded as accidents. I trust the Minister will make some definite statement which will enable the Bill to pass.

Hon. H. SEDDON: I support Mr. Cornell, because this matter is absolutely essential to the men on the goldfields. It would be interesting to have a return of the persons employed on some of the big mines since the Miners' Phthisis Act was passed. If the present Bill is to become law, it cannot be proclaimed too soon. I take it that the measure would be proclaimed simultaneously with the Miners' Phthisis Act. Medical examination of the miners, however, would have a very serious effect.

Hon. J. NICHOLSON: If the position is as grave as Mr. Ewing has indicated, the course which that hon. member suggested on the second reading should be adopted, and the Bill referred to a select committee. Clause 2 provides that the Government may proclaim the whole or any part of the measure. The Bill introduces something which is new in regard to workers' compensation, but something foreshadowed in the Miners' Phthisis Act, which Act has never yet been proclaimed. The mining community are in doubt as to what the position is going to be. If the Government do not know what they are going to do with regard to this important section of the community, would not the better course be either to refer the Bill to a select committee, or to omit all the clauses dealing with industrial diseases? In the latter event the measure could take effect from the date of assent being given to it. The disappearance of the gold mining industry will be a most serious thing for Western Australia. At present we are dealing with the measure very much in the dark.

The COLONIAL SECRETARY: Mr. Cornell wants the industrial provisions of the Bill to come into force on the 1st July next, and Mr. Nicholson fears that that might mean the death of the mining industry. The Government desire a free hand to issue a proclamation when they are ready to meet the conditions. The present Administration has been in office only a few months, and has not had an opportunity to complete the necessary machinery for giving effect to the measure. No scheme has yet been finalised by Cabinet, but discussions have been proceeding with those engaged in the mining industry. It would be silly on my part to

submit to the Chamber a half-baked scheme which has not received Cabinet's approval. Unquestionably there must be a decision as to what shall be done with the men who will be driven out of the mining industry.

The CHAIRMAN: I wish to point out that the question before the Committee is the insertion of this new subclause. The second reading stage is past.

Hon. J. J. HOLMES: For many years I have heard goldfields representatives speak of the effect of miners' phthisis on the miners of the Eastern goldfields. Time after time have I pledged myself to support anything that will secure relief. What appears to be troubling members to-day is the death of the mining industry. What I am concerned about are the deaths of the miners. If the industry can be carried on only at the cost of the lives of the men engaged in it, the sooner there is a cessation of work in the mines, the better. The amendment, we are told, will bring about that effect. It is absurd to leave infected men to face death in the mines while we bring healthy men from overseas to go on the land. The sooner the affected miners are taken out of the mines, the better. I will support the amendment.

Hon. A. J. H. SAW: I am afraid I cannot support the amendment, if only for the reasons outlined by the Minister. Like Mr. Holmes, I have pledged myself to do what I can towards preventing or, at all events, alleviating miners' phthisis. At last we have something tangible in the proposal of the Government. But it will be necessary that the Government have time in order to bring forward some well-considered scheme for dealing with the problem. Miners' phthisis is a disease of slow growth. Consequently among the thousands of men employed underground some are free from any form of miners' disease, while others are in the earlier stages and are still strong. Others again, are in the advanced stages, and finally we come to those whose condition is so bad that they have to leave their occupation. What is required is to get at the men before they have reached the last stage, and enable them to leave their occupation and find other employment. I cannot imagine that if the clause goes through as printed, it is intended by the Government to use it as a big stick and throw on to the mine owners the whole of the responsibility for the infected men. The result of that policy has been indicated by Mr. Ewing, namely, that the mines, or those of them that are merely paying their way, will shut down. Some other scheme will have to be devised. A reasonable scheme would be one under which for the first few years the State bore the liability for those men who have to leave their employment.

Hon. J. Nicholson: The Bill does not say that.

Hon. A. J. H. SAW: No, it merely gives the Government authority to act when they consider it desirable. The clause, if passed, will put a big stick in the hands of the Government; but I should prefer to give the Government that big stick rather than see the thing drift on from year to year. While it would not be fair to throw the whole of the responsibility on to the industry at first, in course of time the industry should bear that responsibility. When the Bill is applied, the miners will have to be medically examined and classified according to the stage of the disease they have reached. I cannot agree with Mr. Cornell that it is practicable to bring the industrial clauses into operation as early as next July. On the other hand, I do not want to see the thing shelved indefinitely. If we pass the clause it will be incumbent on the Government to devise some equitable plan dealing with the men afflicted with miners' phthisis.

Hon. J. CORNELL: I regret that the Minister should have charged me with wanting to take the Bill out of his hands. The problem of miners' phthisis has been shelved for many years past. The Bill does not indicate that there shall be a medical examination of the workers. If there is to be such an examination, why the necessity for having a clause differentiating between miners and other workers?

Hon. T. MOORE: Does not the Miners' Phthisis Act provide for a medical examination?

Hon. J. CORNELL: That Act has no bearing on the Bill. All that that Act does is to compel the men to undergo a medical examination for the purpose of determining who amongst them are tubercular. I am desirous of eliciting some information as to how this problem is to be tackled. If that is not forthcoming there will be no need for my amendment; for I am sure the House will not agree to giving the Government a blank cheque. I desire to secure from wavering members their views on the problem. Already through the ambiguity of the Bill and of the Government as to the future, I am informed there is going on in our mines a weeding out process, and that Australian workers whose health has been impaired by their work in the mines have been supplanted by dagoes who cannot say "beer." By neglecting to tackle the problem forthwith, we shall have Australians only a little bit sick passed out of the mines to make room for dagoes. I agree with Dr. Saw that the industry should bear the burden, as in South Africa. In that Dominion, in order to avoid delay, the legislation was ante-dated. But now, when I move an amendment entirely honest in its purpose, I am told that I desire to take the Bill out of the hands of the Minister. The Minister said that Cabinet would not prepare any scheme and that it would be stupid for him to make any announcement. Surely with the data at the disposal of the Government and the experience of other coun-

tries they ought to be able to outline some proposals by which it should be possible to grapple with the situation, but the Government are prepared to tell us nothing. Be it on their own heads if the miners' diseases clauses are lost.

Hon. J. R. Brown: The House will be to blame.

Hon. J. CORNELL: The Government will be to blame for not endeavouring to outline in a general way what they propose to do to cope with the position.

Hon. J. NICHOLSON: The Minister has told us that the Government have not formulated any definite scheme, and we are asked to give the Government this authorisation by an enactment. It is obvious from what the Minister has said that the Bill has been prepared without the full information that should be available to us. We are told that the Bill will take effect only when it is proclaimed. What assurance have we as to when it will be proclaimed? Have we not evidence that the Bill has been prematurely conceived?

Hon. A. J. H. Saw: I hope it will not miscarry.

Hon. J. NICHOLSON: I think it will miscarry. Dr. Saw spoke on this clause without having considered the later provisions contained in the Bill. It is provided that if a man contracts a disease and suffers disablement, that disablement will be treated as an accident, and any employer for whom the man has been working within 12 months preceding the date of disablement will be liable. How are we to overcome that difficulty? If we are to give this benefit to the worker it should be given to him not by proclaiming the Bill, but by stating that the measure shall take effect on a certain date, and then, any promise made, being definitely fulfilled. At the same time we shall be faced with the position that is bound to arise as between the industry and the Government. Dr. Saw intimated that the Government would relieve the industry to a certain extent and not throw the whole burden of compensation on it. The Bill, however, throws the whole load on the industry or the employer. A man may not show evidence of disease, and then the disablement may take place a few months after he starts work and his employer becomes liable. The Government should carry out a scheme which would make provision for those men suffering from industrial diseases on the goldfields, and arrange something more definite than that provided by the Miners' Phthisis Act. By the way, this Act has never been proclaimed; it is a dead letter, and the Bill we are now discussing, if it ever becomes law, will also be a dead letter.

The CHAIRMAN: I ask the hon. member to confine his remarks to the subject before the Committee, which is the amendment. Whether the clause be amended or not, he will be able to address himself to it at a later stage.

Hon. J. NICHOLSON: The Bill will be a dead letter unless we insert the date on which it shall be proclaimed. If the Leader of the House cannot place before us a definite scheme, the Bill will not be of much value in the way of giving relief to workers. We should stipulate clearly the date on which it shall take effect.

Hon. T. MOORE: I am speaking merely because Mr. Cornell seeks to have a discussion on the question, and because he referred to members sitting behind the Government as dummies. We have given an undertaking that we are not going to unduly take up the time of the House. Mr. Cornell was aware of that arrangement. If he was not aware of it he will be aware of it now. Regarding the subject matter of the discussion, mining operations have been carried on in Western Australia for over 30 years, and no Government has ever been game to grapple with the industry in the direction that should have been done. Everybody will agree with that. Dr. Saw and Mr. Holmes declare that the time has arrived when something should be done, in fact that the time has almost passed. We claim, however, that the Government have barely got into their stirrups and therefore have not had time to think of everything and to fix up everything in the space of a few months.

Hon. J. Cornell: Then why do they introduce a Bill before they are ready?

Hon. T. MOORE: The Government are faced with big responsibilities by having followed the previous Government.

Hon. J. Ewing: What are they?

Hon. T. MOORE: The hon. member knows very well.

Hon. J. Ewing: Every Government has those responsibilities.

Hon. T. MOORE: I am not finding fault on that account, but I claim that the Government will meet those responsibilities. The Government have so much confronting them at the present time that they cannot possibly be told that they must proclaim this measure on the 1st July next.

Hon. J. Cornell: We were told if the Bill did not go through, you would go to the country.

Hon. T. MOORE: That is not true, and it is a ridiculous statement to make. I have discussed this subject with the members of the Ministry and I know that their desire is to bring the Act into force as soon as possible, and to have everything done at the earliest moment. In the past 30 years Governments have not been able to do anything, and of course it is claimed that the Government that has been in power for barely eight months must do something immediately. That is the direction that is now being given to the Government. What a wonderful direction it is, seeing that nothing of the kind was ever thought of before! Mr. Cornell is very desirous—and I know that he is honest in that desire—

that something should be done without delay. I want him to be fair to a Party that is trying to do something to grapple with the great problems of the State, and I trust that no more insinuations will be thrown about or that we on this side shall be accused of being dummies. I can assure Mr. Cornell that we are at any time quite prepared to take on anybody, and we generally do take them on here in packs.

Hon. J. CORNELL: This is the second lecture I have had this afternoon. Mr. Moore has accused me of not adhering to a compact that was entered into. I did not agree to any compact.

Hon. T. MOORE: You have heard of it!

Hon. J. CORNELL: I have not spoken for more than five minutes at any one time. I give Mr. Moore and the Leader of the House my assurance that, when this is disposed of, I will not take up much more time.

Hon. T. MOORE: By way of explanation, I said that if we spoke to the point, we would get along quicker. There was no decision by which we were bound. Such a suggestion would be erroneous and ridiculous. I say we will not take up any more time than is necessary, and that we should not make second reading speeches on clauses.

The CHAIRMAN: That was a very proper decision to arrive at.

Hon. J. CORNELL: Am I to understand from your latest remark, Mr. Chairman, that Mr. Moore has conveyed your opinion?

The CHAIRMAN: My remark was intended to convey the opinion that if he did not speak more than was necessary, I should consider he was right.

Hon. J. CORNELL: Mr. Moore said that I should not make second reading speeches and I understood you to concur.

Hon. T. MOORE: That is all right.

Hon. J. CORNELL: I take it that you, Mr. Chairman, are the one who should call me to order and that Mr. Moore should not act as your lieutenant.

The CHAIRMAN: I did not say anything about second reading speeches.

Hon. J. CORNELL: Hon. members will agree that if there is one question concerning which I am obsessed, it is the one I have brought before the Committee. Mr. Moore has taken up the same running as the Minister and has suggested that we want everything done by the present Government straight away. I ask hon. members to compare my amendment with the Bill itself and let them ask themselves what is wrong with it. There is no obstacle in the Bill to the provisions relating to miners' phthisis operating from the time it is passed. Mr. Moore says that I would have the Government get a move on within the first six months. I have merely endeavoured to provide that they should bring the Bill into operation by July next. The Minister and those who have sought to assist him have failed lamentably to provide reasons to set

aside my desire to bring those covered by my amendment within the purview of the Bill.

Hon. T. MOORE: You will talk the Bill out all right if you keep going.

Hon. J. CORNELL: I will withdraw my amendment and see how we fare at a later stage. If the Committee agree to miners coming in without any medical examination, I shall be prepared to ask leave to move my amendment later on.

Hon. H. SEDDON: Before Mr. Cornell withdraws the amendment, there is one point that should be put before the Committee clearly. If the 12 months clause will be made effective by means of the amendment, it is possible, on the other hand, that the weeding out process will make the Bill abortive when it comes to be put into operation.

Amendment, by leave, withdrawn.

Clause put and passed.

Clause 3—Amendment of Section 4:

Hon. J. EWING: I move an amendment—

*That in Subclause 1 the words " (whether dependent upon the earnings of the worker at the time of his death, or not so dependent) " be struck out.*

The definition of "worker" in the principal Act contains very wide provisions. My object in moving for the deletion of these words is that it is possible that someone not morally entitled to compensation will, if the words be retained in the clause, be in a position to secure it.

The COLONIAL SECRETARY: We have discussed this matter at length. It is possible that instances will arise where injustice will follow if the amendment be agreed to. A wife might have small means of her own, and if her husband died, she might be deprived of compensation. Hence the necessity for the clause as it stands.

Hon. T. MOORE: I understand one of the reasons for the clause is that children, who may be earning sufficient to pay for their own board and lodging, may not be classed as dependants in the event of the death of their father. Those children are really dependent upon their parents.

Hon. J. J. Holmes: You cannot compensate for the loss of a father.

Hon. T. MOORE: That is so, but we can do something by way of compensation to assist in the education of children. No harm can be done by agreeing to the clause. As to the argument that was raised at an earlier stage, that a woman who had left her husband might receive compensation when she was not rightly entitled to it, hon. members must know that no large number of women in such a position are likely to get compensation to which they are not entitled. I am mostly concerned about the interests of children.



Hon. A. J. H. SAW: The definition of "dependant" in the parent Act does not specify any age limit and refers to those "wholly or in part dependent" upon the earnings of a worker at the time of his death. That covers the point referred to by Mr. Moore.

Hon. T. Moore: But that is the point. The fact that the children have been in receipt of 15s. or £1 has caused trouble in the past.

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

Ayes	..	..	..	..	13
Noes	..	..	..	..	8

Majority for .. 5

# AYES.

Hon. J. Ewing	Hon. J. Nicholson
Hon. J. A. Greig	Hon. A. J. H. Saw
Hon. V. Hamersley	Hon. H. A. Stephenson
Hon. J. J. Holmes	Hon. H. Stewart
Hon. A. Lovekin	Hon. H. J. Yelland
Hon. J. M. Macfarlane	Hon. J. Duffell
Hon. G. W. Miles	(Teller.)

# NOES.

Hon. J. R. Brown	Hon. E. H. Harris
Hon. A. Burvill	Hon. J. W. Hickey
Hon. J. M. Drew	Hon. T. Moore
Hon. E. H. Gray	Hon. W. H. Kitson
	(Teller.)

Amendment thus passed.

Hon. J. EWING: I move an amendment—

*That Subclause 2 be struck out.*

The subclause proposes to increase the remuneration that may be earned by an individual coming within the scope of the Bill from £400 a year to £520. The provision in the original Act is adequate to enable the worker to provide for his own insurance.

The COLONIAL SECRETARY: The amount of £400 was adopted in 1912 when the original Act was passed. Owing to the increase in the cost of living, £520 to-day would go no further than would £400 at that time.

Hon. A. Lovekin: Ought not a man receiving £520 be able to insure himself?

The COLONIAL SECRETARY: Why should he? The industry should carry the burden.

Hon. A. J. H. Saw: Then why have a wage limit at all?

Hon. J. M. Macfarlane: With all the imposts in this Bill, there will be no industry at all.

The COLONIAL SECRETARY: It is necessary to fix a reasonable limit and we consider £520 is reasonable, because it is relatively no more than the amount fixed 12 years ago.

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

Ayes	..	..	..	..	13
Noes	..	..	..	..	8

Majority for .. 7

# AYES.

Hon. C. F. Baxter	Hon. G. W. Miles
Hon. J. Duffell	Hon. J. Nicholson
Hon. J. Ewing	Hon. A. J. H. Saw
Hon. V. Hamersley	Hon. H. A. Stephenson
Hon. E. H. Harris	Hon. H. Stewart
Hon. J. J. Holmes	Hon. H. J. Yelland
Hon. A. Lovekin	Hon. J. A. Greig
Hon. J. M. Macfarlane	(Teller.)

# NOES.

Hon. A. Burvill	Hon. W. H. Kitson
Hon. J. Cornell	Hon. T. Moore
Hon. J. M. Drew	Hon. J. R. Brown
Hon. E. H. Gray	(Teller.)
Hon. J. W. Hickey	

Amendment thus passed.

Hon. J. EWING: I move an amendment—

*That Subclause 3 be struck out.*

This amendment is really consequential on the one just passed.

Amendment put and passed.

Hon. J. EWING: I move an amendment—

*That Subclause 4 be struck out.*

This defines "industrial magistrate" as a police or resident magistrate appointed by the Governor as an industrial magistrate for the purposes of the Act.

Hon. A. Lovekin: The industrial magistrate has already been cut out of the Arbitration Bill.

Hon. J. EWING: It should be deleted from this Bill.

Hon. A. Lovekin: Its deletion is consequential.

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

Clause 4—Addition of Subsections to Section 4:

Hon. H. A. STEPHENSON: I hope the clause will be deleted. The proposed new Subsection 2 provides that where a contract to perform work exceeding £5 in value is made with a contractor who neither sublets the contract nor employs wages men, or though employing wages men actually performs any part of the work himself, the contractor and the wages men shall be deemed to be workers employed by the person who made the contract. There is ample protection in Section 9 of the Act to cover such persons.

The COLONIAL SECRETARY: The clause really advises a person who has work to be done to take out an insurance

policy to cover the contractor and the men. What will be gained by deleting it? The contractor will add the cost of the premium to his contract price, and the man who lets the contract will have to carry the responsibility just the same. The clause will provide security for such workers.

Hon. J. J. HOLMES: The man letting the contract may not have any knowledge of the men employed, but this clause will shift the responsibility from the man who employs the labour on to the owner of the property, who may thus be faced with an unknown liability.

Hon. T. MOORE: I am surprised that Mr. Stephenson should have made such a far-reaching proposal as to delete the whole of the clause, because it means much to many workers. Mr. Holmes believes in piece-work, but the men employed in cutting timber for the mills have found they are not entitled to compensation when on piece-work.

Hon. J. J. Holmes: They are working for themselves.

Hon. T. MOORE: They are working for the boss. They may be put off at any time. They have no contract; they have only the right to go out each day and work. The Committee should be fair.

Hon. A. Lovekin: Read Section 9 of the Act.

Hon. T. MOORE: That has been found unworkable. Sleeper cutters have been debarred from getting compensation. Such men, who can be put on every day and knocked off every night, are workers and should be brought within the scope of the Act.

Hon. J. J. Holmes: They are their own bosses.

Hon. T. MOORE: Not for any portion of the day. A contractor is a man who undertakes to perform a certain work, and when that is done he is finished. Another man may employ himself in felling trees, but he is liable to be put off at any time. Such a man should not be debarred from the benefits of workers' compensation. Sir James Mitchell some time ago promised to amend the Act if, as was the case, it was found to be unworkable.

Hon. J. J. Holmes: He did not find it necessary to do so.

Hon. T. MOORE: It has been found necessary, and this Bill is designed to make the Act workable. It would be a grave injustice to a large section of the workers if they were excluded from its provisions.

Hon. A. Lovekin: Quote one case that would not come under Section 9 of the Act.

Hon. T. MOORE: I have mentioned several. Men engaged in felling trees or cutting scrub should, in the event of injury, be entitled to compensation.

Hon. H. A. Stephenson: Such a man is a contractor.

Hon. T. MOORE: I hope the amendment will be defeated.

Hon. H. A. STEPHENSON: Section 9 covers the whole thing, and is more clearly expressed than is this clause.

The Colonial Secretary: People who take on clearing work are not provided for in the Act.

Hon. J. J. HOLMES: The man who travels from farm to farm with a chaff cutter should be responsible for those he employs. If a man goes into the bush to cut timber, the owner of the land does not know what he is doing or how many men he is employing, and ought not to be asked to take any responsibility.

The COLONIAL SECRETARY: There is no difficulty in that regard. The owner of the land can ascertain how many men are engaged in the contract and prepare his wages sheet accordingly. He can then insure the men for the requisite amount for the stipulated time.

Hon. W. H. KITSON: This clause is designed to cover the man who is styled a contractor but who is different from the ordinary contractor. Such a man expresses his willingness to do certain work for the cost of his labour, and he may employ others to assist him. He may insure these other men, but may not be covered himself, or none of them may be covered. The object of this clause is to give such a man the right to compensation enjoyed by any other worker. There have been scores of cases of this kind. These men are not contractors but workers, and under the Act are not covered. A clause similar to this is included in the legislation of several of the other States. Many men have been injured during their work in the country, and have subsequently found that, because their employers came under the Industries Assistance Board, they could receive no compensation for their injuries. This clause will cover such men.

Hon. J. J. Holmes: And many more.

Hon. W. H. KITSON: It does not cover anyone who is trading as a contractor in his own name, or who is earning more than £400 a year. Surely the Committee cannot object to that.

Hon. J. A. GREIG: There is a great difference between the wage earner who is paid wages, and is under the dictatorship of his employer, and the man who takes on work by contract. The employer cannot dictate to the contractor and tell him how he should do his work, for if he interfered the contractor would have the right immediately to terminate the contract.

Hon. W. H. KITSON: A man may be prepared to take on the work of clearing land for a price ranging between 15s. and 30s. an acre, and may have to do this because he can get no other employment. Those men should not be debarred from the right to compensation in case of accident.

Hundreds of men are prepared to do their bit in the country, but by no stretch of imagination can they be termed contractors in the proper sense of the word. Moreover, the Bill places a limit on the earnings of those who come under it.

Hon. A. BURVILL: I am rather surprised at some of the arguments put up. I did not know there was any need for this provision. The Albany Road Board insure all the men engaged on their works, and adjust the matter at the close of the year. Why should this provision be objected to? In Victoria sawmilling years ago wages men and contractors were all insured in the same way by the employers.

Hon. E. H. HARRIS: Canvassers and salesmen have to be insured by the employer. Numerous instances could be quoted where men solely on commission, or on a small wage and commission, travel around the country for three or four employers. They have to be insured if they do not earn more than £400 a year. But one does not know until the end of the year what amount a man has been earning.

Hon. J. Nicholson: He might be earning more than £520 a year by working for three or four employers.

Hon. E. H. HARRIS: That is the very point I wish to make. Which, if any, of the employers has the duty of insuring the man?

The COLONIAL SECRETARY: A man might be employed by three different employers, and still be insured. I had such a case, and I insured the man for the amount I had paid him during the previous year. On consulting the insurance company I was informed that that was the proper procedure. Similarly, if an insurance canvasser was working for three firms, each of the three firms would insure him for the amount it expected him to earn during the year, and at the close of the year there would be an adjustment.

Hon. V. HAMERSLEY: If the Minister were a farmer, he would know that this provision would involve a great deal of accountancy work. The farmer would have to insure every man employed at clearing or shearing, and the man might remain only a little time on the farm. Under this provision a wise worker might build up a series of claims against a number of employers. A clause like this makes one wonder whether a large section of the community do not desire to make it a crime to be an employer. The onus should not be thrown on the employer all the time. Contractors should be made to insure their men. The clause is a drag-net.

Hon. J. CORNELL: I have tried to reconcile Clause 4 with Section 9 of the principal Act. My interpretation of the clause is that it gathers in all who escape Section 9. Under that section the contractor finds the money, but under the clause the employer, or principal, will find the money. The Bill attempts the impossible. In isolated

cases nowadays, if the contractor does not insure himself and gets injured, he receives no compensation; and if he does not insure the workers who escape Section 9, they receive no compensation. The clause says that the onus shall henceforth be on the employer; that is to say, the principal. We should tackle the question of insurance on the broader issue. The principle of workers' compensation should extend to everybody.

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

Ayes	..	..	..	10
Noes	..	..	..	12

Majority against .. 2

#### AYES.

Hon. J. R. Brown	Hon. W. H. Kitson
Hon. J. Cornell	Hon. T. Moore
Hon. J. M. Drew	Hon. A. J. H. Saw
Hon. E. H. Gray	Hon. H. Seddon
Hon. E. H. Harris	Hon. A. Burvill

(Teller.)

#### NOES.

Hon. J. Duffell	Hon. G. W. Miles
Hon. J. A. Greig	Hon. J. Nicholson
Hon. V. Hamersley	Hon. H. A. Stephenson
Hon. J. J. Holmes	Hon. H. Stewart
Hon. A. Lovekin	Hon. H. J. Yelland
Hon. J. M. Macfarlane	Hon. J. Ewing

(Teller.)

Clause thus negatived.

*Sitting suspended from 6.18 to 7.30 p.m.*

Clause 5—Amendment of Section 6:

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

*That the proposed subsection (1) be struck out.*

This provides the worker with insurance to an almost unlimited extent—at the job, at the place of his employment, on his journey to and from that place, and in any place whatsoever if the accident occurs during the course of his employment. The Minister for Works in introducing the Bill in the Assembly said that in drafting the Bill his trouble had been to avoid creating the impression that workers compensation was to be revolutionised. He did not deny that he was actually revolutionising it. On a farm or station a man will be covered the whole time. If on a Sunday afternoon he, with a comrade, went out kangaroo shooting and by an accident was himself shot, he would be covered by insurance, for the reason that he was on the premises, was at the place of his employment. Then there is the risk while going to and from work. In town it will be a simple matter, for the employer will send his men home by motor and get a receipt for their safe delivery. If this were not done, a man might not get home till midnight; and until

he reaches home he is at his employer's risk. If this is not revolutionising workers' compensation, I do not know what is.

**The COLONIAL SECRETARY:** A similar provision is in force in Queensland. Mr. Holmes's illustration of the kangaroo shooter is too farcical for words. Moreover, if an employee, instead of going straight home, remained out till midnight and met with an accident, he would not come under this provision. Take the insurance rates charged in Queensland and compare them with the rates obtaining in other States: For timber getting with blasting, the Victorian State Insurance Office charges a premium of 80s. per £100 in wages, the Queensland State Insurance Office charge 100s., and the Accident Underwriters of Western Australia charge 65s.; for timber getting without explosives, the premiums are:—Victoria 60s., Queensland 63s., Western Australia 65s.; for the demolition of buildings—Victoria 60s., Queensland 60s., Western Australia 70s.; stevedoring—Victoria 90s., Queensland 70s., Western Australia 70s.; for bus proprietors—Victoria 25s., Queensland 30s., Western Australia 25s.; dock and harbour construction with blasting—Victoria 75s., Queensland 80s., Western Australia 70s.; dam construction—Victoria 40s., Queensland 40s., Western Australia 30s.; shipping, sea-going sailers—Victoria 120s., Queensland 100s., Western Australia 60s.; shipping, sea-going steamers—Victoria 40s., Queensland 51s., Western Australia 60s.; cyanide plants—Victoria 25s., Queensland 29s., Western Australia, no rate given; for plumbing—Victoria 10s., Queensland 10s., Western Australia 7s. 6d.; artesian bores—Victoria 25s., Queensland 13s. 6d.; Western Australia 22s. 6d.; bridge builders without blasting—Victoria 35s., Queensland 50s., Western Australia 50s.; shearers—Victoria 20s., Queensland 16s., Western Australia 25s. I give these rates in order to show that, despite the provisions of the Workers' Compensation Act, the Queensland rates of insurance compare favourably with the rates elsewhere.

**Hon. J. J. HOLMES:** Lots of things have been read out to us about Queensland, but we have never yet been told the actual result of State insurance there. It will be found in the Auditor General's report that during the first year of workers' compensation Queensland paid £225,000. That is a nice little bill for the State to foot! On a previous occasion I said it had been reported to me that, as the result of workers' compensation insurance, Queensland during the first year lost £40,000 or £50,000, and I asked the Minister to say whether or not it was correct. If in Queensland there is a loss under State insurance, the Treasurer foots the bill, and the insurance rates are not increased. Here, however, the private companies have to maintain their rates in accordance with their risks. In these circumstances, what sort of premium shall we

have to pay to cover a worker while on the premises of his employer, on the job, or on his way to or from his home? I have been told that in Queensland a shearer repairing his greasy boots on a Saturday afternoon, and using a sharp knife, so damaged his arm with the knife that he was unfit to shear again. That shearer, I am told, claimed compensation and was paid. Where is the difference between a Saturday afternoon accident of that sort and a Saturday afternoon gun accident?

**Hon. J. R. Brown:** In the one instance the man was on the premises.

**Hon. J. J. HOLMES:** And so he was in the other.

**The COLONIAL SECRETARY:** In Victoria insurance rates are 20s.; in Queensland 16s., and in Western Australia 25s. In order to clear the atmosphere I will supply the information that has been asked for. The Government statistician informs me that there has been no shortage in the Workers' Compensation Fund of Queensland. On the contrary, the report of the Commissioner in that State to the 30th June last shows that the fund had a credit balance of £61,510, and that the credit balance of the fire fund was £25,266. A shortage occurred in the Miners' Phthisis Fund, which on the 30th June, 1924, showed a deficiency of £21,391. Since 1919 yearly transfers totalling £47,199 had been made from the Workers' Compensation Fund to the Miners' Phthisis Fund. When the latter fund was established no data was available to give an idea of the rates of premiums to be charged. Experience had shown that those rates had been too low and had since been substantially increased.

**Hon. W. H. KITSON:** The statement made by Mr. Holmes regarding the amount paid to injured workers in Queensland is quite correct. In 1922, the amount paid to injured workers in that State was £221,000. If that shows anything, in my opinion it shows that there is a need for workers' compensation, and also shows that in Queensland where State insurance exists, the Government are able to give greater benefits with cheaper premiums than we can do in this State where workers are subject to injury. I might mention that in the year before the payment of £221,000 was made to injured workers, the sum paid as premiums totalled no less than £323,000. This shows conclusively that whilst the rates compare more than favourably with those of the other States, and that whilst the amount paid is much higher than in the other States, there is a considerable margin between the premiums received and the amount paid in the form of compensation.

**Hon. J. Nicholson:** Do you know how much the Queensland Government paid into the insurance fund in previous years?

**Hon. W. H. KITSON:** I do not know that they contributed anything.

Hon. J. Nicholson: They paid a very large sum.

Hon. W. H. KITSON: At any rate, since the inception of State insurance it has not been necessary for the Government to pay anything into the fund.

Hon. E. H. Harris: Are you quoting from the Auditor General's report?

Hon. W. H. KITSON: No, but the information can be obtained from official publications. I believe what I have stated to be absolutely correct. The proposal to insure an individual from the time he leaves home to the time he returns to his home is not a new thing, even in this State. It is possible to insure men for given periods and also for the whole 24 hours. Even footballers can be insured for the whole 24 hours, for the seven days of the week and for the whole season, and no matter in which part of the Commonwealth they may be.

Hon. A. J. H. Saw: What is the force of this argument? Do you want every workman to be insured against accident as the result of football playing?

Hon. J. J. Holmes: And is football an industry?

Hon. W. H. KITSON: Some members seem to think that the proposal to insure men from the time they leave home to the time they return home is a ridiculous proposition.

Hon. C. F. Baxter: So it is.

Hon. W. H. KITSON: It is not.

Hon. A. J. H. Saw: Now you want workers insured against football.

Hon. W. H. KITSON: No; I merely quoted that to illustrate that footballers are insured against accident, even for the whole of the season, no matter where they may be travelling.

Hon. A. J. H. Saw: Anyhow, what has it to do with the case?

Hon. W. H. KITSON: I am merely illustrating that men who may be subject to accident, even more than those who are engaged at work, can be covered by insurance during the 24 hours.

Hon. J. J. Holmes: And the industry has to pay.

Hon. W. H. KITSON: Of course.

Hon. J. Duffell: There would not be any industries if you had your way.

Hon. W. H. KITSON: Where a worker is injured at his work, or during the time he is going to his work or returning from it, the industry should pay.

Hon. A. BURVILL: Mr. Ewing has an amendment on the Notice Paper to cut out that part of the clause that I think is objectionable. If the whole of the clause is deleted, it will not be possible to do what Mr. Ewing desires.

The CHAIRMAN: You can vote against the amendment now before the Chair.

Hon. A. BURVILL: Or vote in the direction of throwing out the whole clause?

The CHAIRMAN: If the whole clause is not struck out Mr. Ewing will have an opportunity to move his amendment.

Hon. T. MOORE: This is not a fair way of dealing with the matter. Members have spoken, not against paragraphs of the clause, but against the whole clause, though there are some paragraphs in the clause with which they do not find fault. Why do they not move first of all to strike out or amend those paragraphs with which they do not agree? In connection with the second paragraph are members aware that in timber country, employees are taken out into the bush on lines which the Government would not for a moment dream of using in this way. If those men met with an accident they could not get compensation.

Hon. J. Duffell: Well why not provide for that?

Hon. T. MOORE: Those men are felling in the bush and they have to ride out on trucks. They are piece-workers, and if the contractor who employs them is a man of straw, they can hope to get nothing. No argument has been used against the third paragraph. Is it fair, therefore, that that too should go out with all the rest?

Hon. A. BURVILL: Yesterday we had a different procedure from that which we are following to-day. Yesterday we dealt with paragraph by paragraph, and the whole clause was submitted afterwards. Now we are adopting a different procedure.

The CHAIRMAN: We are not doing anything of the kind.

Hon. A. BURVILL: I suggest that Mr. Holmes withdraw his amendment and allow Mr. Ewing to move his.

Hon. T. Moore: No one will take exception to that.

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

Ayes	..	..	..	15
Noes	..	..	..	9

Majority for .. .. 6

#### AYES.

Hon. C. F. Baxter	Hon. J. M. Macfarlane
Hon. J. Duffell	Hon. G. W. Miles
Hon. J. Ewing	Hon. J. Nicholson
Hon. J. A. Greig	Hon. H. A. Stephenson
Hon. V. Hamersley	Hon. H. Stewart
Hon. B. H. Harris	Hon. H. J. Yelland
Hon. J. J. Holmes	Hon. A. J. H. Saw
Hon. A. Lovekin	(Teller.)

#### NOES.

Hon. A. Burvill	Hon. J. W. Klrwan
Hon. J. Cornell	Hon. W. H. Kitson
Hon. J. E. Dodd	Hon. T. Moore
Hon. J. M. Drew	Hon. J. R. Brown
Hon. E. H. Gray	(Teller.)

Amendment thus passed.

The CHAIRMAN: I may point out for the benefit of hon. members who are not clear as to the position, particularly Mr. Burvill, that Clause 5 contains five proposed subsections, and the one that has been struck out is the first.

Hon. A. BURVILL: I take it that Mr. Ewing's proposal is set aside as a result of the vote. As I did not have an opportunity of voting on that particular question, I voted with the Noes.

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

*That proposed Subsection 2 be struck out.*

In common with other hon. members, I do not desire to delay proceedings and I shall not discuss the amendment at all.

Hon. T. Moore: Surely you will give us some reasons for striking out the proposed subsection!

Hon. J. J. HOLMES: The hon. member himself said that if I discussed matters at length he would put it over me!

Hon. T. Moore: I referred to quoting outside matters.

Hon. J. J. HOLMES: Now he wishes me to discuss the amendment! There is no necessity to labour the question. Hitherto industry has had one gun pointed at it and has had to stand up against it. This provides a double-barrelled gun and if one barrel misses fire, there is the other.

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

Ayes	..	..	..	11
Noes	..	..	..	11
A tie	..	..	..	0

#### AYES.

Hon. J. Duffell	Hon. G. W. Miles
Hon. J. Ewing	Hon. J. Nicholson
Hon. J. A. Greig	Hon. H. A. Stephenson
Hon. V. Hamersley	Hon. H. Stewart
Hon. A. Lovekin	Hon. J. J. Holmes
Hon. J. M. Macfarlane	(Teller.)

#### NOES.

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

The CHAIRMAN: In accordance with the Standing Orders, the amendment passes in the negative.

Amendment thus negatived.

Hon. V. HAMERSLEY: I move an amendment—

*That in line 1 of proposed Subsection 3 the words "in place of paragraph (c) a paragraph" be struck out.*

if the amendment be agreed to, I shall move to insert in lieu of those struck out, the following words:—"A new paragraph between paragraphs (c) and (d), to be read as paragraph (d)." It will be necessary to alter "(c)" in the third line to make it read "(d)."

Hon. A. J. H. SAW: I would appeal to Mr. Hamersley to deal with this matter in another way. The Bill proposes to delete altogether the paragraph appearing in the Act whereby if a worker is guilty of serious or wilful misconduct, any claim for compensation made by him shall be disallowed.

Hon. H. Stewart: You are wrong.

Hon. J. Cornell: That was repealed by the last vote and paragraph (c) is now in its right place.

Hon. J. J. Holmes: It was your vote that resulted in the repeal of that paragraph!

Hon. A. J. H. SAW: If paragraph (c) has been repealed it shows the disadvantage of moving these things en bloc. I enter a protest against what has been going on during the last ten minutes, when gentlemen have been coming around here, acting as emissaries from someone highly placed in another place and asking us not to carry on any further discussion than is absolutely necessary in order to get rid of this Bill and allow the Premier to go away.

Hon. A. Lovekin: I do not think you should say that.

Hon. A. J. H. SAW: It is getting us into trouble. We should proceed with the Bill without undue discussion for the sake of delay but with sufficient discussion to clear up the essential points. So long as I am here, I shall do that. I do not care if we sit till midnight. I do not see why we should be hurried. Let us address ourselves to the Bill seriously and without any obstruction, but let us have discussion so that we shall know what we are about.

Hon. J. CORNELL: There is no need for Mr. Hamersley to move his amendment because the vote just taken has repealed paragraphs (a), (b), and (c) of Section 6 of the Act.

Hon. J. E. DODD: I think Mr. Hamersley's intention is to strike out the paragraph in the Bill with a view to retaining the paragraph in the Act—the serious and wilful misconduct provision. The Committee might well agree to the abolition of that provision. It operates very harshly at times against employees. I know of a young fellow who was killed through going back to a hole that had missed fire before the stipulated period of one hour had elapsed. That rule has always been more honoured in the breach than the observance. Men do not like to wait too long.

Hon. G. W. Miles: They go back of their own free will!

Hon. J. R. Brown: If they did not, the boss would soon sack them.

Hon. J. E. DODD: They go back to get on with their work. Machine men particularly wish to get on with their work. This young fellow went back too soon and lost his life. The defence was serious and wilful misconduct. The bench took a lenient view and granted the mother £200 compensation. I could quote other cases—one of which was taken to the High Court—that have operated harshly against the employees.

Hon. V. HAMERSLEY: I ask leave to withdraw the amendment.

Hon. J. NICHOLSON: I was going to suggest the addition of words to the amendment.

The CHAIRMAN: The question before us is that the words be struck out.

Hon. J. NICHOLSON: If the hon. member would agree to add at the end of Subclause 3 the words "or by reason of the serious and wilful misconduct of that worker" it would restore the position.

The CHAIRMAN: If Mr. Hamersley withdraws his amendment you can move that yourself.

Amendment, by leave, withdrawn.

Hon. J. NICHOLSON: I move an amendment—

*That the following be added to proposed Subsection 3:—"or by reason of the serious and wilful misconduct of that worker."*

Hon. H. STEWART: Would it not be sufficient to add "or proved to be attributable to the wilful misconduct of the worker"? In reply to Mr. Dodd, the Mines Regulation Act protects the workers from dangerous practices, but familiarity with danger often breeds contempt. It is expressly laid down that only a copper or wooden rammer shall be used, but when I worked underground 50 per cent. of the men used the iron scraper to ram home a charge. It is not in the interests of the men that they should take these risks.

Hon. J. CORNELL: I am opposed to the amendment. The only bar to compensation under the Act is the serious and wilful misconduct of the worker. The effect of Mr. Nicholson's amendment will be to add another bar to compensation.

Hon. A. J. H. SAW: A man who is guilty of serious and wilful misconduct should not be entitled to compensation. If a man, who is in charge of a motor bus, becomes drunk and injures himself and possibly his passengers, he has committed a serious and wilful act of misconduct. No reasonable magistrate or judge would construe these words into meaning the infringement of some regulation in the interests of the employer in order to expedite work.

The COLONIAL SECRETARY: When the first compensation Bill was introduced

in this Chamber, there was a lengthy discussion on this very question. The Leader of the House then stated that serious and wilful misconduct on the part of a worker meant drunkenness. Since then the term has been applied to recklessness and rashness.

Hon. J. E. DODD: I think I am right in saying that at Ravensthorpe there was the case of a man who had to look after a rake of trucks. He had been warned not to ride on the brakes, but one day the trucks broke away and he jumped on the brakes in an endeavour to stop them. This was held to be serious and wilful misconduct on his part, and the Full Court upheld the plea that it was so. This was a hardship upon the man in question.

Hon. J. CORNELL: Mr. Nicholson should not press his amendment. We have agreed to strike out the words "serious and wilful misconduct," and cannot reinsert them except on recommendation. In order to prove serious and wilful misconduct, the employer should show that the worker had disobeyed certain explicit and definite instructions given to him.

Hon. J. E. DODD: In the instance I quoted the man may have thought he would save damage to property by jumping on the brakes.

Hon. J. NICHOLSON: I ask leave to withdraw my amendment.

Amendment by leave withdrawn.

Hon. J. NICHOLSON: I move an amendment—

*That in proposed Subsection 4, paragraph 3 (a), the words "which shall be paid as lump sums without deduction" be struck out, and the following words be added:—"Nothing in the said table shall limit the amount of compensation payable for any such injury during any period of total incapacity resulting from that injury, but any sums so paid shall be deducted from the compensation payable in accordance with the said table."*

The words I propose to substitute are taken from the Queensland Act. In Queensland there is no provision such as is contained in the words I suggest should be struck out.

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

Ayes	..	..	..	..	12
Noes	..	..	..	..	10

Majority for .. 2

#### AYES.

Hon. J. Cornell	{ Hon. J. M. Macfarlane
Hon. J. Duffell	{ Hon. G. W. Miles
Hon. J. Ewing	{ Hon. J. Nicholson
Hon. V. Hamersley	{ Hon. A. J. H. Saw
Hon. J. J. Holmes	{ Hon. H. A. Stephenson
Hon. A. Lovekin	{ Hon. J. A. Greig

(Teller.)

## NOMs.

Hon. J. R. Brown	Hon. J. W. Hickey
Hon. J. E. Dodd	Hon. T. Moore
Hon. J. M. Drew	Hon. H. Seddon
Hon. E. H. Gray	Hon. H. Stewart
Hon. E. H. Harris	Hon. A. Burvill

(Teller.)

Amendment thus passed.

Hon. J. NICHOLSON: I move a further amendment—

*That paragraph (b) of proposed Sub-section 4 be struck out.*

This is a consequential amendment.

Amendment put and passed.

Hon. J. NICHOLSON: I move an amendment—

*That paragraph (e) of proposed Sub-section 4 be struck out.*

On the second reading I drew attention to the absolute inconsistency of this paragraph with paragraph (f) and other provisions of the Bill. We were told that it was intended the amount of compensation should be limited to £750; but paragraph (e) gives power to the local court to increase the amount, without any limit. I do not know where employers would be as regards insurance, under paragraph (e).

The COLONIAL SECRETARY: There is a limit to compensation, and that limit is £750, with the addition of funeral expenses. As regards medical expenses the limit is £100. The total payable cannot possibly exceed £850 plus funeral expenses. As regards special compensation, a linotype operator would be seriously affected in his trade by the loss of a finger.

Hon. A. Lovekin: Linotype operators do not come under the Bill; they are too costly.

Hon. J. E. DODD: Has Mr. Nicholson paid attention to paragraph (f)? That paragraph contains a proviso that the compensation granted to any worker shall in no case exceed £750.

Hon. J. NICHOLSON: It is because paragraph (e) is inconsistent with paragraph (f) that I take exception to it.

Hon. J. CORNELL: We have heard about a linotype operator losing a finger, but what about a navvy losing a leg? Are both the linotype operator and the navvy going to be compensated additionally to what is provided by the schedule? If so, there is no way in which the risk can be measured. We are setting ourselves an impossible task in attempting to assess economic loss to injured workers. At Home endless endeavours have been made to assess such losses in connection with the pension system, and all those endeavours have proved unsuccessful. A navvy who loses his leg is finally done for as a navvy, and he will have to be satisfied with the compensation fixed by the schedule.

Hon. E. H. Gray: The system of assessing economic losses is in operation in Great Britain.

Hon. J. CORNELL: I do not want to go to Great Britain for comparison of pensions or of compensation.

Hon. A. J. H. SAW: I do not see any inconsistency between paragraphs (e) and (f). Paragraph (e) deals with special compensation to be paid to a worker by reason of his injury having prevented his following his calling. But the injuries set out in the second schedule do not necessarily involve the maximum of £750, so there would be no inconsistency between paragraphs (e) and (f). But paragraph (e) would give rise to endless litigation. When a worker meets with an injury he is bound to imagine it is that injury that prevents him from efficiently performing his functions in his particular avocation, and so he will demand special compensation; and in every case the insurance company will resist it. Moreover, in the long run his nursing of a special grievance will do the worker more harm than if there had never been a Workers' Compensation Act. There are great difficulties in deciding whether an injury is of vital importance to a man in relation to his avocation. Only the other day I met a man who, although suffering from wrist drop, was successfully following his avocation as a carpenter. Differentiation in the way proposed in the paragraph will do the worker more harm than good.

Hon. E. H. GRAY: I understand that this provision is working very well in England. A man might be a confectioner and burn his hand in such a way as not only to prevent his going back to his trade, but to compel him to take on unskilled work. Surely he should be entitled to extra compensation on that account! Moreover, if the House of Lords could pass this provision, surely we can do so too.

Hon. J. E. DODD: I once worked with a man who, although having lost four fingers of the right hand, was one of the best miners I ever knew. However, had he been a linotype operator at the time of his injury, he certainly would have had to find some other employment. To a navvy the loss of a finger does not mean so much as it would to a craftsman. Seeing that the maximum is not to be increased, I think the paragraph might be allowed to remain. It must be remembered that 90 per cent. of such cases do not go to court, but are settled outside.

Hon. J. Nicholson: The paragraph would make it impossible to settle cases except in the court.

Hon. J. J. HOLMES: A piano player who lost four fingers would be entitled to £150.

Hon. E. H. Gray: How could he lose his fingers playing the piano?

Hon. J. Cornell: Someone might drop a beer bottle on his fingers while he was playing.

Hon. J. J. HOLMES: If the paragraph is allowed to stand, each case must go to



court. The Bill provides £150 for the loss of a finger, but the victim will invariably attempt to secure the whole £750. It will mean endless litigation.

The COLONIAL SECRETARY: I want to show the trend of the law in America. This is an extract from the report of the International Accident Clause Commissioner of Chicago in 1921:—

Obviously the loss of an arm will be a greater loss to a man 60 years of age than to a man 25 years of age, for not only will it be more difficult for the elder man to learn a new trade, but his very age will be a bar to his employment.

Hon. J. J. Holmes: Then why have you not prepared a schedule in accordance with age?

Hon. J. CORNELL: Under this paragraph the manual labourer will get no consideration. To a manual labourer the loss of an arm or of a leg is equal to the loss of a finger by a linotype operator, for both are deprived of their earning power at their respective occupations. Under the paragraph the skilled man will get a benefit, but the manual labourer will not.

Hon. J. NICHOLSON: The Bill purports to fix a certain scale for given injuries and on that scale insurance companies will fix the rates. If the paragraph be agreed to, it will be impossible for any insurance to be effected, other than on a maximum basis. Consequently it will be impossible for certain industries to be carried on.

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

Ayes	..	..	..	12
Noes	..	..	..	9

Majority for	..	..	3
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#### AYES.

Hon. J. Ewing	Hon. J. Nicholson
Hon. J. A. Greig	Hon. A. J. H. Saw
Hon. V. Hamersley	Hon. H. A. Stephenson
Hon. J. J. Holmes	Hon. H. Stewart
Hon. A. Lovekin	Hon. J. Duffell
Hon. J. M. Macfarlane	(Teller.)
Hon. G. W. Miles	

#### NOES.

Hon. A. Burvill	Hon. E. H. Gray
Hon. J. Cornell	Hon. E. H. Harris
Hon. J. E. Dodd	Hon. J. W. Hickey
Hon. J. M. Drew	Hon. T. Moore
	(Teller.)

Amendment thus passed.

Hon. A. J. H. SAW: There is an amendment in my name to insert in paragraph (f), limiting the amount of payment to £750, the words "for any period of total incapacity due to illness resulting from the injury, as provided in paragraph (b)." Paragraph (b), however, has been deleted and therefore it is no use going on with my amendment. The various

paragraphs in this clause were inconsistent and it was impossible to say from reading them what amount of compensation could be paid, and it was to clear up that point that I intended to submit my amendment. However, there is now no need for it and I shall not submit it.

Hon. E. H. HARRIS: I, too, intended to move an amendment to strike out Subclause 5. The Committee deleted a subclause and this, I think, should go out also as a consequential amendment.

Hon. J. A. Greig: It is a little more than consequential; you had better move to strike it out.

Hon. E. H. HARRIS: I move an amendment—

*That proposed Subsection 5 be struck out.*

It seeks to remit any proceedings in the local court to be heard by an industrial magistrate. We have already decided to delete "industrial magistrate," and therefore the subclause cannot now apply.

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

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

Hon. A. J. H. SAW: I intend to move an amendment which is purely verbal. The proposed section has been copied from the New South Wales Act. I have no objection to it as it appears in that statute, but there has been a mistake in the drafting in that the third paragraph (c) is given in the Bill as a separate paragraph, whereas in the New South Wales Act it appears as part of the paragraph preceding it. I desire to restore it to the form in which it appears in the New South Wales Act. I move an amendment—

*That the letter "(c)" be struck out, and the paragraph following be made part of the preceding paragraph.*

Amendment put and passed.

Hon. J. M. MACFARLANE: I move an amendment—

*That in proposed Subsection 4 "wilfully and falsely" be struck out.*

It seems to be quite a natural thing that a man seeking employment, having once suffered from a disease, would be prone to make the statement wilfully and falsely, but as it will be so difficult for the employer to prove that, the words should be struck out.

Hon. A. J. H. SAW: The English Act contains the same words and personally I do not see any harm in them.

The COLONIAL SECRETARY: It is possible for a man suffering from a disease to make a statement that he had not previously suffered, believing that statement

to be true. If the employer takes up the attitude that the statement is untrue, the onus of proof should rest with him that the statement made was wilful and false.

**Hon. J. NICHOLSON:** The burden thrust upon the employer is a serious one. It will be difficult to prove that such statements have been wilfully and falsely made. It has to be remembered that our community is largely migratory, much more so than in England. In consequence we have to fit our laws to suit our own conditions. It is difficult to trace the antecedents of an individual in this country, and, therefore, it is easy for that person to make misrepresentations upon which the employer will have to rely. If the employer can show that statements made are misrepresentations, he should be entitled to the protection afforded by the subclause.

**Hon. J. E. DODD:** If the amendment be agreed to, the subclause will be practically nullified. It is well known that men suffering from tuberculosis keep going until the last moment, and no such man would like to admit that he was suffering from the disease. Mr. Nicholson forgets that when the Bill is put into operation, no man will enter any of these forms of employment unless he has been medically examined. That in itself will be sufficient safeguard for the employer. Then, again, many men do not know that they are suffering from diseases, yet under the provisions of the Bill they may be debarred from compensation should the amendment be agreed to.

**Hon. J. M. MACFARLANE:** I agree that the employer will have to prove that statements have been falsely and wilfully made, but I cannot follow the argument that men may unconsciously make misstatements. It is true that the employer will have the right to have the men medically examined, but I think that provision will be more honoured in the breach than in the observance. The probabilities are that the employers will accept statements in writing from the men that they are not suffering from any disease.

**Hon. H. STEWART:** The tendency will be to have printed forms to be signed by the workers, and we know that those forms are in many cases signed lightly.

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

Ayes	..	..	..	11
Noes	..	..	..	11
A tie	..	..	..	0

#### AYES.

Hon. J. Duffell	Hon. J. M. Macfarlane
Hon. J. Ewing	Hon. G. W. Miles
Hon. J. A. Greig	Hon. H. A. Stephenson
Hon. V. Hamersley	Hon. H. Stewart
Hon. J. J. Holmes	Hon. J. Nicholson
Hon. A. Lovekin	(Teller.)

#### NOES.

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

The **CHAIRMAN:** In accordance with the Standing Orders the question passes in the negative.

Amendment thus negatived.

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

*That at the commencement of line 4 of proposed Subsection 3 the following words be inserted:—“produces a certificate from a duly qualified medical practitioner that.”*

There is no machinery provided whereby it may be established that an injured man is suffering from a disease and that he has been employed in a process. In other countries such as Great Britain, New South Wales and Victoria, certifying surgeons are employed and their duty is to connect up the disease with the man's employment. They must produce a certificate which is accepted as prima facie evidence that the man has contracted the disease as the result of his employment.

**Hon. J. R. Brown:** How could a medical man say where the disease came from?

**Hon. A. J. H. SAW:** If anyone is able to do so, it will be the doctor, but in this country we are not likely to have certifying surgeons. Consequently, my amendment will enable any medical practitioner to give the necessary certificate.

The **COLONIAL SECRETARY:** The subclause is taken from the English Act word for word, and a similar provision appears in the workers' compensation laws of New South Wales, South Australia, Tasmania, and Victoria. That should be sufficient justification for its inclusion here.

**Hon. J. Cornell:** It does not appear in the most comprehensive of them all.

**Hon. A. J. H. SAW:** The Acts mentioned by the Colonial Secretary also make provision for certifying surgeons. Surely a man's statement that he is suffering from pneumoconiosis, and is working in a mine is not sufficient. He should have to produce a medical certificate to say that he is suffering from pneumoconiosis, and that in the opinion of the doctor it was contracted in the course of his employment.

**Hon. J. NICHOLSON:** I was asked by Mr. Yelland to move an amendment to strike out the words “unless the employer proves the contrary.” I think the amendment by Dr. Saw will fill an obvious gap in the machinery of the Bill. Without it the clause is incomplete.

Amendment put and passed.

Hon. J. EWING: I move an amendment—

*That in line 1 of the proposed Subsection 10, the words "coming to Western Australia" be struck out.*

The subsection will then provide that a worker shall not be entitled to benefit until he has lodged with the registrar a certificate from a medical referee certifying him to be free from pulmonary tuberculosis and from the diseases mentioned in the third schedule. Miners' phthisis is the only disease that really matters. If the amendment be carried, every worker on the goldfields will have to be examined to ensure that he is not suffering from disease. Before the measure is proclaimed on the goldfields we want a definite statement as to the policy of the Government regarding the provision to be made for the men thrown out of employment.

Hon. J. Cornell: Your amendment will apply to all industries.

Hon. J. EWING: It might be considered to be far-reaching, but the Minister for Works said 95 per cent. of the cases on the goldfields were tuberculosis or phthisis.

The COLONIAL SECRETARY: The hon. member wishes to impose upon miners in the State conditions that the Bill seeks to impose only upon those who come from outside and engage in mining.

Hon. J. Ewing: Treat them all alike.

The COLONIAL SECRETARY: Similar legislation in New Zealand caused great industrial unrest and had to be amended. There is no necessity for it here. Since 1915, before any miner has been taken on, he has had to undergo a medical examination. That should be sufficient.

Hon. J. J. Holmes: Any examination since?

The COLONIAL SECRETARY: Only when first taken on.

Hon. J. Cornell: And it is a hurry-up examination, too.

The COLONIAL SECRETARY: The amendment will make examination compulsory after the passing of the measure. That is not necessary.

Hon. A. J. H. SAW: The amendment will mean that every worker, and not only every miner, in every kind of industry, before he can come under the provisions dealing with industrial diseases, will have to produce a medical certificate from a medical referee appointed under this measure certifying him to be free from pulmonary tuberculosis and all the diseases mentioned in the third schedule. I do not know how much it will cost a man to get a comprehensive examination of that kind. To say he is not suffering from pulmonary tuberculosis might be easy, but to say that his is not suffering from the early or middle stages of pneumoconiosis would require an X-ray examination. I have an amendment to move later on that will improve the clause, but it will not be

worth considering if Mr. Ewing's amendment be carried.

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

Ayes	..	..	..	7
Noes	..	..	..	14

Majority against .. 7

#### AYES.

Hon. J. Duffell	Hon. G. W. Miles
Hon. J. Ewing	Hon. J. Nicholson
Hon. J. J. Holmes	Hon. V. Hamersley
Hon. A. Lovekin	(Teller.)

#### NOES.

Hon. J. R. Brown	Hon. J. W. Hickey
Hon. A. Burvill	Hon. J. M. Macfarlane
Hon. J. Cornell	Hon. T. Moore
Hon. J. E. Dodd	Hon. A. J. H. Saw
Hon. J. M. Drew	Hon. H. Seddon
Hon. J. A. Greig	Hon. H. Stewart
Hon. E. H. Harris	Hon. H. A. Stephenson
	(Teller.)

Amendment thus negatived.

Hon. A. LOVEKIN: I move an amendment—

*That in proposed Subsection 10, line 2, the words "of this section" be struck out.*

This is a typographical error.

Amendment put and passed.

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

*That in proposed Subsection 10, line 3, after the word "section" there be inserted the words "insofar as it refers to pneumoconiosis and miners' phthisis."*

My object is to limit the medical certificate for the worker coming to Western Australia to these particular diseases, and avoid the necessity for the inclusion of the 150 or 200 industrial diseases mentioned in the schedule.

Amendment put and passed.

Hon. J. CORNELL: Dr. Saw's amendment leaves the proposed subsection in incomplete form. He has left in the words providing that the worker must also be free from pulmonary tuberculosis and from the diseases mentioned in the schedule.

Hon. H. STEWART: By his amendment Dr. Saw has eliminated from the third schedule diseases arising from arsenic, lead and other mineral poisoning. Two diseases that affect the mining industry are those derived from association with arsenic or lead poisoning. These diseases should not be exempt from the proposed subsection. The matter can be considered on recommittal.

Progress reported.

*House adjourned at 10.15 p.m.*