

Legislative Assembly,

Thursday, 2nd October, 1924.

	PAGE
Bills: Industrial Arbitration Act Amendment, 2A, ...	1122
Legal Practitioners Act Amendment, 3A, ...	1122
State Lotteries, 2A, ...	1122
Standard Survey Marks, 2A, ...	1122
High School 2A, Com. report ...	1122
Presbyterian Church Act Amendment, 2A, ...	1127
Com. report ...	1127
Workers' Compensation Act Amendment, 2A, ...	1128
Com. ...	1128
Trade Unions Act Amendment, 2A, Com., ...	1132
report ...	1132
Motions: Radiographer, compensation ...	1133
Revenue, protecting the State's interests ...	1135

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

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Read a third time and transmitted to the Council.

BILL—LEGAL PRACTITIONERS ACT AMENDMENT.

Report of Committee adopted.

BILL—STATE LOTTERIES.

Second Reading.

Hon. S. W. MUNSIE (Honorary Minister—Hannans) [4.37] in moving the second reading said: The Leader of the Opposition, when opening his reply to the Minister for Works on the Industrial Arbitration Act Amendment Bill, said that while the Minister had very fully explained the position in other countries, he had not definitely stated the purposes of the Bill as applying to Western Australia. I do not wish the Leader of the Opposition to be under any such misapprehension as regards the present measure. This Bill is solely for the purpose of legalising lotteries with a view to the upkeep of hospitals and charitable institutions in Western Australia. The measure is very short, consisting practically of one clause, as the remaining provisions represent machinery. I realise that for some considerable time there has been in Western Australia a false prejudice against the introduction of legislation of this nature by the Government. However, there can hardly be one member of the House but will admit that sweeps, art unions, lotteries, and raffles of all descriptions are being conducted all over the State. While not wishing to discredit the motives from which many of these undertakings originate, I am bound to say that the present system is certainly lax. If this Bill goes through, the Government propose to put a stop to sweeps and lotteries as at present being conducted.

Hon. Sir James Mitchell: You want a monopoly.

Hon. S. W. MUNSIE: Yes, for a good cause. Any money that is subscribed towards sweeps and lotteries can genuinely be subscribed to the proposed State lottery,

the profits of which will go towards an unquestionably good cause.

Mr. Teesdale: No more button days!

Hon. S. W. MUNSIE: I hope not, if this Bill passes.

Mr. Stubbs: A good job, too.

Hon. S. W. MUNSIE: I am bringing down this Bill simply because I want the sanction of Parliament to do exactly the same as the State of Queensland is now doing. The Queensland Criminal Code, we have been told, is identical with our own; and undoubtedly that section of the Queensland Code which prohibits lotteries is exactly the same, word for word, as the corresponding section in our Code. But the Queensland Code has a further section which provides that the prohibiting section shall not apply to a lottery having the sanction of a law officer. It follows that an officer of the Queensland Crown Law Department has sanctioned the running of the "Golden Casket," which is conducted under Government supervision.

Mr. Richardson: Is that the only lottery being run in Queensland now?

Hon. S. W. MUNSIE: That is all. In Brisbane recently a person was prosecuted for running a lottery.

Mr. Sampson: Why, Western Australia is flooded with tickets sent over from Brisbane in lotteries which purport to have the authority of the Queensland Attorney General.

Hon. S. W. MUNSIE: It may be so; I can say nothing as to that. But my information is that the Queensland Government do not permit the running of any lottery except the "Golden Casket." Possibly private people may take the risk of sending to other States lottery tickets purporting to have the sanction of the Queensland Government. I am perfectly convinced, however, that those lotteries have no such sanction. In support of that, let me say that within the last two or three days the Press reported the case of a man being prosecuted for attempting to run a lottery in Brisbane. Reverting to the Bill, let me point out this provision—

The net proceeds of any lottery under this Act remaining after payment of the prizes and the expenses of administration shall be paid to the credit of a trust fund, and applied by the Minister in aid of public hospitals and charitable institutions as in his discretion he may think fit. For the sake of safety, and so that the public may recognise that there can be no juggling with the accounts, I provide also in the Bill that income and expenditure connected with State lotteries shall be under the supervision of the Auditor General, and that the Auditor General's report thereon shall be laid before both Houses each year. Further, the Bill proposes that prizes won in the State lottery shall be exempt from State income tax.

Mr. Sampson: Why? You need the money.

The Premier: It is out of one pocket into another.

Hon. S. W. MUNSIE: Exactly. The Queensland system charges 5s. 3d. per

ticket, the 3d. being stamp duty. That stamp duty goes to the Treasury in the form of income tax, and the prizes are free from State taxation. When the late Government introduced their Hospitals Bill here, the party with which I have the honour to be associated opposed that measure principally on the ground that the revenue to be raised under it would not be disbursed for the benefit of hospitals but would go, in some degree, to relieve the Consolidated Revenue Fund. In this instance the State will not even take 3d. stamp duty, but will let the whole of the profits go into the fund. None of the profits will go as income tax to assist the Consolidated Revenue. I am exempting prizes from State income taxation because I wish to make the State lottery as popular as possible. I am only sorry we have not the power, by an Act of this Parliament, to prevent the Commonwealth Government from grabbing their 12½ per cent. tax. We are compelled to deduct 12½ per cent. for Federal income tax. It is the intention of the Government that all moneys raised in this way shall be in excess of the money already provided for the upkeep of hospitals. During the last elections I frequently made the statement that if the Hospitals Bill of last session had become law the hospitals would not have benefited by more than £13,000 per annum, although the then Government expected to raise under the Bill £113,000 per annum. I made that statement on the authority of the then Colonial Secretary, the member for Swan.

Mr. Sampson: You got it wrong.

Hon. S. W. MUNSIE: The hon. member distinctly made that statement.

Mr. Teesdale: Well, never mind. Leave his Bill out of it and get on with this one.

Hon. S. W. MUNSIE: But the public were under a misapprehension. Several candidates tried to make capital out of the fact that the Labour Party had opposed that Bill. The principal objection raised by hon. members then in Opposition was against the way in which the money was to be utilised.

Mr. Teesdale: At all events the Bill passed here, although it was lost in another place.

Hon. S. W. MUNSIE: We opposed it here.

Mr. Teesdale: You did not oppose it very strongly.

Hon. S. W. MUNSIE: We divided the House on it, but were defeated.

Hon. Sir James Mitchell: The Royal Commission was unanimously in favour of it.

Hon. S. W. MUNSIE: I want the public to realise that any money raised from the proposed lotteries will be in addition to the money already voted from Consolidated Revenue for the upkeep of hospitals. I will have something to say about that later on.

Hon. Sir James Mitchell: So will we if you are not careful.

Hon. S. W. MUNSIE: The hon. member is free to say anything he likes. The expenditure on hospitals and charitable institutions is an ever-increasing sum. Year by year we are asked to provide more and more money for hospitals. The people of Western Australia are already taxed up to breaking strain, and the Government will be exceedingly lucky if we can pay out of Consolidated Revenue the amounts now set aside for the maintenance of hospitals and charitable institutions, and through the lotteries be able to furnish further necessary funds for the hospitals. That is why I am making it clear that the total proceeds to be derived from the lotteries shall be over and above the amount already voted for the hospitals.

Mr. Mann: What do you intend to include as charitable institutions?

Hon. S. W. MUNSIE: I will discuss that with the hon. member during the Committee stage.

Mr. Mann: It is not unreasonable to ask it now.

Hon. S. W. MUNSIE: I am not objecting to the hon. member's questions. All institutions receiving assistance from the Government to-day may be regarded as charitable institutions. Of course we never now attempt to specify the actual institution may come into existence, so I will not now attempt to specify the actual institutions that are to get assistance from the lotteries. If I were to do so I might exclude some that will ultimately benefit.

Mr. Sampson: Are the lotteries intended to provide funds for the relief of women and children in distress?

Hon. S. W. MUNSIE: No. The relieving by the State Children's Department of a mother maintaining her children cannot be classed as an institution; but if we get from the lotteries all that we expect, probably we shall be able to increase the amount paid to mothers at present. It is essential that we should do so. During last year five new hospitals were erected. The average proportion of last financial year during which they had to be maintained was two months. It is expected that eight more hospitals will be opened during this financial year. So it will be seen that unless additional revenue be raised for the support of hospitals, the drain on Consolidated Revenue for that purpose will be greater next year than ever before. The Perth Hospital is being run more cheaply per head of patients treated than is the general hospital in any other capital city of the Commonwealth. There has been no extravagance in that institution. It is managed most economically.

Mr. Sampson: The honorary workers deserve great credit.

Hon. S. W. MUNSIE: They do. But unfortunately the Perth Hospital even now is lagging far behind similar institutions in point of equipment.

Mr. Pantou: Miles behind.

Mr. Sampson: And that is so with 11 Western Australian hospitals.

Hon. S. W. MUNSIE: I do not know that. Some of our country hospitals compare favourably with many country hospitals in the Eastern States. However, our principal hospital is by no means up to date in point of equipment.

Hon. Sir James Mitchell: It is being improved in that regard.

Hon. S. W. MUNSIE: Yes, that is so, but there is still room for further improvement. There are many other directions in which I should like to give assistance, but I find that on the present finances I cannot go nearly as far as I should like. I should be very glad to assist child welfare, pre-natal and post-natal work, maternity homes and rest homes for mothers. Some months ago a Fremantle deputation waited upon me to urge the establishment of a child welfare organisation at Fremantle. They asked for a £ for £ subsidy up to £100. They quoted figures to prove to me that the child welfare work in New Zealand had practically revolutionised infantile mortality.

Mr. Mann: Reduced it by 30 per cent.

Hon. S. W. MUNSIE: That is so. It is the duty of the Government to encourage work of that sort. Following on that deputation I put up a minute to the Treasurer asking for his approval under certain conditions. In the course of that minute I said:—

I would also recommend the acceptance of a policy granting a Government subsidy of £100 per annum wherever a specially qualified nurse is employed full time on the work, provided the local authority finds 25 per cent. of the amount, and that the local authority affiliates with the infant help association and carries out its work on the lines laid down by the association.

The Premier agreed to that, with the result that we have been able to notify Fremantle that they can go ahead with their work. In that respect Fremantle was exceptionally fortunate, as at that time there was but one nurse qualified in that branch of work available in Western Australia, and Fremantle was successful in securing her services. Kalgoorlie has had a branch under the Silver Chain for a considerable time, but without any subsidy. Naturally they applied to me for a subsidy. On the conditions being submitted to them it was found that the nurse they were employing, although thoroughly qualified in midwifery, was not qualified in child welfare work. I do not intend to grant the subsidy to any society that is not employing a fully qualified nurse.

Mr. Sampson: Are such nurses available?

Hon. S. W. MUNSIE: They are difficult to obtain.

Mr. Mann: There are but two in the State at present.

Hon. S. W. MUNSIE: I am informed by the Medical Department there is but one. If the hon. member will give me the name of the other one I think I shall be able to place her. There is in New South Wales an institution for the training of child welfare nurses. It is said that at that institution a fully qualified nurse who has taken her course in midwifery can complete her studies and become qualified in child welfare in three months. A proposition was put up to the Government a few weeks ago regarding the matron of the King Edward Memorial Hospital. This State is exceedingly fortunate in having the services of so magnificent a woman as that matron.

Mr. Richardson: There can be no doubt about that.

Hon. S. W. MUNSIE: From the reports of the Medical Department and of the doctors who know the subject, I learn that she stands alone. As showing the interest she is taking in the welfare of the public generally, I may say she has agreed to give up six weeks leave of absence about to fall due to her, and we are sending her to that home in New South Wales in order that she may fully qualify in child welfare, so that on her return we shall be able to establish a school at which that lady will deliver lectures and train nurses in this State.

Mr. Sampson: This State is fortunate in respect to its matrons in the different hospitals.

Hon. S. W. MUNSIE: Yes. We certainly have a splendid matron at the King Edward Hospital. I commend her for the attitude she has adopted, which shows how deep in her interest in the unborn of this State. As a result of her experience she will be able to deliver lectures to others, so that they may in turn also become qualified for the work. I will tell the House what it is costing this State at present under the heads I have mentioned. Medical—for the coming year the estimated expenditure is £132,849, the estimated revenue £29,000, and the estimated net cost £103,849; homes, the estimated cost is £11,693; health, £21,381; the State children (outdoor relief), £85,690, this sum including the amount mentioned by the member for Perth in sustenance to mothers for maintaining their own children.

Mr. Sampson: Did you reduce the vote to the Children's Hospital?

Hon. S. W. MUNSIE: Yes.

Mr. Sampson: I am sorry to hear it.

Hon. S. W. MUNSIE: So am I. The subsidy this year for that institution has been reduced by £200. The secretary of the hospital would have been wise if he had consulted me before he rushed into print. It will not do any harm to the institution, but cannot do it any good.

Mr. George: Very probably he was bothered by the reporters.

Hon. S. W. MUNSIE: I do not think so. The Perth Hospital and the Children's Hospital waited upon me in my office, and

I received a deputation from the Fremantle Hospital at Fremantle. We discussed finance for the coming year. When I discovered what the possibilities were, and that these people had to be content with what they had last year, I thought it only right that they should be notified of the position at once, instead of waiting until the Estimates were introduced. On the day that I sent the notification to the Children's Hospital the secretary's remarks appeared in the Press, so that he could not have been greatly bombarded by the reporters. I could give the member for Swan a hundred instances of where he reduced votes unjustifiably when he was in office.

Mr. Sampson: I hope you will do so.

The Premier: If he had not been so lavish in regard to the unnecessary erections he put up, we should have more money now.

Hon. S. W. MUNSIE: The figures I have quoted come to £222,613. On top of this Western Australia is providing out of Consolidated Revenue for the erection, maintenance, and repairs of hospitals a sum of £54,624. I have here a schedule of proposed works in connection with the Medical Department, and the figures will be available when the Bill is in Committee. I will tell the House what Queensland has done since the introduction of the Golden Casket system there. Quite recently the Government Statistician, Mr. Bennett, was going to the Eastern States on a conference, and business connected with other departments was taking him to Queensland. I asked him to get me particulars of the Golden Casket system. He obtained for me figures from January, 1921, to December, 1923. In Queensland 5s. 3d. is charged for each ticket over the counter. I am informed that for each casket the average is about 50,000 sales over the counter in Brisbane. For the sweep that was being conducted while Mr. Bennett was in Brisbane the applications from outside sources, by post, were New South Wales, 21,496; Queensland, 13,144; Victoria, 1,441; Western Australia, 846; South Australia, 475; Papua, 100; and New Zealand, 98. That casket was then some 13,000 short of being filled when the figures were compiled.

Mr. Sampson: Is it intended to appoint agents in the Eastern States for the sale of tickets?

Hon. S. W. MUNSIE: Yes. They send here and take our money, and I intend to send over there to get some of theirs. The Queensland Government ran a special casket in 1921 for the purpose of providing relief to widows and orphans of the Mt. Mulligan disaster. I believe the Commonwealth Government waived their 12½ per cent. tax on the prizes in that consultation. From the one consultation a sum of £10,458 (s. 10d.) was the net amount paid to the fund. In addition to that £10,000 there was paid over to the Colonial Secretary's department for distribution

amongst hospitals a sum of £243,381 14s. 1d., Federal taxation, on the basis of 12½ per cent on the prizes, £41,688 7s. 2d., and State taxation, on the basis of 3d. stamp duty on each ticket, £28,631 19s. 6d. On the 1st January, 1922, to the 31st December, 1922, there was paid to the Colonial Secretary's department £180,053 0s. 3d., Federal taxation, £52,560, and State taxation, £30,000. In the following year, from the 1st January, 1923, to the 31st December, there was paid to the Home Department £147,805 10s. 6d., to the Federal taxation £40,000, and State taxation £25,000. Some people will say we, as a Government, have no right to legalise gambling; but gambling is going on to-day in this State. I do not care what control is in existence, gambling can never be stopped.

Mr. Taylor: There is not much going on here.

Hon. Sir James Mitchell: Yes, everywhere.

Hon. S. W. MUNSIE: There is a fair amount. It is not possible to get the actual figures, but I have been credibly informed that there is a firm here that sends an average of about 240,000 a year from Western Australia to Hobart.

Mr. Mann: And you cannot interfere with it,

Hon. S. W. MUNSIE: I anticipate that when I get this attractive proposition going we shall get at least £150,000 out of that amount.

Mr. Chesson: This is a very proper Bill.

Hon. S. W. MUNSIE: The Queensland Government has distributed money out of the proceeds of the Golden Casket as follows: Payments to hospitals, 1920-21, £66,785 19s. 1d.; 1921-22, £100,778 19s. 5d.; 1922-23, £88,193 8s. 8d.; 1923-24, £65,835, a total of £321,593 7s. 2d.; payments to bush nursing associations £1,141 13s. 4d.; baby clinics, purchase of sites, etc., £1,919 2s. 2d.; Works Department, the erection of baby clinics and maternity wards, 1922-23, £15,000, and 1923-24, £76,371 2s. 1d., a total of £91,371 2s. 1d.; Works Department, doctors' quarters, Blair Athol, £636; Works Department, erection of creche and kindergarten buildings, £2,720 6s. 7d.; equipment, etc., of maternity wards, £614 13s. 1d.; purchase of land for Lady Bowen hospital, £400; and unclaimed prizes under the Audit Act Trust Fund, £3,694 9s. 6d.

Mr. Sampson: Are you satisfied that this is a dignified method for the Government to adopt?

Hon. S. W. MUNSIE: I believe it is more honest, instead of permitting people to run sweeps and gamble, as they are doing, for the Government to take control of lotteries and run them for work of this description.

Mr. Taylor: That is not an answer to the question.

Hon. S. W. MUNSIE: If there is any indignity in this, I am prepared to suffer it.

Mr. Taylor: You are not the State. Other people have to be considered.

Hon. S. W. MUNSIE: It is much more dignified to come out in the open and legalise lotteries under the control of the Government for these purposes, than it is to introduce a Bill for taking a penny in the pound taxation from all and sundry for the upkeep of our hospitals, more particularly when, as is the case in Queensland, so much money is paid into Consolidated Revenue.

Mr. Taylor: Was not the Hospital Bill dignified?

Hon. S. W. MUNSIE: There is more dignity attached to this Bill than that one. I move—

That the Bill be now read a second time.

On motion by Hon. Sir James Mitchell, debate adjourned.

BILL—STANDARD SURVEY MARKS.

Second Reading.

The MINISTER FOR LANDS (Hon. W. C. Angwin—North-East Fremantle) [5.14] in moving the second reading said: Surveyors of this State have asked for a Bill of this nature for many years. The legislation under which they are working was passed in 1844. Owing to the advance the State has made it has been found necessary to introduce a Bill for the purpose of protecting survey marks. In the city of Perth and other large towns of the State the original survey marks have been almost entirely removed. The consequence is that when a person desires to find the alignment of his property great difficulty is experienced in finding a point from which to start to fix the alignment and this causes considerable expense. We can realise that at the present time the value of city property has considerably increased. There is a possibility that unless something is done to protect survey marks, litigation may be necessary in order to fix the alignment in accordance with the title deeds lodged at the Titles Office. When Mr. Saw was at the Titles Office, he endeavoured for years to keep the alignments fixed in the interests of people who owned property. It is to avoid the risk of unnecessary and needless expense that the Bill is introduced. Hon. members are aware that when municipalities commenced to make streets in the first instance, the survey pegs were removed. This means that there are no marks that a surveyor can use when he commences to work on a property. It takes considerable time before a surveyor can commence his work on the proper alignment. Throughout Australia legislation to provide for the protection of survey marks has been adopted. Certain methods are laid down whereby pegs are put in the ground with an iron cover-

ing. Some pegs are put down in concrete some little distance from the alignment of the building. That enables the surveyor to carry out his work more expeditiously, and without so much expense. In 1893 and again in 1912 the surveyors asked that a Bill of this description should be passed. A Bill has been drafted for some considerable time, but owing to pressure of business or perhaps the belief that the Bill was not of such urgent importance, it did not come before Parliament. The object of a standard survey is to lay down a concrete standard of measurement, to preserve the correct alignment of streets, to remove all doubts as to the starting points on any survey, to give greater security to the Titles Office owing to the greater accuracy of surveys and to lay down at street intersections a permanent survey mark that would never be disturbed, and to which the true street corners would be connected. Once these requirements are attended to, it will be easy to find the proper alignment for private properties. To-day it is almost impossible to do that without considerable expense and delay. The other day a surveyor pointed out to me that it took him two days before he could find the point from which he could work. That represents additional expense due to the fact that the proper survey marks have been removed. It is also proposed to repeal certain sections of the old Act of 1844. Under that Act the town surveys were taken from the face of the peg, whereas in rural towns it was taken from the centre of the peg. It is proposed to amend the old Act and make the centre of the peg apply to town surveys as well as to rural surveys. It is not necessary to take up any more time of the House in further explaining the Bill which is urgently needed. I move—

That the Bill be now read a second time.

On motion by Hon. Sir James Mitchell, debate adjourned.

BILL--HIGH SCHOOL.

Second Reading.

The MINISTER FOR LANDS (Hon. W. C. Angwin) (North-East Fremantle) [5.21] in moving the second reading said: This is a Bill that some legal advisers consider need not have come before Parliament. The object is to give power to the governors of the High School to sell a block of land at the corner of George and Hay streets. Hon. members know the block to which the Bill applies. Under the High School Mortgage Act of 1883 it was thought that power was vested in the governors to sell that block with the approval of the Governor-in-Council. When the High School Bill was dealt with in 1912 the matter was discussed in Parliament, and the then Premier said:—

They are entitled to dispose of the land on which the school at present stands and

to devote the proceeds to the establishment of another school on the endowment block.

The then Premier was referring to the powers vested in the governors of the school. For some considerable time there was a clear understanding that when the governors of the High School built extended premises on their endowment block, they would be able to sell the land and buildings on the old block at the corner of George and Hay streets in order to pay the cost of the new building. Instead of doing that, however, the governors raised a mortgage. It is now proposed to sell the block and it is anticipated that the governors will raise sufficient money in order to pay for additional buildings and also to pay off from £3,500 to £4,000 in reduction of the mortgage. I do not need to say much about the Bill. It is one that hon. members will be safe in passing. The measure is necessary to assist the governors of the High School in their work and its purpose is to remove the doubt that exists at present as to whether the governors have the full right to dispose of their block. The first Act dealing with the High School was passed in 1876, and from that time onwards the school has done the work it has been called upon to carry out. There is no doubt that the intentions of the framers of the Act were that the governors should have the right, should they think it desirable, to sell the land, so long as the money was used for school purposes in the erection of a building or otherwise, provided the sanction of the Governor-in-Council was obtained. The Bill will remove any doubt on the point. I move—

That the Bill be now read a second time.

Hon. Sir JAMES MITCHELL (Northam) [5.25]: I endorse all that the Minister has said. Some uncertainty does exist regarding the powers of the governors of the High School. No one doubts what the original intention of Parliament was. The governors were intended to have the right to dispose of the land for school purposes. The money will be used for excellent purposes and could not be put to better use. With the progress of the State, the school has progressed, too, and the Bill is necessary to enable the governors of the school to make the desired provisions.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

BILL—PRESBYTERIAN CHURCH ACT AMENDMENT.

Second Reading.

The MINISTER FOR LANDS (Hon. W. C. Angwin—North-East Fremantle) [5.30] in moving the second reading said: In 1908 an Act was passed under which Commissioners consisting of the Minister and two elders from each Presbytery, elected from the General Assembly from time to time, were constituted a body corporate under the title of Commissioners of the Presbyterian Church of Western Australia for the holding of land and other purposes mentioned in the Act. Last year the General Assembly considered the question of commissioners as constituted under the Act and the need existing for an amendment owing to the development of the State and the consequent extension of the Church. The question was remitted to a special committee to deal with and to report to the General Assembly. The recommendations of that assembly are contained in the Bill now before the House. Clause 2 provides for the appointment of eight persons who shall hold office either as Ministers or Elders of the Church, but two at least of whom shall be Ministers, and shall from time to time be elected by the General Assembly. It is also provided that these eight persons with the Moderator shall take the place of the persons who at present constitute the Commission. Until the eight persons referred to have been elected those in office will continue to perform the duties. The Bill deals solely with the internal working of the church, and it is not therefore necessary to take up the time of the House by explaining many more details. There is provision made that the church property shall be vested in the new body, for the appointment of a secretary and other officers and for the furnishing of a periodical report on the work of the Commissioners to the General Assembly. I move—

That the Bill be now read a second time.

Hon. Sir JAMES MITCHELL (Northam) [5.35]: I have perused the Bill and I see no reason why it should not be passed. I do not know that we have any control at all over the affairs of the church but of course, it is our duty to agree to requests such as these when made. I am sorry that our chief Caledonian is not here.

Mr. Richardson: The member for Collie is here.

Mr. Wilson: Are you objecting to the Bill?

Hon. Sir JAMES MITCHELL: Not at all. There is no reason why it should not be passed.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Second Reading.

Order of the Day read for the resumption of the debate from 23rd September on the second reading.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Lutey in the Chair, the Minister for Works in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 4:

Hon. Sir JAMES MITCHELL: This clause needs careful attention. It will be seen in the first paragraph that it is proposed to alter the definition of "dependant" by the insertion of the following words:—"the widow and the children under the age of 16 years of a worker (whether dependent upon the earnings of the worker at the time of his death, or not so dependent), and such other members"; I would like to know why the Minister is making this alteration.

The MINISTER FOR WORKS: The present position is that no compensation is payable unless it can be proved that the widow is dependent on the injured worker. The amendment proposes that the widow and the children shall not be obliged to prove that they were dependent. There is more than the actual loss sustained by the wife; she loses her helpmate and the children lose a father. The wife possibly has means of her own at the time of the death of her husband, and that should not debar her from recovering compensation. Cases have occurred where, at the time of the accident, the widow was in a fair financial position, having means of her own. The money, however, has soon gone and the widow and children have remained penniless. Because the widow possessed means at the time of the accident she was debarred from receiving compensation. The clause sets out that it shall not be necessary for the widow and children to prove that they were dependent on the bread-winner. It seems a very callous and hard-hearted law that deprives the widow and the children of compensation merely because they cannot prove that they were actually dependent on the husband and father.

Mr. Teesdale: Some boys earn fair wages at 16, and could hardly be termed dependant.

The MINISTER FOR WORKS: But there is the limit of £750, irrespective of the number of children. If there is any doubt on the point, let the matter be cleared up here

in Committee, because the Government have no intention of exceeding the £750 maximum plus funeral allowance.

Hon. Sir JAMES MITCHELL: There is the point that where the worker is injured, he may draw compensation up to a maximum of £750. It is to be at the rate of half his earnings plus 7s. 6d. for each dependent child. If his children of 15 years and upwards earn a living for themselves, as they often do, it is questionable whether the 7s. 6d. per week should be paid in respect of such children. Of course the payment of the weekly 7s. 6d. in such cases would mean that the maximum of £750 would be cut out sooner. However, the measure of compensation should be those dependent upon the injured man. To whom exactly do the words "such other members" appearing at the end of the subclause refer?

The MINISTER FOR WORKS: Those words do not alter the existing law. Their addition is necessary. The clause merely proposes to amend the existing law by providing that the widow, and children up to 16 years of age, shall be classed as dependants without having to prove their dependence: all the other members of the family will stand as they stand to-day. The words "such other members" continue the present meaning of the principal Act. If they were omitted, all the members of the family would be classed as dependants. At present the magistrate frequently allocates so much compensation to the widow, and invests the balance of the compensation in the Savings Bank for the benefit of the children, according to their ages. I dare say the Perth police magistrate is now acting as trustee in that connection for hundreds of children. Mr. Canning had in his possession scores upon scores of such pass-books. The fairness of the age limitation of 16 years we can discuss later.

Mr. DAVY: The clause is not just. It is going to create two kinds of dependants: real dependants and legal dependants. The Act provides for the awarding of compensation to any person really dependent upon the man at the time when he died, the only limit being three years' wages or £500, whichever may be greater. Undoubtedly a person does not cease to be a dependant merely because she or he has private means. A widow with £200 a year would not be deprived of compensation if she proved that her husband had contributed towards her support.

The Minister for Works: That circumstance would deprive her of the lot. I have known many such cases.

Mr. DAVY: I have known cases where it was not disputed that the amount contributed to an alleged dependant by the deceased was by no means all that the dependant got, she or he having other sources of income; and nevertheless the dependant was awarded the full compensation. That, of course, is just. A case might be found where a widowed woman had been working herself, earning say £2 a week, and had a

son, a youth who had just started to work and whose promise of big success was very sure, although at the time of his death he was contributing only the tiniest bit more than the cost of his keep. In such a case the court has awarded full compensation. And quite rightly, because the actual injury to the widow by the death of the son is indeed great, although at the moment he might have been contributing only a very small amount to her support, not nearly so much as she was earning herself. The dependants left may be of various kinds—mother and father, widow, children, all sorts of relations as defined by the Act. It is proposed by this clause to say that whether in fact the widow and children are dependent or not, they shall be treated as totally dependent. It might happen that a man killed had been separated from his wife for years, but was supporting his aged father and mother in Western Australia. Then the woman would have the right, under this clause, to come in as a total dependant along with the aged mother and father, who were real dependants. And so those two real dependants would be robbed of some portion of the £750. The whole of the money ought to go to the real dependants.

The MINISTER FOR WORKS: I have fully considered the case cited by the hon. member, and I admit I regard it as the only blot likely to occur under this provision. Even now I have a similar case under consideration; but such cases are few and far between. I only wish the interpretation of the law set up by the hon. member were the correct one, but I say the courts have not acted on the principle, as he stated. Where a widow has had some small income they have almost invariably reduced the amount of compensation.

Mr. Davy: That is what I say. The court should fix the amount proportionate to the injury.

The MINISTER FOR WORKS: The hon. member quoted the case of a son contributing to the upkeep of his mother very little more than it cost for his own keep, the mother earning considerably more than the son paid in; yet, when the son is killed, the court awards the mother full compensation, having in mind the future. I have never known the court award full compensation in those circumstances.

Mr. Davy: I can show you a House of Lords' case.

The MINISTER FOR WORKS: In this State the court invariably reduces the compensation according to the extent to which the son was contributing to the upkeep of his mother, or the husband to that of his wife. The hon. member's experience has not been my own.

Mr. Davy: I do not say it has been my experience. I say that is the law on the subject.

The MINISTER FOR WORKS: It is possible that, under this provision, a

widow who has deserted her husband may come in and successfully claim compensation; but fortunately such cases are infrequent. The provision has been inserted after thorough examination.

Clause put and passed.

Clause 3—Addition of subsection to Section 4:

Hon. Sir JAMES MITCHELL: This is quite new. A contractor is to be brought under the Act. Such a man, employing workers, ought not himself to be deemed a worker under the Act. I cannot understand why the Minister is so anxious to penalise the man who finds the money to provide work. Under the clause the employer has to hold an insurance policy before he employs any men. What an extraordinary provision it is that the contractor, and all men employed by him, shall be the responsibility of the man employing the contractor! An owner puts up a sum of money and tells the contractor to get on with the job and employ what men he requires. The work passes completely out of the hands of the owner. Why, then, should the owner be responsible for the safety of the men employed by the contractor? The clause will shut out the poor man from employment.

The Minister for Lands: Nothing of the kind.

Hon. Sir JAMES MITCHELL: I object to the clause. The Bill is framed exclusively to benefit the man who is substantial, as against the small man. Can we be asked to agree that the small man shall not have a chance?

The Minister for Lands: The small man will insure.

Hon. Sir JAMES MITCHELL: The Minister has not read the Bill. The contractor has not to insure; it is the owner who has to take the responsibility.

The Minister for Lands: Quite right, too.

Hon. Sir JAMES MITCHELL: The owner must have a policy covering every man employed by the contractor. If the policy covers five men, and the contractor employs ten, the owner may be fined £5 for each man not covered by the policy. It is a monstrous clause. I am prepared to go far to protect the worker. But this will harass the owner without protecting the worker; for the harassed owner will not put the work in hand, and so the worker will be out of employment.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. Sir JAMES MITCHELL: Every man who lives in a home has work done to his own house when the occasion arises. Unless, however, he gave the renovation work to an established firm he would be liable for any accident that might occur to the man or men he was employing, and be fined if he had not taken out a policy.

The Minister for Works: If he employs a man on wages now he is liable.

Hon. Sir JAMES MITCHELL: If he employed two men on contract to do the work he would be running a grave risk. It is not reasonable to expect an employer, who may be the owner of a small cottage, to take out a policy in a matter of this sort. On a clearing job, for instance, the owner of a property may let a contract to three men, who may employ other men to assist them. The owner may be living in the city, and may not know of the necessity for covering the other men. If all workers are to be protected every class of work must come under this clause, which may thus do more harm than good. I do want to put the saddle on the right horse.

Mr. Taylor: I should imagine it is a fine Bill for litigation.

Hon. Sir JAMES MITCHELL. Canvassers are brought in under Subclause 4. Such a person in driving about may take unnecessary risks, and yet his employer is expected to be responsible for him. Commission agents are also covered by the Bill. A man may own a block of land at Fremantle, and an agent may say he is going to Fremantle to endeavour to dispose of that block. On his way down he may meet with an accident. Is the owner of the land expected to be responsible for him and to take out a policy covering him? The effect of this will be to cut out the small man from commission business, and throw it all into the hands of the big firm. I cannot make out what is in the mind of the Minister.

Mr. Panton: He is extending the definition of worker. Why should such people not be classed as workers, just as are those who cut wood?

Hon. Sir JAMES MITCHELL: We are all workers. If a man is employed at a wage or a salary by, and under the direction of, other people, he has a claim to come under the Workers' Compensation Act. But the employer of a commission agent has no control whatever over him. Besides, the agent can take out cover for himself. Why should not a man employed by, say, 50 people take out cover? Let us not do anything by this measure to make a man lose his job, or to render it difficult or impossible for him to get work. The clause as it stands takes away the chances of every man who is not earning more than £520 a year, when it is a question of doing work on commission.

Mr. J. H. SMITH: On a question of procedure, Mr. Chairman, I wish to point out that members have no opportunity of seeing the original Act. I have tried two or three times this evening to obtain a copy of the Act, but have not been able to do so.

The CHAIRMAN: That is no point. I must ask the hon. member to sit down.

Mr. J. H. SMITH: I have a right to disagree with your ruling, Mr. Chairman, and I wish to do so.

The CHAIRMAN: What is the point—that the original Act is not in the possession of members?

Mr. J. H. SMITH: That it is impossible to get possession of the original Act, and that therefore it is impossible for any member to understand the Bill.

The CHAIRMAN: The hon. member is out of order in raising that point. If the hon. member wishes to disagree with that ruling, he had better put his reasons for disagreement in writing.

Mr. J. H. SMITH: I shall do so, Sir, unless you give me an assurance that in future—

The CHAIRMAN: I cannot give any assurance.

Hon. Sir James Mitchell: You are not custodian of the place, Sir.

Mr. SAMPSON: The clause is extremely ambiguous, and an employer will find it extremely difficult to know where he stands. Further, the clause offers discouragement to anyone who wishes to have work carried out. Under it a man who lets a contract may quite innocently involve himself in serious financial loss. Moreover, it is possible to have two or more policies taken out in respect of one man, and thus to impose unnecessary expense on one or more parties. Subclause 2, in its reference to a contractor performing any work exceeding £5 in value not being work connected with a trade, provokes bewilderment. The effect of the subclause is that a man engaged to do work on, say, a farm at Wagin, and covered there, would not be covered if the same employer sent him to clear some land at his, the employer's, dwelling-house at North Perth, simply because the dwelling house could not by any stretch of imagination be deemed part of the employer's trade or business. In that respect, too, there is ambiguity. Under paragraph (iii) of Subclause 3 the work to be performed by the contractor is set out as the clearing of land of stumps or logs. If the contractor carrying out such work is to be regarded as a worker within the meaning of the measure, and accordingly is to be covered, why should he not be covered if quarrying is necessary to clear the land of stone?

Mr. Panton: The clause would also cover other kinds of work declared by Order in Council and gazetted.

Mr. SAMPSON: Then it would be necessary, before the worker could be covered, for the Government to gazette the particular variety of work in which he was engaged. After the gazettal, the contractor in this instance would not be covered. The contractor, even if he actually performs part of the work himself, is to be regarded as coming within the scope of the Bill. Subclause 4 deals with canvassers, salesmen, etc., and no restriction is provided regarding hours. They will be able to set up an argu-

ment in support of a claim, no matter what the hour of the day or night may be, should an accident occur. Frequently these men are employed by various firms to represent them in the country. This will create a very difficult position in the event of an accident. How will it be decided who the man was actually representing at the time the accident occurred and to whom he should look for payment of compensation? Will it mean that the compensation will have to be spread over all the companies he represents, and in what proportion? The earnings of canvassers, or outside representatives, vary considerably. In one year the earning may be large and in the succeeding year very small. How can the salary of such an individual be ascertained? The maximum amount set out in the Bill is £520. Anyone in receipt of that salary is in a thoroughly sound position and the responsibility for taking out an insurance policy should rest with the individual and should not be a liability thrust upon the employers. The clause is ambiguous and will discourage those who may desire work to be done. It provides ample reasons for contractors not being employed and the adoption of a "do nothing" policy.

Mr. GEORGE: It is evidently intended that the individual requiring work to be done shall have to carry the entire responsibility. If a householder desires renovations or alterations to be carried out, he will have to carry the responsibility for anything that may happen. Is that a fair thing? People who require work to be done cannot be expected to be well up in every point of industrial law. The man who undertakes the work, and expects to make a profit, should surely be the person to carry that responsibility, and not the individual who requires the work to be carried out on his house.

Mr. Panton: Suppose the job shows a loss?

Mr. Teesdale: There is no chance of that!

Mr. GEORGE: I want to learn from the Minister whether he intends that each job shall stand on its own and carry the whole responsibility attaching to whatever work is done. Will a householder be responsible for any accident that may happen, although a contractor undertakes to do the work and to supply the material? If that be so, then there will be a tremendous lot of work that will never be done. The subclause also provides that contractors shall be deemed to be workers employed by the person making a contract with the contractor. That means that anyone who provides employment in Western Australia will be liable for all sorts of penalties. No one would raise any objection to compensation being paid to any man who suffers injury as a result of his employment. Any decent employer would see that adequate provision was made for that individual and his family. Then again, the clause also sets out that a person will be liable, if he performs any other class of

work specified by the Governor by Order-in-Council published in the "Government Gazette." How many people see the "Gazette"? I guarantee some members have never seen a copy of it. That sort of provision is all very well in theory but it is no good in practice. Then again, what will be the position of a person who may be employing a house agent to collect rents? If the rent collector is collecting on behalf of a number of separate individuals at a time when he meets with an accident, will all those householders for whom he is acting be liable for compensation?

Mr. Panton: Why not?

Mr. GEORGE: The agent may be representing 20 individuals! To whom will the responsibility apply?

Mr. Panton: To the insurance company.

Mr. GEORGE: Now I am beginning to understand. The Bill is a sort of advance agent for the insurance companies of the State, or perhaps it marks the initiation of a scheme of State insurance. If that is the position, I understand it thoroughly. I do not know of any member who was ever against doing a fair thing to a man injured in the course of his employment, but I have to remember that whilst a fair thing should be done every time to a man who is incapacitated, we should not pass measures that may interfere with people getting work done. If legislation of this kind is passed many people will let work go rather than run the risk that will be incurred.

Mr. PANTON: The Opposition are continually arguing in favour of payment by results. They stress the need for piece-work and payment by results.

Mr. Taylor: The Minister for Lands has found that out.

Mr. PANTON: He will give the same protection to those being paid by results as to the men working for wages. There is growing up in the State and more especially in the metropolitan area a large number of workers who are being paid on a common basis. Whether a man is earning £4 a week, or whether he is obtaining £4 from his employer, or whether he is earning 15s. a day or £4 a week by way of commission, he is still a worker and is entitled to the same protection under the Workers' Compensation Act as the man engaged on day labour or being paid weekly wages. The argument of the Leader of the Opposition will not stand, because he knows that to-day if an employer has in his service a man on wages or on commission, it makes no difference, because the man is of the same use to him if the employer is making a profit out of him. If the employer has to add something to the cost of employing the individual, rest assured that someone else will be made to pay that. The trouble to-day is that so many who are working on commission are not protected. I tell members opposite, who are continually preaching piece-work, if they believe in that principle,

they must also believe in the principle of protecting the person engaged in it.

Mr. George: You bring under the Bill everyone engaged in the building of a little cottage and even the digger in a garden.

Mr. PANTON: Perhaps if I were on the opposite side of the House I would use similar arguments.

The Minister for Works: The Act applies now to the man who digs in a garden.

Mr. PANTON: All we propose to do is to widen the interpretation of worker. The pettifogging or extreme views that we have been listening to are not really believed by those using them. I appeal to the member for Murray-Wellington (Mr. George), who has always been a good employer. The Bill will not affect him because he has been a good employer. He has told us that so often.

Mr. George: You need not sneer now.

Mr. PANTON: Nothing was further from my thoughts. The hon. member must not get irritable. I appeal to members of the Opposition to protect those workers whom they are anxious to have paid by results.

Mr. CHESSON: I agree that the definition of "worker" should include every man receiving not more than £520 per annum. During last session we included piece-workers and group settlers. I cannot see any difference between a piece-worker and a contractor. Some of the mines of to-day are run almost wholly on piece-work. The price is put up, and the men can take it or leave it. Undoubtedly such men are workers, just as if they are earning wages.

Mr. Mann: But the clause does not deal with such men.

Mr. CHESSON: It deals with contractors, who when engaged on contracts are distinctly workers. A worker, no matter how he may be styled, should be entitled to compensation on meeting with an accident. Provision must be made for the dependants of a worker. I hope the clause will be agreed to.

Mr. TAYLOR: I am sure my friends opposite cannot justify paragraph iv. of Subclause 3, which provides that an announcement in the "Government Gazette" specifying classes of work shall have the force of law. I object to this government by regulation. So do my friends opposite; yet it is the first thing they are seeking to bring about by Act of Parliament. The Minister cannot assert that a man earning 33s. 4d. per day is unable to make arrangements for his own protection in the event of an accident. It is ridiculous to bring within the scope of the Workers' Compensation Act men earning £10 weekly. Some of them will not thank the Minister for it. All members will agree that a bona fide worker should be compensated when occasion arises. On the goldfields we have had to fight the insurance companies for every penny

secured under the Workers' Compensation Act.

Mr. Sleeman: That applies all over the State.

Mr. TAYLOR: Well, it ought not to. Too much litigation is allowed under that Act. Still it is manifest that the Bill widens the scope of the Act to too great a degree. It is provided that if a contractor should so much as drive a nail on a job, and meet with an accident, he stands for compensation as a worker. We ought not to permit it.

Mr. TEESDALE: I cannot conceive that the Minister for Labour took into consideration the class of people he proposes to bring under the Bill. He could not have had commercial travellers in mind.

The Minister for Labour: Yes, I had.

Mr. TEESDALE: I should like to hear the Minister commiserating on the pathetic circumstances of a commercial traveller with a £2,000 home in the suburbs. It is absurd to bring under the Bill a man drawing £520 per annum and make of him an object of compassion. Such a man is in a position to pay his own insurance, as a member of Parliament has to do. Actually the average worker's wage is £5 per week, whereas in the Bill the amount is doubled. The provision is scandalous.

Mr. STUBBS: I cannot allow this clause to pass without pointing out that it will have an effect opposite to that desired by the Minister. I have employed labour for the last 30 years, and can see that under this proposal the employers will be forced to spend a huge sum annually upon insurances. In my case it will be necessary for me to increase my insurance policies by a large sum if I continue to employ the same number of people.

Mr. Sampson: This is not intended to encourage employment.

Mr. STUBBS: It will have the opposite effect. I engage a gardener once a fortnight. If he breaks his leg in the course of his work, and the leg has to be removed, under this Bill I have to find £600.

The Minister for Works: You have to find £400 for him now.

Mr. STUBBS: But the Minister has raised the amount by 50 per cent. As many employers as possible will of course pass this extra charge on to the public. If a man is earning £10 a week that is sufficient to enable him to protect himself in the event of injury, and his employer should not be called upon to do it for him.

Progress reported.

BILL—TRADE UNIONS ACT AMENDMENT.

Second reading.

The MINISTER FOR WORKS (Hon. A. McCallum—South Fremantle) [8.55] in moving the second reading said: This is a

simple measure and is designed to meet the convenience both of the department and the trade unions. At present the Registrar, according to the Trade Unions Act, is the Registrar of Friendly Societies. The business of trade unions is with the Arbitration Court, but under that Act it has to be done in the office of the Registrar of Friendly Societies. This makes for divided control, and compels people who have industrial business to do to go to the two offices. Furthermore, the two departments are run under two different Ministers, which makes the administration awkward.

Hon. Sir James Mitchell: The clerk of the court is actually doing the work now.

The MINISTER FOR WORKS: The Bill is merely to facilitate the administration and make things more convenient for those who have business to do with the court. Mr. Walsh, the clerk of the court, will be the Registrar of Trade Unions. The Bill will bring the parent Act into conformity with the Arbitration Act. I move—

That the Bill be now read a second time.

Hon. Sir JAMES MITCHELL (Northam) [8.57]: This is a necessary measure. Some 12 months ago the unions requested that business should be transferred from the statistician's office to that of Mr. Walsh, for the sake of convenience. It was necessary for the smooth working of the department that this should be done. The Arbitration Court is the proper place for the work to be carried out. The system of divided control gave a good deal of unnecessary trouble and inconvenience. I very readily fell in with the request, and had the work transferred from Mr. Bennett's office to the Arbitration Court. The Minister is now amending the law to give effect to something that already exists. The House can very properly pass the measure.

Question put and passed.

Bill read a second time.

In Committee.

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

MOTION—RADIOGRAPHER, COMPENSATION.

Debate resumed from the 24th September on the motion by the Hon. W. D. Johnson—

"That in the opinion of this House it is desirable that a special allowance should be made to Mr. W. J. Hancock, late Government electrical engineer, to compensate him for loss and suffering endured through his honorary work as radiographer at the Perth and Base Hospitals."

Hon. S. W. MUNSIE (Honorary Minister—Hannans) [9.1]: I have no intention whatever of opposing this motion, but I consider that the House should know the exact position as regards Mr. Hancock and his services to this State. I do not think there is a single hon. member but will admit that Mr. Hancock has done wonderfully good service in an honorary capacity, both for the sick poor of the State and for the State generally as radiographer at the Perth Hospital and also at the Base Hospital. I do not know what position the mover of the motion regards Mr. Hancock as being in, for quite recently Mr. Hancock has personally taken exception to any gratuity or assistance in any shape or form being granted to him for his honorary work. He has been pressing the Government for years past to have added to his length of service the four years during which he was under engagement to the Imperial Government.

Mr. Taylor: That addition would not give him much increase of pension, would it?

Hon. S. W. MUNSIE: Very little.

Mr. Taylor: There was a committee appointed to press the matter on the Government.

Hon. S. W. MUNSIE: Other persons, outside the committee, have been doing so as well. The present Government have Mr. Hancock's case under consideration. I know the circumstances of Mr. Hancock's case, because for 18 months I sat on the board of management of the Perth Hospital, and the case was mentioned there frequently. To my knowledge, neither Mr. Hancock nor any of his friends, nor any member of the committee, ever approached the present Government with regard to any assistance for that gentleman. Neither has the mover of the motion ever interviewed any member of the present Government with regard to Mr. Hancock's case.

Hon. Sir James Mitchell: I don't suppose anybody was interviewed. This is the first I have heard of it.

Hon. S. W. MUNSIE: Then the Leader of the Opposition must have an exceptionally bad memory, because the matter—

Hon. Sir James Mitchell: It was a matter of a pension. We increased the pension as far as we could. But this is not a matter of a pension.

Hon. S. W. MUNSIE: Before explaining the position in which Mr. Hancock stands with regard to his pension, I wish to say that if the present Government are prepared to grant Mr. Hancock something for the honorary services he rendered to this State, the Federal Government should be approached to grant him something too, because he did good service for them in an honorary capacity. Now with regard to Mr. Hancock's pension, the Public Service Commissioner notified Mr. Hancock on the 22nd January, 1921, of his intention to retire him and grant him six months' long service leave as from the 1st July, and six days' annual leave which was due. The pension therefore came into operation on the

7th January, 1922. Mr. Hancock then applied to have four years added to his 56 years' service, which would bring him up to 60 years' service, so that his superannuation might be forty-sixtieths of his average annual salary for the preceding three years, the maximum that can be granted under the Superannuation Act. There were three other applications of the same nature as Mr. Hancock's before the Government at that time, all being applications of civil servants who had been retired. The four cases were put up to the Government of the day by the Public Service Commissioner, and on the 14th February, 1922, Cabinet decided that the years of service could not be added. The Opposition Leader was then Premier.

Hon. Sir James Mitchell: I suppose we followed the Public Service Commissioner's recommendation.

Hon. S. W. MUNSIE: Quite so, and I thoroughly agree with that decision of Cabinet. If the Government had acceded, even to Mr. Hancock's application, they would have laid themselves open to be beset by scores of applicants throughout the State with equally good claims. On the 22nd February, 1922, the Governor in Executive Council approved of an annual pension of £316 16s. for Mr. Hancock. On the 6th December of the same year, owing to the Public Service Appeal Board having increased Mr. Hancock's salary—notwithstanding he had already been retired from the service—his pension was further increased. As I say, notwithstanding that Mr. Hancock had been out of the service for some time, the Public Service Appeal Board granted him an increase of salary from £528 to £636, and this brought his pension up to £349 11s., an increase of £32 15s. In addition, he received back pay aggregating something over £200. Later Dr. Saw again interested himself on Mr. Hancock's behalf with the Public Service Commissioner. In a letter which is on the file Mr. Hancock himself states that he took Dr. Saw to task for going to the Public Service Commissioner and asking for some consideration to be granted to him, Mr. Hancock, for his honorary services. The letter states that Dr. Saw had no authority to do so, and that Mr. Hancock did not thank him for having done it.

Mr. Taylor: Perhaps it is necessary for us to be careful.

Hon. S. W. MUNSIE: Mr. Hancock stated that he wanted no consideration at all for his honorary services, but wanted an additional four years' length of service. Since then he has written something like a budget to the Prime Minister of Great Britain on the matter. However, in response to Dr. Saw's representations, the Public Service Commissioner minuted as follows:—

On Dr. Saw's recommendation, pension further increased from £349 11s. to £368 19s. 4d., on account of services as radio-grapher to the Perth Hospital in an honorary capacity.

That is actually on the file. The pension Mr. Hancock now receives is equal to the pension which he would have received had he remained in the service till he was 60 years of age. He was retired before he was 60.

Mr. Hughes: What was he retired for—reorganisation?

Hon. S. W. MUNSIE: Yes.

Mr. Hughes: Then his pension should be loaded 10 years.

Hon. S. W. MUNSIE: According to the Act that could be done, but Cabinet had absolutely declined to grant such an increase in any case. I know that in the past, years of service have been added. However, in my opinion it is time that that practice was stopped. As a matter of fact, Mr. Hancock made a mistake with regard to his own age, when advancing his claim for the four years. When the Public Service Commissioner pointed out that mistake to him, Mr. Hancock admitted it and apologised. He himself is now satisfied that the pension which he is receiving is the pension to which he would have been entitled if he had remained in the service until he was 60. I explain these matters because I do not want the House to carry any motion under the mistaken belief that Mr. Hancock has not been fairly treated with regard to his pension. He has been treated fairly. He believes he is still entitled to some consideration for his services to the Imperial Government, but this State cannot carry that load. I say again that if the Western Australian Government grant to Mr. Hancock some consideration for the magnificent service he has rendered to this State in an honorary capacity, the Federal Government should also grant him some consideration.

Hon. Sir JAMES MITCHELL (Northam) [9.13]: I did, of course, hear of Mr. Hancock's desire to have his pension increased; but I heard of nothing else. My interjection was for the purpose of letting the Honorary Minister understand those circumstances. As regards the pension rights of public servants, there is a pension board whose duty it is to deal with such matters. An Imperial service officer has the right to certain consideration. We must do justice by the civil servants who are retired and who have pension rights, and we endeavour to do justice to each one of them. In Mr. Hancock's case, apparently, justice has been done as regards his pension; but that is quite apart from the special services rendered by him in an honorary capacity. I hope the Government will make representations on the matter to the Federal authorities. If the State Government grant a sum to Mr. Hancock, the Federal Government certainly ought to be told that that has been done and that the injury from which Mr. Hancock suffers is due in part to the work he did at the Base Hospital. That would be only right, and I hope the

Minister will see that the necessary representations are made.

Mr. Sampson: Has this matter gone forward to the Federal Government yet?

Hon. Sir JAMES MITCHELL: No, because we have to deal with it here. Mr. Hancock has suffered a considerable amount of pain and is incapacitated from further work by reason of the condition he is in because of the honorary work he did at the Perth Hospital and at the Base Hospital. If any service can be rendered, it should be rendered to Mr. Hancock. That gentleman has done special work in this State. He sacrificed a good deal because of the work he did, and it is reasonable that some allowance should be given to him. He has lost far more than we can make up to him whatever we may give. Civil servants sometimes have an idea that they are entitled to more than they get. They persist in claiming more than the pension board or the Government are entitled to allow. The case under discussion, however, is another matter altogether. The request is for special consideration for special work that has resulted in special injuries to Mr. Hancock, who rendered special service not connected with his official duty. I support the motion.

Mr. TAYLOR: Before the debate proceeds further, I would like to see Mr. Hancock. For that reason I move—

That the debate be adjourned.

Motion put and passed.

MOTION—REVENUE.

Protecting the State's Interests.

Debate resumed from 24th September on the following motion by Hon. W. D. Johnson:—

That in the opinion of this House it is urgently necessary that an organisation should be created to protect the State's interest from a revenue point of view.

The MINISTER FOR LANDS (Hon. W. C. Angwin—North-East Fremantle) [9.18]: In connection with the motion—

Hon. Sir James Mitchell: Do you know what you have to reply to?

The MINISTER FOR LANDS: In reply to that interjection I need only use the words of the member for Guildford (Hon. W. D. Johnson) when he moved his motion and said, "Members will ask what all this is about."

Hon. Sir James Mitchell: They are still asking.

The MINISTER FOR LANDS: The hon. member also said: "Why move the motion? What reforms do I advocate?" I heard the hon. member's speech. I have read his speech in "Hansard." So far as I can gather from the motion, he desires to see some organisation set up. He has

not indicated what the organisation shall be.

Hon. Sir James Mitchell: There must be no Minister!

The MINISTER FOR LANDS: He wants some new department or organisation set up to endeavour as far as possible to enlighten members particularly regarding revenue. He is of the opinion that hon. members do not get sufficient enlightenment regarding the revenue of the State. The hon. member's remarks indicated that so far as the expenditure is concerned, every member of the Chamber receives full details as presented by the Auditor General. The member for Guildford said that the wording of the motion meant nothing. He said it represented purely words, but the object was the main thing. Seeing that the object of the motion is to create another department or organisation, to do work for which there is already an organisation in existence, there is some difficulty in replying to the motion.

Hon. Sir James Mitchell: There would be no difficulty if you knew what he meant.

The MINISTER FOR LANDS: The member for Guildford drew attention to the fact that within the next few days the Treasurer will deliver his Budget Speech, when he will give details regarding expenditure and forecast the revenue he anticipates we will receive. That is very true, but what the hon. member failed to realise or overlooked for the time being, was that details regarding revenue are given in the Public Accounts which contain a full audited statement signed by the Auditor General and cover all expenditure and revenue during the past year.

Hon. Sir James Mitchell: Of course. Every detail.

The MINISTER FOR LANDS: The member for Guildford told us that the Auditor General was responsible to Parliament, but that his duty was to report mainly on the expenditure side, and that he had to carry out an unceasing investigation concerning that part of the State finances.

Hon. Sir James Mitchell: And the revenue too.

The MINISTER FOR LANDS: The member for Guildford said: "No one outside the Railway Department is responsible for the investigation of revenue matters." Every department has been required to open a sundry debtors' ledger in which must be recorded all debts not included in the special books already provided such as registers, lease registers and so forth. In order to see that our officers are looking after the revenue side, the Treasury has inspectors going round the various departments for the purpose of scrutinising debtors' accounts. Those officers have to satisfy themselves from inspections of the departmental books whether the depart-

mental officers are doing everything possible to obtain the revenue due to the State. In addition to that the departments themselves are compelled, under instructions from the Treasury, to send forward monthly lists of outstanding debts. That practice has been in vogue for many years. Further, officers are required to give reasons for the non-payment of the debts appearing in the books of their respective departments. Thus the Treasury makes every attempt possible to secure the revenue due to the State. When we turn to such institutions as the Agricultural Bank, which operates under a special statute, we find that the whole of the revenue side is scrutinised by the trustees of the bank.

Hon. Sir James Mitchell: That is their business.

The MINISTER FOR LANDS: The Industries Assistance Board and the Soldier Settlement Board each scrutinise the details of the revenue of their respective institutions. When we come to the Harbour Trust we find that similar details are scrutinised by the members of the Harbour Board. In addition to that the Auditor General has a competent staff of inspectors who periodically visit the various departments, examine closely all revenue and expenditure items, and report on their inspections to the Auditor General. Subsequently the Auditor General, from the reports that are placed before him, knows whether the officers are carrying out their duties and are collecting the revenue. He reports to Parliament any failure of duty under that heading and he reports to the Treasurer as well. Members will see that everything possible is done to collect the revenue that is due without using extreme measures.

Hon. Sir James Mitchell: Of course.

The MINISTER FOR LANDS: If another organisation were established, what would be the result? The Treasury is responsible for all revenue and expenditure now. If a Minister spends more than he should, the Treasurer gives him a rap over the knuckles. The Treasurer calls for an explanation. As a matter of fact, any additional expenditure to that voted has not only to have the approval of the Minister, but of the Treasurer. On many occasions, although the Minister is in favour of expenditure being incurred, the Treasurer has some difficulty in making the money available. In those circumstances the Treasurer will send back the item to the Minister concerned for further consideration. Then again, the Treasurer is continually sending notices, particularly to the accounts branches of the various departments, pointing out the necessity for getting in revenue. If the officers do not carry out their duties with satisfactory results to the Treasury, the Treasurer will require to know the reason why the revenue has not been received to a degree corresponding with the results of the

preceding year. Officers are compelled to obey the instructions of the Treasurer or give a reasonable explanation as to why the amounts have not been collected. I will deal with one or two departments to which the member for Guildford referred. I will not traverse the whole of his speech because it was too long and dealt with a great many questions. He referred to the Lands Department and said that the Minister was responsible. That is partly correct. While the Minister in charge of a department has to carry his responsibility, he has his officers and after all they have to shoulder the greater proportion of the responsibility. The Minister is not in possession of the details of all the accounts connected with his department. While the officers have to do everything possible to collect revenue, the Minister has his responsibility to the Treasurer. Revenue paid in goes to the Treasury, which department is in possession of full particulars regarding amounts paid and what should be paid when they become due. If for any reason the Lands Department revenue is short, the Under Treasurer reports the fact to the Treasurer and the Treasurer immediately communicates with the Minister to ascertain the reason for the shortage. He will also draw attention to the fact that if the revenue continues to be short, the expenditure must be curtailed accordingly. The member for Guildford emphasised the writing off of accounts. I know of nothing that concerns Ministers and departments more closely than this. In every instance before an account is recommended to be written off all possible steps are taken to collect the amount due. Frequently such accounts are accounts due to hospitals, the debtors being quite unable to pay. Nevertheless a full explanation has to be put up by the Minister when recommending that they be written off. And, moreover, each account is scrutinised by the Treasurer himself. So it can be safely said that no accounts are written off while there remains a possibility of collecting them. The hon. member said he knew of accounts that, having been written off, were subsequently paid. I am confident that such instances are very few and the amounts trifling; indeed, it is rarely that anything like a large amount is written off, and then it is only in special circumstances. The member for Guildford went on to say he wanted to see some authority appointed to protect the State's revenue, so that we might get a better system than the existing one. I would remind the House that we have, first, the accountancy branch of each department; secondly, the Treasury inspectors, and in the third place the Auditor General and his staff—three distinct bodies whose purpose it is to protect the revenue of the State. The hon. member said he wanted to see somebody in a position to protect the interests of the State, rather than leave them to be protected by individual Ministers. The revenue of the State, he

said, should not be left to the responsibility of individual Ministers. He added that Parliament must have some medium through which to get detailed information respecting revenue, just as it gets details of expenditure. But that, Mr. Speaker, would be quite impossible. Parliament cannot get detailed information respecting accounts that are owing. For instance, in the Lands Department on the 30th June last there was owing, on conditional purchase lands £153,976, under the Agricultural Lands Purchase Act £31,506, and under estates purchased for soldiers, and clearing, £56,758. The two last amounts and part of the first were brought into soldier settlements. How would it be possible to give to Parliament detailed information respecting the thousands of accounts making up those aggregates? It could not be done.

Hon. Sir James Mitchell: It would not be right, either.

The MINISTER FOR LANDS: As showing that everything possible is done to collect the revenue, let me say that a little over 12 months ago the arrears on conditional purchase lands totalled over £200,000. It will be seen therefore that within the past 12 months that amount has been reduced by £50,000. Let us return to the Agricultural Bank: The amounts owing to the bank are paid, not to the Treasury, but into the bank's account.

Hon. Sir James Mitchell: It is a separate capital.

The MINISTER FOR LANDS: That is so. On the 30th June last there were owing to the bank arrears of principal amounting to £157,240, and on the 30th August last the interest due, including arrears, totalled £29,316. Here again we are dealing with so many private individuals that it would be impossible to furnish detailed information to Parliament. Let us come to the soldier settlement scheme. Interest due on the 30th August last amounted to £236,576. The soldiers were given a number of years before being called upon to start repaying the principal; but the amount I have quoted is owing for interest and is spread over something like 5,000 or 6,000 soldiers. Therefore, it would be impossible to furnish details to Parliament. Then we come to the Industries Assistance Board. Principal and interest due to the board to-day amounts to £2,105,077. In addition, there is an amount of £80,145 that, I am informed, represents bad debts. What would be the position of any Minister who brought to the House private accounts aggregating so large an amount? For those accounts, it must be remembered, would be open to the scrutiny, not only of members, but also of the public. The Minister that published such information would find himself in an invidious position. It would not be fair to those who do business with the Agricultural Bank or the Industries Assistance Board, nor would it be in the interests of the State. In any case the whole of those accounts are annually

audited by the Auditor General. In respect of the Taxation Department's figures I do not think the member for Guildford was quite fair to the State in the table he read to the House. Everybody realises that taxation on large incomes is higher in Western Australia than it is in Victoria, while on lower incomes the position is reversed. The table produced by the hon. member started at £300 and worked upwards. Let me quote some examples not contained in that table. A married man with four children and a gross income of £400 would pay taxation, in Victoria £1 12s. 6d., in Western Australia nil. A man with a taxable income of £50 would pay taxation, in Victoria 12s. 6d., in Western Australia 8s. 4d. A man with a taxable income of £100 would pay, in Victoria £1 5s., in Western Australia 16s. 8d. A man with a taxable income of £200 would pay, in Victoria £2 10s., in Western Australia £2 5s. A man with a taxable income of £264 would pay, in Victoria £3 6s., in Western Australia £3 9s. 1d. There is difficulty in making a satisfactory comparison between Victoria and Western Australia, because in Victoria many of the exemptions and deductions granted in Western Australia are not allowed. For instance, there is in Victoria no deduction of £50 per child.

Hon. Sir James Mitchell: I think there is.

The MINISTER FOR LANDS: The taxation officers say there is not. Further, in Victoria a single man with dependants is treated as a single man, is not allowed the full exemption, whereas in Western Australia he is treated as a married man. The most clear comparison is the example I have just given of a person with a gross income of £400 and four children, who in Western Australia would pay no income tax and in Victoria would pay £1 12s. 4d. The hon. member also dealt with the possibility of Western Australia being done out of revenue because many firms or companies have their head offices in the Eastern States and only branches here. That is possible. It has been found that manufacturers in the Eastern States write up a percentage over and above the cost of the manufacture, and charge the branches in this and the other States, apart from the State in which the goods are made, a certain percentage over and above what should be allowed for ordinary freight charges. Since the amalgamation between the State and Federal Governments for the purpose of collecting taxes the Commissioner in this State has been sent to the Eastern States. While there he was able to look into the question, and an arrangement has been made whereby the State in future will not lose such a large amount as was the case before the amalgamation. When the Commissioner went East in the first place objections were raised on the ground that he was a State officer and not a Federal officer, and some of the merchants refused to give him an opportunity of looking into their business transactions. As a

Federal officer, however, he was able to obtain the information the Government desired to enable them to protect the revenue of the State. Not only was that beneficial to the State, but also to the Commonwealth. One large manufacturer was doing an export business and was charging up the whole of the cost of the manufacture, and an additional percentage, to the goods that were sold within Australia, and not on the goods that were being exported from Australia. The result was that the Commonwealth obtained nearly £50,000 in back taxes, which should have been paid if the trading had been carried on in a fair and equitable manner, and Western Australia received £3,000 as its share of the back taxes.

Hon. Sir James Mitchell: That was some two years ago.

The MINISTER FOR LANDS: Since the amalgamation. This is one advantage that has accrued through the amalgamation, and proves that the Commissioner has been watching very closely the taxes that are due to the State as well as the Commonwealth. The hon. member also dealt with shipping. He said he wanted some organisation, some person, who would see that the State received that portion of revenue that was due from ships that were trading with our ports. I asked the Commissioner of Taxation to supply me with particulars of the conditions that prevailed in regard to the shipping trade. He reported this:

As regard shipping companies, they are liable for taxation under the provisions of the Dividend Duties Act, Section 6, Subsection (5), which reads:

(5) The Governor may enter into arrangements with companies carrying on any business to which the provisions of this section cannot be conveniently applied for the assessment of profits made by such companies in Western Australia, or for the satisfaction of the duty in such manner or upon such basis or terms as may be mutually agreed upon; provided that no such agreement shall be entered into until after one month's notice of intention to do so has been published in the "Government Gazette."

(6) Subject to any agreement under the last preceding subsection, the duty to be paid by shipping companies shall be as follows: (a) six and one-fourth per centum of five per centum upon all inward and outward traffic, including passenger fares; (b) six and one-fourth per centum of the profits on sales of coal or other goods; (c) six and one-fourth per centum of the profits of vessels trading exclusively within the State; provided that duty shall be payable under the several paragraphs of this subsection separately, and without regard to any loss incurred under either of the other paragraphs.

The first section applies to ships that trade overseas, such as the P. & O., the Orient, and other companies which have been pay-

ing tax for some years now under special agreements. Subsection (6) applies to companies that visit Western Australia at intervals, and which have not adopted any agreement under the provisions of Subsection (5). It is contrary to the Federal Constitution Act for the department to levy duty on the inward traffic of companies, including passenger fares. Duty is only payable on the outward traffic, and companies, that visit the State occasionally, pay the tax to their agents before the ships leave the ports of the State. This shows that the amount due to the State is collected before the ships leave the ports. The tax has to be struck according to the arrangement that has been made, and every ship that comes into Western Australian ports has to pay the taxes that are justly due. The hon. member is in error in regard to the State losing revenue through the Commissioner of Taxation—he being a Federal officer—looking after the Federal interests instead of those of the State. Both taxation papers are placed before the Commissioner at the same time, showing the amount due to the Federal Government, on the same basis on which the return is made out showing the amount that is also due to the State. There is no possibility of the Commissioner not being aware of the position as it affects the State, just as much as it affects the Commonwealth. On perusing the hon. member's speech to ascertain what he required I find that almost at the end, he says it is necessary that some special organisation should be appointed to look after our revenue and stated that the Treasury must be the authority in all matters of finance. He went on to say that the information given to the Treasury was not investigated by someone whose special duty it was to inquire into all revenue problems. I have tried to point out that every State department has not only its own accountancy branch and its own officers to gather in revenue, but that these are under inspection and instruction from officers of the Treasury and the Treasurer himself. They are also under the scrutiny of the Auditor General, so that if they fail to carry out their duties in a proper manner, and collect the revenues due to the State, the Auditor General not only reports the fact to the Treasury, but also to Parliament. At the conclusion of his speech the hon. member dealt more with the Federal position so far as it affects Western Australia. He pointed out the loss of revenue that has been brought about owing to the conditions that apply to the Federal Government being such that the State has lost considerably. I would point out that the position would be exactly the same whether we had Federation or not. The State cannot tax an income that is earned in Victoria, even if that income be paid back to a resident of Western Australia. Under our Land and Income Tax Act we can only charge on incomes earned in Western Australia. It would,

therefore, be impossible to alter that position as it affects the Eastern States in regard to revenue due to Western Australia. I interjected that the only means of dealing with the matter of loss of revenue owing to this position would be to amend the Constitution. There might be a chance of getting something if the whole of the revenue so far as taxation was concerned were pooled, although I do not advocate that. Still, there would be a possibility of some of the revenue that creeps into the other States being paid back, though I am doubtful about it. I do not see how it is possible for the State to gain any benefit from incomes that have been charged wrongly to other States. It has been stated that many companies are charging their branches a percentage over and above the cost of manufactures. This has not been done to defraud the revenue of the State, but to prevent the branches knowing what is the cost of manufacture. The same thing applies in Victoria, and to branches established there, as applies to branches established in this State. The dividend duties tax in Western Australia is 1s. 5d., and in Victoria it is 1s. The table that was presented to members in regard to income taxation does not apply so largely when the two taxes on which dividends have to be paid are considered. These are paid under the dividend duties tax and not under the general income tax. Consequently a person in Western Australia who has invested money in a business, the head office of which is in Victoria, would have to pay a dividend duty of 1s. 5d. if the investment was in this State and of 1s. in Victoria. Therefore there is not the same inducement to invest capital in the Eastern States from that point of view as there would be having regard to the Land and Income Tax Assessment Acts of both States, seeing that in the Eastern States only dividend duty could be charged. I do not think it necessary to take up more of the time of hon. members, because I consider I have shown that the member for Guildford (Hon. W. D. Johnson) has not made out a case for the creation of a new organisation to watch the interests of the revenue. I believe the Treasurer will be keener to watch his revenue than would be any other person who could be brought in for that purpose. The Treasurer is responsible to Parliament and to the people. He realises the position, and therefore every effort he can use to obtain revenue will assuredly be used by him. No matter what organisation might be created for watching the interests of the revenue, the person in charge of that organisation would have to depend entirely on the officials in the same way as the Treasurer is compelled to do. No person could examine the accounts individually. No person could ever of his personal knowledge submit to Parliament a detailed statement of outstanding revenue. He would have to rely on the officials of the departments exactly in the same way as the Treasurer has to rely on

them. The head of the proposed organisation could function only by close scrutiny of the officials, and possibly by appointing additional inspectors of his own to see that the officials were carrying out their duty with regard to the collection of revenue.

Hon. Sir James Mitchell: That is being done now.

The MINISTER FOR LANDS: Exactly. I feel confident that the protection of the State's revenue can safely be left in the hands of the Treasurer, and that that gentleman will see that amounts due to the Treasury are paid as early as possible.

On motion by Hon. Sir James Mitchell, debate adjourned.

House adjourned at 10.4 p.m.

Legislative Council,

Tuesday, 7th October, 1924.

	PAGE
Question: Caretaker J. H. McDermott	1139
Notice Paper and Amendments to Bills	1140
Select Committee, Water Supply, extension of time	1140
Assent to Bills	1140
Bills: Industrial Arbitration Act Amendment, 2a	1140
Legal Practitioners Act Amendment, 1b	1147
High School, returned	1147
Presbyterian Church Act Amendment, returned	1147
Trade Unions Act Amendment, returned	1147
Fremantle Municipal Tramways, 2a	1148
Motion: Standing Orders amendment	1148
Adjournment: Royal Show	1150

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

QUESTION—CARETAKER J. H. McDERMOTT.

Hon. H. J. YELLAND (for Hon. G. Potter) asked the Colonial Secretary: Will he lay on the Table of the House all files and papers relating to the proposed transfer of Joseph H. McDermott, caretaker at the Fremantle Central Schools?

The COLONIAL SECRETARY replied: Yes, I now lay the papers on the Table.