imagine this was absolutely the worst. It will mean that we shall get only a small percentage of women who will apply to serve on the jury.

Hon. J. J. Holmes: And "stickybeaks" at that.

Hon. A. J. H. SAW: If the object is to get representatives of real feminine opinion, the Government will not achieve it in this way. I do not suppose that under this clause 10 per cent. of women will apply to be put on juries. Practically all the wives and mothers without exception, will not apply, but all the cranks undoubtedly will do so. Thus, we shall certainly not get a proper representation of feminine opinion. Some time ago speaking in this House I said I was a whole-hogger for the rights of women, and I am still. If the women will convince me that the great majority of the sex want to serve on juries, and if I can bring myself to believe that this will improve the administration of justice, which is open to argument, I will vote for the inclusion of all women to serve on juries exactly on the same qualification as exist for men.

Hon. J. Cornell: Hear, hear!

Hon. A. J. H. SAW: But I will not be a party to allowing a small percentage of women to apply to serve on juries, because I am certain that in that way we shall not get a fair representation of women opinion upon juries. The duty of serving on a jury is a very arduous, tiresome and responsible task, involving very high qualities of mind. Jurors have to listen often to most revolting and disgusting details and have to follow very complicated arguments. Moreover, they have to surrender their personal liberties for days and sometimes for weeks. Only recently we had one instance where that happened. Such instances frequently occur in civil and sometimes in criminal cases. In these circumstances I do not believe that any sensible woman will apply to be put on the jury list. All sensible men of my acquaintance want to get off the list and adopt all kinds of excuses to get away from those responsibilities. A certain body of professional men asked me, in the event of this Bill being taken into Committee, to move for exemption for them.

Hon. A. Lovekin: There are the justices, too.

Hon. A. J. H. SAW: Doctors already have exemption and other classes of professional men find this duty very irksome and wish to be relieved. I do not think there is any real demand amongst women for inclusion as jurors. I have not met a single woman who has expressed any wish to serve on a jury. I commend them for their judgment.

Hon. W. H. Kitson: That does not say they are not capable.

Hon. A. J. H. SAW: No, but in their own interests women would be better off the juries. There are two minor provisions in the Bill which are machinery clauses of some value. The main principles embodied in the Bill are so wrong and vicious that I intend to oppose the second reading of the measure. I put it to the House that we should not do anything that will lower the standard of the administration of justice. If we do, it will undoubtedly recoil on our heads. We cannot do any such thing without bringing the law into contempt. When we do that, it reacts upon the whole community. I oppose the second reading of the Bill.

On motion by Hon. J. Cornell debate adjourned.

House adjourned at 9.48 p.m.

Legislative Assembly,

Tuesday, 14th October, 1924.

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

QUESTION—RAILWAY ZONE FREIGHTS.

Wheat and natural ports.

Mr. A. WANSBROUGH asked the Minister for Railways: 1, Is he aware that the present zone system of freights over our State railways on wheat for export is being used by wheat buyers to concentrate the whole of this season's wheat at the port of Fremantle? 2, If so, what loss of revenue is anticipated to the State railways on zone-reduced freights to bring such about? 3, If Nos. 1 and 2 are correct, will he introduce a zone system of freights for all export traffic, thus assuring each seaport of its geographical trade? 4, If so, will such system be brought into operation for this season's harvest?

The MINISTER FOR RAILWAYS replied: 1, No. A comparatively small portion of the exportable wheat is occasionally diverted to other than the nearest port for

shipper's convenience. 2, It is not practicable to calculate a reply to this question. 3 and 4, The question of revision of wheat freights with a view of distributing wheat traffic more evenly over the 12 months of the year and of decentralising export of wheat by shipment at the nearest port has been considered. There will be no alteration for the present season.

GOVERNMENT BUSINESS, PRECEDENCE.

The PREMIER (Hon. P. Collier—Boulder) [4.37]: I move—

That for the remainder of the session Government business shall take precedence of all Motions and Orders of the Day on all sitting days.

This is the usual motion——

Mr. Latham: It is a bit early.

The PREMIER: —that is brought forward at this stage of the session.

Hon. Sir James Mitchell: Not usually at this stage.

The PREMIER: It may seem to have been brought forward a little earlier than usual, but the question is largely governed by the amount of private business that is on the Notice Paper awaiting consideration. In the name of private members there are not more than four items on the Notice Paper, and one or two of these require very little consideration. The session is advancing, and it is desirable, as has been the practice in the past, that we should rise before Christmas. That being so, we might well devote the remainder of the session to Government business. I will, however, give this undertaking, that not only will an opportunity be afforded for considering and discussing private members' business already on the Notice Paper, but if any member has a motion or a Bill to bring forward that he considers of importance, I will provide him with an opportunity to have such motion or measure considered by the House. Having given this assurance I think the House might well pass the motion.

Hon. Sir JAMES MITCHELL (Northam) [4.39]: The Premier is quite justified in bringing forward this motion. There is very little private members' business on the Notice Paper, and the Premier has given his assurance that such business as is before the House will be considered and discussed, and that new private business will be dealt with in the same way. Any more than this members have no right to expect. It has been the custom to give an assurance like that, and it has always worked satisfactorily. I should have tabled a motion regarding wheat freights had not the Minister for Railways assured me that they had not been increased. Apart from that, I know of no motion that I desire to move, unless it be a motion of want of confidence.

Hon. S. W. Munsie: You do not like your chances at present.

Hon. Sir JAMES MITCHELL: I think I might win easily if I moved such a motion. The Premier might inform the House as to the nature of the legislation that we shall be called upon to deal with. The Government have very little business on the Notice Paper, and I hope Ministers do not intend to add to it. The Treasury Bonds Deficiency Bill is a small matter, although the amount involved is large; the Land and Income Tax Assessment Act Amendment Bill will take some little time, as will also the Workers' Compensation Act Amendment Bill.

The Minister for Works: We will fix that to-night.

Mr. Latham: Perhaps!

Hon. Sir JAMES MITCHELL: The Industries Assistance Act Amendment Bill may be debated at some length, and the Estimates will take some time to put through. I am just as anxious as the Premier is that the session should close before Christmas, and I think it will do so if the Government have no more Bills of first rate importance to bring down.

The Premier: There is the Main Roads Bill. That is the principal Bill not brought down, and it is not very controversial.

Hon. Sir JAMES MITCHELL: Is that the only important Bill not yet brought down?

The Premier: Yes. There will also be some small Bills.

Hon. Sir JAMES MITCHELL: I suppose the Premier refers to road closure Bills and others continuing existing legislation.

The Premier: The annual Bills and the Taxation Bill.

Hon. Sir JAMES MITCHELL: I am glad to know there is nothing else of importance on the way to us. That being so, I will support the motion.

Hon. W. D. JOHNSON (Guildford) [4.43]: I support the motion. There is an important Bill to which the Government should give careful and earnest consideration this session. I refer to a Bill for regulating the marketing of our fruits. Last year we went through an anxious time concerning the production and marketing of fruit. Certain organisations tried to help themselves in an endeavour to have our produce placed on the market under conditions that would be reasonable both for the producer and the consumer. This year there is an indication that the production will be quite as good as was previously the case, but owing to the difficulties experienced by various organisations last year, and the friction created by the fact that they had no power, it will be very difficult for individual organisations this year to do anything in the matter of marketing. The matter, therefore, becomes an urgent one, and I hope the Government will treat it as one requiring consideration this session. I hope the next marketing of fruit will be conducted under a Government scheme somewhat along the lines of that operating so successfully

in Queensland. I mention this because the Premier cited one Bill, and I hope he did not intend the impression to be gathered that that would be the only important Bill to be introduced later on.

The PREMIER: (Hon. P. Collier—Boulder—in reply) [4.46]: The Government desire to introduce such a Bill as the member for Guildford (Hon. W. D. Johnson) indicated, but I do not know whether time will permit of it being dealt with this session. The Minister for Agriculture has had the matter under consideration for some time past, and in conversation with him last week I gathered that a considerable amount of investigation and inquiry is necessary. If possible he desires to get the Bill ready for presentation to Parliament this session. That Bill will be, generally speaking, along the lines of the Queensland Act. I do not know if it will be possible to have the Bill ready for presentation to Parliament this session, but if not, it will be dealt with next session. I will ask the Minister for Agriculture to expedite the matter if possible.

Question put and passed.

BILL—STATE LOTTERIES.

Report of Committee adopted.

BILL—STANDARD SURVEY MARKS.

Read a third time and passed.

BILL—LAND AND INCOME TAX ASSESSMENT ACT AMENDMENT.

Second Reading.

The PREMIER (Hon. P. Collier—Boulder) [4.48] in moving the second reading said: This is a small Bill of 12 clauses, many of which are of a purely machinery character, necessary in order to make more explicit some of the provisions of the existing Act. Other amendments are for the purpose of transferring from the Land Tax and Income Tax Act to the Land and Income Tax Assessment Act some of the amendments, made during the past two or three years, which should find themselves in the Assessment Act and not in the taxing measure. One of the principal amendments deals with the definition of "dividend." As dividends paid under the Dividend Duties Act are taxable under the Land and Income Tax Assessment Act, it should be noted that there is no definition of the word "dividend" in the latter Act. It is necessary to remedy that omission. Under the Bill it will be possible to tax undistributed profits which are to-day made available, perhaps in the form of bonus or other shares, to shareholders in companies. At the present time such undistributed profits, when applied in reduction of the liability on shares, are not taxable, because the money has been held to be "capital" and not "income." For instance, a company may to-day hold a considerable proportion of their profits annually. Those profits are not distributed in the form of dividends, but subsequently the capital of the company may be increased in the form of bonus or other shares. Under the Bill the money so dealt with will be considered as income liable to taxation. That is an equitable amendment, because there can be no question but that the undistributed profits that are used subsequently for paying off the liability of the shares of the company are in every sense of the word "profits" or income to the shareholders, and as such should be liable to income tax. Some of the provisions of the Bill are rather technical and I have provided in the memorandum as full information as possible for the guidance of hon. members. The Bill is largely one for consideration in Committee and it may be better to explain those provisions at length when we reach that stage.

Hon. Sir James Mitchell: We had better throw the Bill out on the second reading.

The PREMIER: There is that possibility, but I hope that the Bill will reach the Committee stage, when I wish to give members a lot of information that is not possible at the second reading stage. There is also an amendment regarding dependants. In 1922 the House, at the instance of the present Leader of the Opposition, agreed to an amendment which was intended to allow single persons maintaining blood relations, the same exemptions and deductions as were allowed to married persons. The section was rather badly drafted and in operation it has been found that a single person maintaining his father or mother or some other relative, who would come within the scope of the term "dependant," has been able to secure a greater measure of exemption than any married person. For instance, a married person is allowed a total exemption up to £200, but a single person who has one dependant, is now entitled not only to the £200 exemption, but also to a deduction of £40 a year towards the maintenance of his relative. Thus such a single person is allowed a total exemption up to £240, as against £200 to the married person. It is proposed to rectify that anomaly and bring the single person into line with the married man. This was an oversight, for it was never intended that such deductions should be allowed in the interests of the single person. In addition to that it is open to any number of relatives, who are taxpayers, to claim deductions on account of the one relative. For instance, half a dozen sons may claim their mother as a dependant, and if they are each contributing £40 per annum to her maintenance, they are entitled to claim £40 each as a deduction from their respective incomes, and the general deduction of £200 as well. That again was never intended, and it is proposed by an amendment embodied in the Bill, that

one person only may claim a deduction for the maintenance of such a dependant. By doing that, we shall conform to the intention of Parliament when the amendment was originally passed. At present the Act provides for an exemption from land tax, city and town land that does not exceed an unimproved value of £50. If the unimproved value exceeds £50, no exemption is allowed. The Bill provides for striking out that exemption so that in future there will be no exemption respecting the unimproved value of city or town land. Under the existing Act there is a fixed exemption of £250 on the unimproved value of agricultural land or land used for horticultural, pastoral or grazing purposes. That exemption will also be deleted, so that there will be no provision at all for any exemption on the unimproved value of land.

Hon. Sir James Mitchell: No exemption at all, under any circumstances?

The PREMIER: No, irrespective of the value or use to which the land is being put.

Mr. Latham: Whether improved or unimproved?

The PREMIER: That is so. The present Act contains a provision whereby a male of 65 years of age and a female of 60 years of age are exempt from income tax provided their income up to £250 is derived from personal exertion. It is proposed to amend that provision and make the exemption of £250 apply irrespective of whether the income is derived from personal exertion or in any other way. It is thought that persons of that age may well be exempt from taxation. There is also an anomaly under the existing Act as a result of which single persons who are absentees may claim deductions that are not allowed to married persons who are also absentees. Through faulty drafting single absentees can claim the deduction or exemption of £100, whereas the married absentees are not allowed the general exemption of £200. That is being rectified in order to bring the single person on to the same level as the married person, and in future it will not be possible to make the deduction I have referred to. Perhaps one of the most important amendments has to do with the mining industry. Hon. members are aware that there has been a very persistent request made by a large section of the community, principally those concerned in carrying on mining operations, that the industry should receive some measure of relief from taxation. It will also be within the knowledge of members that such an amendment has just passed through the Federal House.

Hon. Sir James Mitchell: Has it actually passed?

The PREMIER: Yes, because the Federal session has closed. I have not been able to get a copy of the Federal Bill, but from all information that has been available I believe that the amendment just made is on all-fours with the amendment proposed in the Bill now before this House. It is intended that actual cash capital put into mining companies formed since the 1st July of the present year shall be exempt from the payment of taxation until such time as the shareholders have received in the way of dividends the amount equivalent to the capital invested. That provision will also apply to any additional capital contributed since 1st July, 1924, on shares of existing companies. The shareholders also will not be called upon to pay taxation until they have had returned to them in dividends an amount equalling the capital invested.

Mr. Sampson: No matter from what source that money has been derived.

The PREMIER: Mining only.

Mr. George: Could you not go a step further than mining?

The PREMIER: I do not think so. The question has been thoroughly discussed in this State during the past year or two, and I think it can be argued in this respect that mining is on a basis different from any other industry; it is a wasting asset entirely.

Mr. George: Timber is also a wasting asset.

The PREMIER: Timber can be replaced. Timber will grow again; gold will not. There is no possibility of ever replacing an ounce of gold that has been taken from the ground, but there is a possibility of replacing timber.

Mr. Teesdale: That will apply to coal.

The PREMIER: Hon. members will know that in some countries it is considered that the most profitable use to which land may be put is to grow timber on it. In France, for instance, they take off an annual crop of timber, and they plant an area equal to that cut out. There they have their rotation of crops of timber, and the industry is worth something like five millions sterling annually to that country.

Mr. George: But it takes a lifetime to grow.

The PREMIER: A start must be made at some time. So far as I know a case can be made out for mining that does not apply similarly to any other industry. It is generally conceded by all, as has been shown by the legislation that has gone through the Federal Parliament without opposition, that some measure of relief should be extended to the gold-mining industry.

Mr. Latham: Why not all mining?

The PREMIER: It is proposed to apply the amendment to an individual or to numbers of individuals who may form themselves into a syndicate. That would be only fair. If I or any other individual invested £5,000 in mining, I should be allowed some relief from taxation, just as if I were a shareholder in a company. A good deal of publicity has been given in the State recently with respect to an oil license or lease in the North-West, the holder of which was

called upon to pay something like £5,000 to the Taxation Department. It will be remembered also that a case was before the Full Court by way of appeal a few months ago regarding the sale of one of the Hampton Plains properties. In the latter case the vendors were called upon to pay something like £4,000 by way of taxation. That was due to the fact that the sale of that property took place prior to the passing of the amending Act of 1922. The Taxation Department claimed their right to recover by way of taxation an amount they said they were entitled to receive according to the law at the time the sale took place. The Bill does not extend greater relief to the prospector, because I do not know how it is possible to do so. The existing Act goes as far as it is possible to do having regard to what is fair and equitable to all concerned.

Mr. Sampson: Will this be limited to gold mining or to all mining?

The PREMIER: I am dealing now with prospectors, and it is proposed to bring in the holder of an oil license. Why the holder of a oil license was called upon to pay taxation was because the Act referred to "mining tenement," and an oil license was held not to be a mining tenement, and therefore the holder could not obtain any benefit under the amending Act of 1922. It is now intended to place the holder of an oil license on the same footing as the holder of a mining tenement, and so those who obtain money for oil propositions will, under this Bill, be exempt just as is the bona-fide prospector for gold. There is also a provision in the existing Act whereby a person who pays, or who is liable to pay, both land and income tax, may deduct the amount of the land tax, if that amount be the greater, from his income tax.

Hon. Sir James Mitchell: That is a good provision; it is fair.

The PREMIER: In some directions it may be contended that it is fair, but in other directions it confers a benefit upon persons not entitled to receive it. Whichever tax is the greater will be paid.

Mr. Thomson: Is that fair when a man is deriving his income from the land?

Mr. Latham: That will mean increased taxation.

The PREMIER: I suppose it will to the extent that a person will now pay on the amount of his land tax.

Mr. Latham: He will pay both.

The PREMIER: If in the past a man paid £20 in land tax he was able to deduct that. If the Bill becomes law he will not be allowed to do so.

Mr. Latham: It may come to £100, or even more.

The PREMIER: It is also proposed to limit the amount that a person may claim as a deduction for repairs to residence. This in future will be £30. At present there is no limit; one may deduct whatever the amount expended may have been.

Hon. Sir James Mitchell: A house may be struck by lightning.

The PREMIER: Then there is the insurance to fall back upon.

Mr. Sampson: Irrespective of the value of the house?

The PREMIER: Yes. It seems to me that persons who have been able to claim in the past are those who are not in need of this kind of relief. A person who is in a position to spend £300 or £400 a year by way of repairs, may do so from merely faddy motives. The Taxation Department has had great difficulty in determining what have been repairs to a house. These might in some cases be described as structural alterations or improvements, and the only method the department would have of checking an abuse in this direction would be by appointing an army of inspectors to inspect the buildings in order to determine what had been additions and improvements or alterations as distinct from repairs.

Mr. Angelo: Will this exemption be for the owner or the occupier?

The PREMIER: The owner.

Mr. Angelo: Suppose he has four or five houses?

The PREMIER: It will apply exactly as the present Act applies except that the amount will be limited to £30, and it will apply to the house a person is living in. It is also proposed to raise the amount of income chargeable for the deduction in respect to medical expenses. To-day that is limited to persons in receipt of an income of £250. It is intended to raise that amount to £350.

Hon. Sir James Mitchell: Why not wipe it out altogether.

The PREMIER: Perhaps the argument regarding house repairs might apply here also. When we consider taxation it becomes largely a matter of the ability of a person to pay. To-day a person may not deduct medical expenses if his income exceeds £250. One might well have heavy medical expenses year after year and £250 is not a very high amount. It is now proposed to raise that amount to £350. The only other amendment of importance relates to appeals. The present method is simplified and brought into line with the Federal Act. To-day one has to lodge an appeal within 30 days. Under the Bill a taxpayer may give notice of objection to the Commissioner within 42 days of the notice of assessment. The Commissioner will consider the objection, and if he disallows it the taxpayer will have 30 days in which to decide whether to appeal. Instead of having to deposit half the amount of the tax, he will be required to deposit only one quarter. There are other amendments of minor importance that can be dealt with in Committee. I move—

That the Bill be now read a second time.

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

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

In Committee.

Resumed from the 2nd October. Mr. Lutey in the Chair; the Minister for Works in charge of the Bill.

The CHAIRMAN: Progress was reported after Clause 3 had been partly considered.

Hon. Sir JAMES MITCHELL: When the Bill was last before us I pointed out that it would be difficult for a contractor to obtain work as he would be regarded as a worker under this Act. It would be safe to ask a large firm to erect a house, but it would not be quite so safe to give the job to a small man who might do part of the work himself. The Minister surely does not intend to do an injustice to the poorer people. This is a monstrous provision. If a contractor clearing land does any part of the work, he will have to be covered. It would be impossible for the owner to know how many men the contractor proposed to employ, and I do not see how he could limit the number. Yet he is to be held responsible; he will be liable to be fined if more men are employed than are covered by insurance. The small contractor will thus lose the work he now gets. Then canvassers, collectors and persons employed on commission are also to be covered. Who is to pay for the cover? Twenty people might employ the same commission agent or collector and apparently each will have to take out cover. That will be a great thing for the insurance companies. If this measure becomes law they ought to erect a monument to the Minister. The public should be told exactly what is in the Minister's mind. If he intends to destroy the opportunity that comes to the smaller contractor and give all the work to the bigger contractor, he should tell the people.

Mr. NORTH: In several respects this clause appears to be in conflict with the principal Act. Under the Act "worker" does not include one whose employment is of a casual nature. There will also be a difficulty regarding Subsections 2 and 3 of Section 9. Again, as regards paragraph (3) of Subclause 3 of Clause 3, which deals with clearing land of stumps or logs, conflict might arise in cases where something else was implied, say the removal of stones. Therefore I suggest that this provision be applied simply to clearing of land.

Mr. Panton: What you suggest would be dealt with under the next clause.

Mr. NORTH: Then there is the question how far Subclause 4, dealing with canvassers, would apply. Would it apply to a road board secretary, or to a traveller representing several firms? I suppose those matters have all been looked into.

Mr. RICHARDSON: I, too, would like some information on this clause. I fail to see how the provision could apply favourably in the case of workers. The clause seems to me to over-reach itself, though undoubtedly every worker should be covered. It is probable that the provision will do away with a great deal of small jobbing work unless the limit of £5 is raised. Every man who wants a job done about his house will, if this clause passes, have immediately to take out an accident policy for £750. Again, as regards contracts for timber getting, whether the letter arranges with a man to get the timber off that man's property or off his own property, he will immediately become liable under this clause. The letter would be equally liable in respect of men employed by the contractor even if the latter got it off a timber area of his own away in the South-West. The provision will react most unfavourably on farmers who have clearing work to do. The farmer who lets a clearing contract rarely sees either the contractor or the work until the contractor comes in for something on account. Is it fair that the farmer should be liable in the case of an employee of the contractor—the farmer knowing nothing of the engagement of that employee—unfortunately being killed?

Mr. Panton: Is it fair that the dependants should be deprived of compensation?

Mr. RICHARDSON: Let the contractor be declared liable.

Mr. Panton: We know what some of these contractors are.

Mr. RICHARDSON: It may easily happen that a clearing contractor engages men without the farmer's knowledge. Similarly, in the case of building operations men might be engaged by the contractor without the knowledge of the owner, who would nevertheless become liable. The Bill should include a clause placing the responsibility on the contractor if he does not within a certain time notify the owner of the engagement of an employee. It is absolutely wrong to make a man responsible unless he has control, and the owner has no control after letting the contract.

Mr. Holman: He has the benefit of the work.

Mr. RICHARDSON: He pays the contractor for that.

Mr. Holman: The owner should be responsible for accidents, too.

Mr. RICHARDSON: But he does not know how many men are employed.

Mr. Holman: That does not make the slightest difference. The premium is paid on the amount of the job.

Mr. Latham: It will not be possible to obtain a general cover under the conditions of this Bill.

Mr. Holman: Certainly it will be quite possible. Otherwise let us have State insurance.

Mr. RICHARDSON: The Bill for State insurance has not been brought down yet. How are canvassers to be covered, seeing that the great majority of them carry various lines? Again, if a canvasser earns more than £520 a year, nobody is responsible for him. Suppose a canvasser starts

work to-morrow; then the employer must obtain cover for him. Suppose, further, that at the end of the year it is found that the canvasser has earned £521, how is the employer to recover the premium paid in respect of that man?

The Minister for Works: What happens now when at the end of the year it is found that a worker has earned over £400? And what about a tributer?

Mr. RICHARDSON: A tributer is not a canvasser. There is a big difference between piece-workers and commission agents. The piece-worker knows what he can make at his work.

Mr. Panton: No, he does not.

Mr. RICHARDSON: When a commission agent goes out in the morning representing several firms, is he to be covered by those firms collectively or individually? Will each one have to take out a cover?

The Minister for Lands: It is more important that a few shillings too much should be paid than that the man's wife and family should starve.

Mr. RICHARDSON: I am not criticising that; I am asking for information. If a commission agent goes out to collect some rent, get in some insurance premiums, and possibly sell a house, who is to be responsible if that canvasser be the victim of a fatal accident?

Mr. Holman: By whom is he employed?

Mr. RICHARDSON: On that morning, by three separate employers. Who is to be responsible?

Mr. Panton: If you employed a canvasser would you insure him?

Mr. RICHARDSON: I would have to.

Mr. Panton: Well, that is all you need worry about.

Mr. RICHARDSON: But he is out representing three employers.

Mr. Sleeman: You would not suggest that his family go short because of that?

Mr. RICHARDSON: No, but I want to pin the responsibility to one employer. Each will repudiate the responsibility, and in the end the wife and family of the victim will go short. You are putting up a very fine thing for the insurance companies. I hope the Minister for Works will give us some idea as to how these things are to work out.

Mr. TEESDALE: I mooted this question on a previous occasion, and asked the Minister for an explanation. It is a reasonable question, and I demand an answer to it. Not all the employers will take out a policy in respect of one man. Which of the several employers is to be responsible when a man is killed?

The Minister for Lands: They all take out a policy, but they pay only in proportion to the wages or commission to the man killed.

Mr. TEESDALE: Then there is the question of the small canvasser. Lots of small lines are given out to women and to old men, who go around the suburbs. Will the employer take out a policy to cover some unfortunate canvasser making 25s. or 30s. per week?

The Minister for Lands: Very little of that is done. It is against the law.

Mr. TEESDALE: In my street the door has to be opened to those people every 20 minutes—and a very respectable street it is. What is the Minister going to do for those unfortunate canvassers? The employer will pass out all those making 25s. or 30s. per week trapesing around the suburbs.

Mr. Angelo: Housewives will be glad.

Mr. TEESDALE: Very likely, but I have a little compassion for those unfortunates who cannot earn more than half a living hawking stuff around the suburbs. The employer will not take out a policy for them. The whole principle is wrong. There should be State insurance to take this thing over.

Mr. Millington: You are supporting the clause?

Mr. TEESDALE: I am not. I say the whole principle is wrong. It should be covered by State insurance. Will the Minister tell me on which employer the liability falls when a man with a multiplicity of employers meets with an accident?

The MINISTER FOR WORKS: The moment anything new is introduced it is classed as impossible. The marginal note shows that this provision is in operation in Queensland, Victoria, and New Zealand. Is it contended that we cannot organise our affairs to cope with conditions already overcome in Queensland, in Victoria, and in New Zealand? Hon. members opposite have overlooked the fourth line of the clause, which reads:—"Not being work incidental to the trade or business directly carried on by the contractor." So none of the cases presented by the member for Subiaco (Mr. Richardson) would come under the Bill at all.

Mr. Richardson: But they do, later on.

The MINISTER FOR WORKS: They do not. If the business is one regularly carried on by the contractor, then the contractor himself is liable for compensation. To-day a man taking work at a price over £5 is a contractor, and so is outside the Act. Under the Bill such a man, if he works with his men, is classed as a worker. The member for Claremont (Mr. North) referred to Section 9 of the Act. That relates to contractors and sub-contractors trading in their own name. I do not propose to interfere with them. It is merely those who take on work that is in essence piece work, doing it at a price.

Mr. Thomson: You mean a job that is purely labour, no materials having to be supplied?

The MINISTER FOR WORKS: That is so. A man taking on clearing work at a regular price is outside the existing Act, being classed as a contractor. Actually he is paid according to results. No matter how many men he may call in to assist him,

the insurance rate is fixed on the wages paid; the wages sheet is taken as the basis of compensation.

Mr. Thomson: But there you are bringing in men who may be making £20 a week.

The MINISTER FOR WORKS: No, the limit is £520 per annum. Anyone earning beyond that sum does not come within the provisions of the Bill. In Victoria there is no limitation in the case of manual workers. It is impossible to say in advance how much such a man will earn in a year.

Mr. Teesdale: Where there is no limit there is a strict definition of "manual worker."

The MINISTER FOR WORKS: There is none in Victoria or New Zealand. If a canvasser is employed by a number of firms each employer will be called upon to pay according to his proportion of the canvasser's earnings while employed by him. The question of his earnings is adjusted at the end of the year. That is all provided in the schedule of the Act.

Hon. Sir James Mitchell: The small employer would require to take out a cover for every man who was working for him at any time.

The MINISTER FOR WORKS: The Bill would operate in that way, but even now a man has to insure his wife's washerwoman, who only goes to the house perhaps once a week.

Mr. Sampson: Is there any penalty for failure to take out a policy?

The MINISTER FOR WORKS: Yes. A man will be compelled to take out a policy if he calls another in to do some small job for him.

Hon. Sir James Mitchell: Or he will give the work to a big firm.

The MINISTER FOR WORKS: A man who is employing another must carry his own risk.

Hon. Sir James Mitchell: Under this Bill the cover will amount to five per cent.

The Minister for Lands: You had all the group settlers insured.

Hon. Sir James Mitchell: They paid for themselves.

The Minister for Lands: The same thing applies in this case.

The MINISTER FOR WORKS: The Leader of the Opposition passed on the insurance. The underlying principle of the Bill is that every man shall be covered against injury, etc.

Mr. Teesdale: Should not those earning £10 a week look after themselves?

The MINISTER FOR WORKS: This Bill provides that a worker is he who is earning up to £520 a year, but in Queensland the amount is fixed at £10 a week. If difficulties arise under this clause, they will be overcome, as they have been in the other States. The insurance companies in Western Australia are merely branches of the houses operating in the Eastern States, where provisions similar to this apply.

Mr. DAVY: The object of the Bill is to bring every worker under some scheme of compensation. This is a Bill to amend the Workers' Compensation Act. If it is desired to protect everyone against injury or accident, this should be done by a national insurance scheme. The essence of workers' compensation was that where a man employed another for the purpose of his business, and controlled the conditions under which his employee laboured, that man had to see that his employee was protected against the risks attendant upon his employment. This Bill goes beyond that. It is unjust that this burden should be placed upon a man who has no control over the methods by which the work that is being done for him is carried out. There is a big difference between piece work and contract work. Piece work is a method of payment. It has never been held fatal to a man's claim under the Act that he has been doing piece work if his employer controls the method by which the work was done.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. DAVY: Subclauses 2, 3, and 4 of Clause 3 are governed by the proviso in Subclause 5 that the rate of remuneration of a person deemed to be a worker shall not exceed £520 a year. It is difficult to determine what is the rate of remuneration and the Minister, recognising that fact, has provided in Clause 13 a complicated definition of what shall be the rate of remuneration of the pieceworker and casual worker. If it is difficult with those classes of workers, how much more difficult will it be to determine the rate of remuneration of a contractor? Yet there is no provision to set out how that rate of remuneration shall be determined. It is impossible to arrive at the rate of remuneration of a contractor because he may make a profit on one job and a loss on another. How is the principal or employer to know, before he enters into a contract, what is the rate of remuneration of the contractor? The principal must know that in order to ascertain whether it will be necessary to insure the contractor. Is that the position in which principals are to be placed? We are attempting to do something that cannot be done by any logical process of reasoning. The contractor should not be included in the Bill. It is unjust to place a burden on the employer or the principal that ought to be borne by the whole community. As the Bill stands now, the casual worker will be exempt from the Bill, but if he is a casual contractor he will be brought within its scope. If a man undertakes to do some gardening, he is a casual labourer and will not be covered: if he arranges to do the same work on a contract basis, he will be covered by the Bill and the employer will have to insure him. If the Bill serves no other purpose, it will bring home to the people the fact that they are liable under the existing Act for compensation in the event of anything happening to their washerwoman or domestic servants, provided those employees are regularly employed. It is a

pity the Minister, in his desire to cover everyone, has gone outside the scope of the Act.

Mr. NORTH: I move an amendment—

That in sub-paragraph 3 of proposed Subsection 3 the words "of stumps or logs" be deleted.

Mr. J. H. SMITH: I am not clear regarding the position of contractors. At present we have contractors and sub-contractors and it is difficult to know who the principal really is. I have known of instances where men have had to forego claims for compensation because they could not ascertain who was the principal. The Bill will not remedy that position.

The Minister for Works: We are not altering that; the existing law will stand.

Mr. J. H. SMITH: Then that law makes it difficult at present to decide who is the principal!

The Minister for Works: It is quite clear.

Mr. J. H. SMITH: That has not been the experience of men in the timber industry. If I arrange to have some clearing done and let a contract, the contractor should be responsible under this legislation. Under the Bill he will not be responsible.

Mr. THOMSON: The intention of the Bill is perfectly clear. If anyone arranges to have work done by contract, the value of which is over £5, he will have to insure those employed by him. At present I, as a farmer, am not responsible if I let work by contract; under the Bill I will be responsible. Has the Minister any idea as to what the increased cost involved in this proposal will be? We cannot altogether take into consideration increased cost when the life of the individual is at stake, but I would like to know if the Minister has made any inquiries regarding that point. The Bill is ambitious and I have no hesitation in saying that I would support certain parts of it, but we are endeavouring to place upon the shoulders of the private employer a responsibility that rightly belongs to the State. We are aiming to a certain extent at national insurance against accident, but in the meantime we are placing the whole of the responsibility on the employer. It would be a much better solution, if we made provision for those who took contracts for clearing, to insure the employees.

Mr. LATHAM: The provision in the existing Act covers everything that is necessary. To-day it is compulsory for the contractor to insure his employees. The contractor is the man who should carry the responsibility. If farmers are employing men on clearing, they may have half a dozen or only one. How will the position be regulated then?

Mr. Thomson: According to the wages paid.

The Minister for Works: How do you insure your men now?

Mr. LATHAM: I do not insure the men who do contract work; I make the contractor responsible. The contractor lodges the policy with me; he certainly charges it up to me. The responsibility is his and he is the man to control the position. The Bill will mean that every farmer who does any clearing will have to provide a policy against accident. There are men who cannot afford to do that, and the result will be that less work will be done in the country. The I.A.B. will have to go to the assistance of farmers and pay for them. I am certain, however, that many farmers will allow the timber to stand.

The Minister for Works: Not at all.

Mr. LATHAM: I say yes. I know the farmers better than does the Minister.

The Premier: This is not going to be such a burden.

Mr. LATHAM: It will be a heavy burden.

The Minister for Lands: Farmers are not fools.

Mr. LATHAM: There is so much legislation to-day that we do not know whether we are obeying the law or not. I doubt whether many of us will understand the provisions of this Bill.

The Premier: That is no reason for refusing to do justice.

Mr. LATHAM: Justice is being done to-day. The responsibility is the contractor's and it should be left to the contractor to carry out. Things have worked satisfactorily and we should let well alone. I cannot understand why canvassers and salesmen should be included. What risks do they run? It would be better to bring in national insurance.

Mr. Panton: National insurance would receive a lot of support from your side!

Mr. LATHAM: I am not saying I would support it.

The MINISTER FOR WORKS: The member for York has clearly proved that this clause will not make a penny of difference to the farmer who wishes to get his land cleared. Yet he said that farmers would sooner let the timber stand than have it cleared.

Mr. Latham: They are taking the risk to-day. Fifty per cent. are not insured.

The MINISTER FOR WORKS: That is the point.

Mr. Latham: And how many accidents have there been?

The MINISTER FOR WORKS: Hundreds of accidents. Scores of times I have gone to the I.A.B. to try to get compensation for men who have met with accidents and have been uninsured. The men, however, have had to carry the full responsibility.

Mr. Latham: That is an exaggeration.

The MINISTER FOR WORKS: Does the hon. member contend that accidents happen only to the men who are insured?

Mr. Latham: There are very few accidents.

The MINISTER FOR WORKS: Then I must have come across all of them. I have seen families reduced to poverty because the bread-winner has been crippled while clearing under contract and the employers have been men of straw.

Mr. Latham: And no doubt you have seen poverty through men being unable to get work.

The MINISTER FOR WORKS: Quite so; we shall deal with that later on. We are only asking for justice. We want compensation for men who meet with accidents and as a result are unable to earn a livelihood.

Mr. George: We want justice for both sides.

The MINISTER FOR WORKS: Where will the Bill do any injury? If the member for York can safeguard himself there is no reason why other farmers cannot.

Mr. Sampson: What rate do you expect will be charged?

The MINISTER FOR WORKS: I told members, when moving the second reading, that I would confer with the insurance companies with a view to preventing any serious increase in premiums, and that if I could not make some reasonable arrangement, I would consult Parliament. I have had a couple of conferences with representatives of the underwriters and am authorised to say there is no doubt we shall be able to make arrangements for reasonable insurance.

Hon. Sir James Mitchell: At what rate?

The MINISTER FOR WORKS: It is not fair to ask the rate at this stage.

Hon. Sir James Mitchell: If you know, you should tell us.

Mr. Thomson: Will there be any large increase?

The MINISTER FOR WORKS: I hope no unreasonable profits will be made by the companies. On the question of national insurance we have some converts. We have advocated national insurance for many years, but only since this Bill was introduced have I learned that members opposite favour national insurance. A week ago I ascertained that the Chamber of Mines are advocating national insurance. I hope this Bill will be a step towards national insurance, and that we shall get such a scheme to cover accidents and sickness. I would prefer a national rather than a State scheme.

Mr. George: You intend to make each job carry its own insurance?

The MINISTER FOR WORKS: Yes, under this Bill; it means compulsory insurance for the benefit of the employee. The contractor is provided for under Section 9 of the Act, and we are not altering those conditions. We are merely providing for men who take on casual work at a price.

Hon. Sir JAMES MITCHELL: If the Minister knows what the rate will be, he he should tell us. I have pointed out that the liability may be £1,500, and the Minister says he does not intend it to exceed £750. When he approached the insurance companies did he make it clear that the liability would not exceed £750? The insurance being compulsory, it should not matter a jot to the Minister whether the cover is secured by the contractor or by the owner. But surely it would be better for the policy to be taken out by the contractor, who employs the men.

Amendment put and passed.

Mr. SAMPSON: I move an amendment—

That in proposed Subsection (5), lines 3 and 4, the words "five hundred and twenty" be struck out, and "four hundred" inserted in lieu.

The amount in the principal Act is £400, and anyone receiving over £400 per annum is able to pay his or her own insurance, even though the Minister may point out that the income may be earned for only a few months.

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

Ayes	.. .. ..	17
Noes	.. .. ..	20
Majority against	..	3

AYES.

Mr. Angelo	Mr. Maley
Mr. Barnard	Sir James Mitchell
Mr. Brown	Mr. North
Mr. Davy	Mr. Sampson
Mr. George	Mr. J. H. Smith
Mr. Griffiths	Mr. Teesdale
Mr. E. B. Johnston	Mr. Thomson
Mr. Latham	Mr. Richardson
Mr. Lindsay	(*Teller.*)

NOES.

Mr. Angwin	Mr. McCallum
Mr. Chesson	Mr. Millington
Mr. Collier	Mr. Munsie
Mr. Corboy	Mr. Panton
Mr. Coverley	Mr. Sleeman
Mr. Cunningham	Mr. Troy
Mr. Heron	Mr. A. Wansbrough
Mr. Holman	Mr. Willcock
Mr. Kennedy	Mr. Wilson
Mr. Lambert	(*Teller.*)
Mr. Marshall	

PAIRS.

AYES.	NOES.
Mr. Denton	Mr. Lamond
Mr. C. P. Wansbrough	Mr. W. D. Johnson

Amendment thus negatived.

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

Ayes	.. .. ..	20
Noes	.. .. ..	17
Majority for	..	3

AYES.

Mr. Angwin	Mr. Marshall
Mr. Chesson	Mr. McCallum
Mr. Collier	Mr. Millington
Mr. Corboy	Mr. Munsie
Mr. Coverley	Mr. Panton
Mr. Cunningham	Mr. Sleeman
Mr. Heron	Mr. Troy
Mr. Holman	Mr. A. Wansbrough
Mr. Kennedy	Mr. Willcock
Mr. Lambert	Mr. Wilson
	(Teller.)

NOES.

Mr. Angelo	Mr. Maley
Mr. Barnard	Sir James Mitchell
Mr. Brown	Mr. North
Mr. Davy	Mr. Sampson
Mr. George	Mr. J. H. Smith
Mr. Griffiths	Mr. Teesdale
Mr. E. B. Johnston	Mr. Thomson
Mr. Latham	Mr. Richardson
Mr. Lindsay	*(Teller.)*

PAIRS.

AYES.	NOES.
Mr. Lamond	Mr. Denton
Mr. W. D. Johnson	Mr. C. P. Wansbrough

Clause, as previously amended, thus passed.

Clause 4—Amendment of Section 6:

Hon. Sir JAMES MITCHELL: The first subclause provides for the repeal of Subsection 1 of Section 6, which prescribes that compensation shall be payable if injury arises to a worker in the course of his employment. The substituted provision is to the effect that compensation shall be payable if injury arises to a worker at his place of employment, irrespective of whether it arises in the course of his employment or not. The accident might occur outside the employer's time; an employee might be larking with his fellow-employees and break his leg in doing so. Then, under this Bill, the employer would be liable to pay compensation. The accident might occur at a time when the employer had no right to exercise any control over the man. Again, the employee is to be protected on his journey to and from his place of employment, from the time he leaves his home until he gets back home again. Is that reasonable? The employer has no control whatever over the man on the journey to and from his home. The man might go into an hotel and get blind drunk, with the result that a tram runs over him; and under such conditions the employer is to be liable to pay compensation. Further, the employee might make the journey in any way he pleased and by the most circuitous route, and the employer would be responsible all the time. The provision is ridiculous, and shows that the Minister has no regard whatever for the employers. And it is not only the employer who is to be responsible; sooner or later every cottage-holder will come within the scope of the Bill, even though he be a *bona fide* worker.

Mr. Panton: You are becoming very sympathetic with the working man.

Hon. Sir JAMES MITCHELL: Yes, we over here do what we can for him. We do not throw him an Act of Parliament when he asks for a loaf.

The Premier: No cottage-holder, a working man, would deprive the widow and orphans of his fellow worker by failing, for the sake of a few shillings, to insure under the Act.

Hon. Sir JAMES MITCHELL: Up to the present it has been possible for a worker to have his cottage painted without being held responsible for the painter. Now all that is to be altered.

The Minister for Works: You are quite wrong.

The Premier: I have had a little painting done at my own cottage.

Hon. Sir JAMES MITCHELL: You will have to be careful in future, for you will be held responsible for the man who paints it.

The Premier: I will take out a policy covering him.

Hon. Sir JAMES MITCHELL: Under a further provision in the clause, if an accident occurs in any place whatever while the worker is acting under his employer's instructions, the employer shall be held liable to pay compensation in accordance with both the first and second schedule, which, as I read it, means that he will have to pay double compensation. I move an amendment—

That Subclause (1) of the proposed new section be deleted.

Mr. TEESDALE: I, just as much as the Minister, demand a fair field for the worker; but I think the Minister is a bit unfair in this clause. It is not right to make the employer responsible the moment the worker leaves his home in the morning. A man in Subiaco might leave his home to go to work in the city. But he meets with a few friends and, having a little time to spare, they adjourn into the pub, where our man gets knocked on the head with a bottle in the course of an argument over the Workers' Compensation Act. Is the employer to be held responsible for that man's injuries?

The Minister for Lands: They don't do those things in Subiaco.

Mr. TEESDALE: If the Minister made the employer responsible from the moment the worker puts his foot inside the workshop, that would be all right; but it is not fair to ask the employer to accept the street risks of tram cars and other vehicles, including those murderous motor bikes.

Mr. Griffiths: And how long will the journey home at night take the worker?

Mr. TEESDALE: Yes, that is worse than ever. It is scandalous to make the employer responsible for his men going home at night. It does not matter whether the accident occurs in a cool drink shop or in a pub,

the responsibility is on the employer. That is not fair, and I hope the Minister will modify this particularly drastic clause. Surely the Minister can be fair!

Mr. GEORGE: If the clause means that the responsibility is maintained while the worker is going to and returning from an outside job, there is nothing much wrong with it; but if it means that the employer is responsible from the time the worker leaves his home in the morning until he gets back at night, the provision is entirely wrong. I hope the Minister will explain.

The MINISTER FOR WORKS: The proposal is to cover the worker from the time he leaves home in the morning until he returns at night.

Mr. Teesdale: Is there to be no limit of hours?

The MINISTER FOR WORKS: Not if he is going to or coming from his work. Of course if, as the Leader of the Opposition suggested, he were to pay a visit to Fremantle on his way from Perth to South Perth, he would not then be on his way home. That, I feel sure, can be left to the court.

Mr. George: It is equivalent to giving him an insurance policy covering the whole of his life.

The MINISTER FOR WORKS: From the time he leaves home to go to his employer's business he is engaged in earning his livelihood. Going home, of course, he may have some legitimate business to do, and so it would be impracticable to set out in the Bill that he must go by the most direct route. I am prepared to leave that to the court. We are seeking to cover a man in everything that concerns the earning of his livelihood.

Hon. Sir James Mitchell: To cover a man actually at work is quite right.

The MINISTER FOR WORKS: We are extending it from the mere carrying out of his work. In many instances, such as in the building trade where travelling time is paid for, the employee is already covered. If we said that a man's wages started when he left home and did not cease until he returned, and all this were done within the 44 hours, there would be no question about his being covered.

Hon. Sir James Mitchell: And people would get no work.

The MINISTER FOR WORKS: The work would still have to be done, and it would be done. We are not asking employers to cover risks that they do not now have to cover.

Hon. Sir James Mitchell: Where does this apply now?

The MINISTER FOR WORKS: I have told the hon. member. All we are asking is that the principle should be made general.

Mr. George: It does not hold in the railways.

The MINISTER FOR WORKS: The fettlers and survey men are covered from the time they leave their camp until they reach their work, but this Bill will cover them on their way from their work to their camp.

Mr. GRIFFITHS: The clause says that if a person is injured on his journey to or from his place of employment, the employer shall pay compensation. That is an unjust provision. It is also unjust that compensation should be paid to a man who is at his place of employment, whether he is working or not. Both these subclauses should be struck out.

Mr. ANGELO: Paragraph (c) should provide all that the Minister requires. It says that if an accident occurs in the course of a man's employment, or whilst he is acting under his employer's instructions, compensation should be paid to him. It is absurd to ask that the employer should be laible for any injury that occurs whilst the worker is at his place of employment. At the lunch hour a man may be playing football and may suffer an injury. Why should the employer have to pay compensation in such a case? It is equally absurd to ask an employer to be liable for any accident that may occur to a man while he is going to or coming from his work. A subclause of this nature will deprive many workers of a good job. If a man chooses to ride a bicycle on his way to work, he can surely insure himself. I hope the Minister will strike out these subclauses.

Mr. E. B. JOHNSTON: I object to paragraph (b), which sets out that the employer shall be liable to pay compensation if personal injury by accident is caused to a worker on his journey to and from his place of employment. Should there be a railway accident, surely action for compensation should be taken against the Railway Department and not against the employer!

Mr. Panton: Cannot the employer sue the Railway Department?

Mr. Davy: No, he cannot.

Mr. E. B. JOHNSTON: I have no objection to the other provisions of the subclause because I cannot see why the employer should not be responsible during the time the employee is engaged in working for him. The employer should not be called upon to accept the responsibility for what may happen at a time when he has no control over the actions of the workers.

Mr. BROWN: This is the most objectionable clause in the Bill, and I trust that the Minister will at least agree to the deletion of paragraph (b) of Subclause 1. When the railway workshops were shifted from Fremantle to Midland Junction, railway transit was provided for the workers to enable them to continue to live at Fremantle. Some of those workers live at South Fremantle or, perhaps, White Gum Valley, thus involving travelling for over an hour to and from work. The possibilities of accidents during the longer journeys are so much greater. I do not think it is fair to make such a provision. Then again, owing to the risks attendant upon journeying through street traffic and so on, the

worker should always provide his own policy, irrespective of what the employer may do for him. If a man is to be covered all the time, it will mean that employers will have to pass on the extra burden to the general community.

Mr. SAMPSON: I oppose the clause. It will cast an additional burden upon industry. To carry the provision to its logical conclusion the policy should cover the whole period of the employee's life. It might be suggested that if a man attempted to learn to ride a motor cycle on his way to work and met with an accident, the employer would be responsible for compensation.

Mr. Panton: You do not suggest the insurance companies would pay for that sort of thing. They would fight such claims every inch of the way.

Mr. SAMPSON: Accidents could happen over which the employer would have no control whatever. If that element of control on the part of an employer were to apply throughout, there would not be the same objection to the clause. The clause imports a wrong principle altogether.

Mr. DAVY: The member for Menzies talked about insurance companies fighting these cases every inch of the way. I have settled quite a number of claims both for the workers and the insurance companies, and I do not think that accusation is quite fair. Generally speaking, both sides attempt to do what is a fair thing.

Mr. Panton: The worker does not get what the Act entitles him to, although he may get what you consider to be a fair deal.

Mr. DAVY: The subclause provides another example of the Bill serving a purpose for which the Act was never intended. It leads in the direction of a national insurance scheme. It has led the Minister into making several mistakes in the Bill. I will not enlarge upon the ills that may flow from the subclause. One hon. member said he could not see why the worker should not be covered during the time he was working on the employer's premises. If an employee were living on the employer's premises, he might meet with an accident when engaged upon his private affairs. The responsibility for such an accident should not rest with the employer, but upon the whole community under some national insurance scheme such as that obtaining in England. The Minister maintained that at the present time an employee is covered during his journey to and from work.

The Minister for Works: In some cases.

Mr. DAVY: I will not enter into a legal discussion with the Minister, but any such action in the direction he has indicated would apply to cases where a man's journey involved special risks arising out of his employment. The principles governing the position are clearly laid down and are to be found in Ruegg's "Workmen's Compensation," a standard work dealing with that question. Some of the principles established or recognised by the House of Lords on the meaning and effect of the words "*arising out of or in course of the employment*" are as follows:—

> Where the injury is occasioned by the act of God (forces of nature) or the King's public enemy, the employment must expose the workmen to a special risk, and it is not sufficient that the workman, in the course of his employment, is exposed to the same risk as the general public.

Again, there is this provision—

> Where the injury is caused by a danger of the locality where the workman is performing his work, and the employment by reason of "its nature, its conditions, its obligations, or its incidents," bring the workmen into that zone of danger, the words afford protection. This includes street risks where the work itself involves exposure to the perils of the streets. The mere fact that the employment gives the opportunity to encounter the danger which causes the injury is not sufficient. Some connection must be shown between the injury and a risk or danger incidental to the employment. . . . The injury may be said to arise out of the employment where the workman without going outside the sphere of his employment, and in the course of doing the work which it is his duty to do, does such work in an improper or even a forbidden manner. . . . The workman may be "in the course of" his employment when going or quitting work by a proper route on the premises where he is employed. The workman may be "in course of" his employment if in order to reach or quit the actual place of his work, he has to enter or leave premises where otherwise he would have no right to be.

The general principle is that where the employment of the man imports a special risk into his life, and to the individual, special risk in going to and from work, he is covered. That is as far as the Act should be made to apply. It would be wise and proper that all men under a certain earning capacity should be covered by some form of national insurance, but under the Workers' Compensation Act it is wrong to force obligations upon employers that should be borne by the community as a whole, including the workers themselves. The Minister referred to a case in which a girl, employed in a factory, slipped on the stairs and was injured. The Minister quoted that case to show how bad the Act was at present.

The Minister for Works: I quoted it to show the extent to which employers will go to oppose claims for compensation. That case was decided in the girl's favour.

Mr. DAVY: That is the first time that any hon. member has been able to gain such

an impression from the Minister's statement. The county court held that the girl was covered and the court of appeal upheld that decision. I would be in favour of very seriously limiting appeals. It is a hardship to workers to have to face appeals, but I want members to understand, and the public to understand, that the case quoted by the Minister was decided in favour of the girl and the decision was upheld. The clause as it stands in the principal Act is a proper and sufficient guarantee to the worker, and the amendment is unnecessary.

Mr. THOMSON: It is neither fair nor just that an employer should be responsible for his employee once he has left the employer's premises. The clause makes the employer responsible for the well-being and safe custody of the employee until he reach his home. If I send one of my employees, under my definite instructions, to a certain place, naturally he will come within the provisions of the Act, but to say that I shall be responsible for him from the time he leaves his home in the morning until he returns to it at night is wrong. In the Queensland Act the interpretation is not as wide as it is in the Bill now before the Committee. The Bill sets out that if personal injury by accident is caused to a worker (a) at his place of employment—which, of course, is reasonable and right—(b) on his journey to or from such place——

The Minister for Works: That is in the Queensland Act.

Mr. THOMSON: Yes, but as a separate and distinct clause. If the clause in the Bill were similar to that in the Queensland Act there would not be so much objection to it. I shall support the amendment.

Mr. MARSHALL: Members opposite are not correctly interpreting the clause. It merely says that if an accident is caused to a worker at his place of employment or on his journey to or from such place, etc. An employer may send his employees from one place to another place to work. Members are reading into the clause something that is not there. We have heard the old bogey that this will reduce employment. That is bunkum. How much employment have we to-day after six years of Nationalist Government? There was never more unemployment than there is at present.

Hon. Sir James Mitchell: Why, we kept everybody at work.

Mr. MARSHALL: The clause does not go far enough. It should cover employees from their homes to their work and back again.

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

Ayes	.. .. ..	19
Noes	.. .. ..	21
Majority against	..	2

AYES.

Mr. Angelo	Sir James Mitchell
Mr. Barnard	Mr. North
Mr. Brown	Mr. Sampson
Mr. Davy	Mr. J. H. Smith
Mr. Denton	Mr. J. M. Smith
Mr. Griffiths	Mr. Stubbs
Mr. E. B. Johnston	Mr. Teesdale
Mr. Latham	Mr. Thomson
Mr. Lindsay	Mr. Richardson
Mr. Maley	*(Teller.)*

NOES

Mr. Angwin	Mr. Lutey
Mr. Chesson	Mr. Marshall
Mr. Collier	Mr. McCallum
Mr. Corboy	Mr. Millington
Mr. Coverley	Mr. Munsie
Mr. Cunningham	Mr. Sleeman
Mr. Heron	Mr. Troy
Mr. Holman	Mr. A. Wansbrough
Mr. Kennedy	Mr. Willcock
Mr. Lambert	Mr. Wilson
Mr. Lamond	*(Teller.)*

PAIRS.

AYES.	NOES.
Mr. Denton	Mr. Lamond
Mr. C. P. Wansbrough	Mr. W. D. Johnson

Amendment thus negatived.

Hon. Sir JAMES MITCHELL: I move an amendment—

That in line 1 of proposed Subsection 2 "(a)" be struck out.

The Minister wishes to delete from the Act the following paragraph—

> The employer shall not be liable under this Act in respect of any injury which does not disable the worker for a period of at least one week from earning full wages at the work at which he was employed.

and to substitute for it—

> The employer shall be liable to pay compensation under this Act from the date of the accident.

There is very good reason for retaining the existing provision, and the argument in favour of its retention has already been sufficiently stressed.

Amendment put and negatived.

Hon. Sir JAMES MITCHELL: I move an amendment—

That in line 1 of proposed Subsection 2 "(c)" be struck out.

The words sought to be repealed are—

> If it is proved that the injury to a worker is attributable to the serious and wilful misconduct of that worker, any compensation claimed in respect of that injury shall be disallowed.

and to substitute for it—

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

The present provision should be satisfactory even to the Minister. Men want plenty of

work at good wages, and if the Minister makes it difficult for enterprising people to provide work, he will be doing an injury to the workers. In most industries very few men are injured and reasonable protection is afforded. I did not know that unemployment was so bad until the member for Murchison mentioned it.

Mr. DAVY: It has always seemed to me that the proviso in the principal Act was very fair and proper. The meaning of the words "serious and wilful misconduct" is such that no man who is injured in those circumstances can be regarded as hardly used if he loses his compensation. Lord Loreburn said—

> The word "wilful" imports that the misconduct was deliberate, and not merely a thoughtless act on the spur of the moment.

Further, the court says it must be "serious," meaning not that the actual consequences were serious, but that the misconduct itself was so. It is reasonable to say that if a man deliberately and wilfully and knowingly does something that is improper, he shall be deprived of his compensation. There are few cases under which an interpretation of the words "serious and wilful misconduct" has been demanded, which fact rather goes to show how very seldom any employer has attempted to prove such a thing. The onus of proof is on the employer in every case. The employee has merely to prove that the accident was caused in the course of his employment. If the employer prescribes certain rules dictated by common sense, rules which are embodied in the law of the land by way of regulation, and the employee, deliberately and for no good reason, disobeys those regulations, surely it is only right to say that he shall not get the compensation which he would get otherwise. If the Minister has his way, no excuse whatever can be put up except that the man has deliberately inflicted the injury on himself. Under the principal Act it has been held that a man who had been intoxicated was still entitled to compensation, because there was some risk of employment involved.

Amendment put and negatived.

Hon. Sir JAMES MITCHELL: The Minister said I was wrong in reading into the clause a responsibilty to pay £750 twice over. Paragraph (b) of proposed Subsection 3 provides—

> Nothing in this subsection or the Second Schedule shall limit the amount of compensation recoverable under the First Schedule during any period of total incapacity due to illness resulting from the injury, and no amount so recovered shall be deducted from the compensation payable in accordance with the said table.

The premium would be very much higher because of the risk of having to make two payments of £750 each. Each of the two schedules provides for the payment of £750. Having paid £750 by way of weekly payments under the First Schedule, compensation can still be claimed under the Second Schedule. I suggest the Minister should consult the Crown Law Department on the subject, and then recommit the clause if necessary. Will the Minister do that?

Mr. DAVY: Personally I would be in favour of deleting the whole subclause from "3" to the end, which would have the effect of abolishing the Second Schedule, a schedule which has always seemed to me an unscientific and barbarous method of adjusting compensation. The original idea, I believe, was that where a man suffered from some definite and specific injury, he was to be relieved of the onus of showing that that injury had reduced his earning capacity. The method seems to have been derived from the habits of the buccaneers. The "History of the Buccaneers and Marooners of America" records that certain rates were agreed upon to be payable to any pirate who was wounded or maimed. Some of those rates were as follows: loss of right arm, 600 pieces of eight, or six slaves; left arm, 500 pieces of eight, or five slaves; right leg, the same; and so on. For the loss of a finger a pirate got the same compensation as for the loss of an arm. That seems to have been the origin of the Second Schedule. It disregards entirely the method by which a man earns his living. To one man the loss of a right thumb might mean total incapacitation from earning his living. The loss of an eye might mean total incapacity to a watchmaker, while his physique might be such as to prevent him from working as a labourer. If a man should get some compensation for pain suffered, as the Minister suggested when moving the second reading, the Second Schedule is ridiculous, inasmuch as it gives only specific compensation for certain injuries. Having his nose shot off might cause a man more grief and pain than the loss of a leg. The principle of the Bill was to be the loss of earning capacity, and if that principle were adhered to I would be in favour of removing the limitation of the liability of the employer altogether. The limit here is £750. In England the compensation goes on as long as the man lives; the only limitation there is as to compensation after his death. The subclause to my mind clearly indicates that a man may get compensation under both the First and Second Schedules. If a man gets 100 per cent. injury under the Second Schedule, he gets £750 without deduction. In addition to that, so long as he is suffering from injury for which he has already received compensation, he is to receive payments under the First Schedule; and this clause goes on to say specifically that such amount shall not be deducted from the £750. The man might suffer from illness which would carry him on to the end of the £750, and thus he would receive £1,500 in all.

Hon. Sir James Mitchell: It is a definite possibility.

Mr. DAVY: A very definite possibility. You cannot say a man's illness ceases at any time, if an injury to his spine causes loss of the use of his lower limbs. I move an amendment—

That after "three" in line 1 of proposed Subsection 3, all words in the proposed subsection be struck out.

Mr. TEESDALE: The second schedule contains glaring inconsistencies. For instance, deafness in one ear, or the loss of a foot, entitles the man to £825, whereas for the loss of both eyes he is compensated to the extent of only £750. The difference is rather extraordinary.

The Minister for Lands: We are not dealing with the schedule yet.

Mr. TEESDALE: But the clause includes a reference to the schedule.

The CHAIRMAN: We are not dealing with the details of the schedule.

Mr. THOMSON: According to the interpretation placed on the clause, a man will be able to claim £750 under the first schedule, and £750 under the second schedule. That may not be the Minister's intention.

Hon. Sir James Mitchell: He says it is not.

Mr. THOMSON: But it can be so construed.

Hon. Sir James Mitchell: It is quite clear.

Mr. THOMSON: And under the first schedule further expenditure may be added, as for artificial limbs. Frankly, in my opinion, the present Act is absurd in providing only £1 for medical fees; a man should be fully entitled to the whole of the medical expenses. But we ought to have a limit. If it is to be £1,500, let it be clearly stated. I do not like this double-barrelled provision.

The MINISTER FOR WORKS: The present position is most unsatisfactory. I do not believe the present interpretation by the courts was ever the intention of Parliament. The second schedule talks in percentages, and although the court interprets it as a percentage of total incapacity, in New Zealand it is interpreted as a percentage of half wages. Under the interpretation of our courts, when a worker has been drawing half pay through illness, the whole of the money received in half pay is deducted from the amount set out in the second schedule. Consequently it not infrequently happens that when all the deductions have been made there is not a penny to draw under the second schedule; the whole of the compensation has gone in half-pay and hospital and medical expenses. I suggest in the Bill that instead of talking in percentages in the second schedule we set out the definite amount a worker suffering from injuries should receive without deduction. All sorts of reasons are now given for deductions. If one petitions for a lump sum settlement, it is argued that he can be compelled to continue on at half wages until the amount he is entitled to is wholly drawn, and that if he be paid in a lump sum the insurance people are entitled to keep the interest the money would have earned while they were continuing to pay him half wages. Then they try to compound on that for certain considerations in order to effect a final settlement. On the second reading I mentioned the case of a lad who had two arms drawn into a machine. The case was again before me this morning. That boy's arms were badly torn, and his face also was torn. It is over two years since the accident occurred. He has been under seven operations, and to-day his right hand is as weak as that of a baby. That boy has been receiving 10s. a week for two years.

Hon. Sir James Mitchell: The existing Act provides for more than that.

The MINISTER FOR WORKS: Had he been receiving 19s. a week as wages when he was injured, his compensation would have amounted to 19s.; but because he was receiving £1 at the time, he can draw only 10s. per week. By the time we get a final settlement of that case, what with operations, doctors' expenses, X-rays, specialists, and the like, his parents will be well in debt, although the boy will be a cripple for the rest of his life. Parliament never intended such a result.

Mr. Davy: But he does not come under the second schedule of the existing Act.

The MINISTER FOR WORKS: Yes, he does. I want to provide that in such a case no deductions shall be made.

Hon. Sir James Mitchell: You want £1,500 as a total amount.

The Premier: Not necessarily.

Hon. Sir James Mitchell: No, but as a maximum, plus, of course, medical attention.

The MINISTER FOR WORKS: Let me put this case: the second schedule of the Bill sets out £750 for the loss of both eyes. In the case of total blindness, would the hon. member object to half-pay being provided during a man's illness?

Hon. Sir James Mitchell: I do not think you can get him compensated for the loss of both eyes.

The MINISTER FOR WORKS: It is argued that there should not be any second schedule, and that it originated from the buccaneers. I agree that the buccaneers are abroad now. I wish to set out clearly Parliament's intentions in order to overcome the insidious methods of buccaneers that are rampant to-day. In England and in New South Wales there is no limitation and the risk is unknown, and yet insurance is effected. Before we had a schedule, however, it was necessary for the amount to be assessed in each case, and often an injured man had to compromise and accept an altogether inadequate sum. I am glad of the views expressed by members opposite, and am agreeable to further consideration of the clause being postponed to permit of its being made clearer.

Hon. Sir JAMES MITCHELL: No one pretends to be able to compensate a man for the loss of both eyes by paying £750, £1,500 or even £5,000. He cannot be compensated. We are as anxious as is the Minister to do a fair thing by the worker, but there is a limit beyond which we cannot go. The Minister said that the total liability was £750 and that I was quite wrong in saying it was £1,500. He admits now that it is £1,500.

The Minister for Works: I admit nothing of the sort.

Hon. Sir JAMES MITCHELL: As the Minister intends to further consider the clause, it is not worth arguing about. Every provision should be made perfectly clear so that there may be no argument afterwards.

The CHAIRMAN: The member for West Perth had better withdraw his amendment.

Mr. DAVY: I understand that is necessary if further consideration of the clause is to be postponed.

The CHAIRMAN: Yes. Then when it comes up for discussion again, the hon. member may move his amendment.

Mr. DAVY: I ask leave to withdraw my amendment.

Amendment by leave withdrawn.

The MINISTER FOR WORKS: I move—

That further consideration of the clause be postponed.

Motion passed.

Clause 5—Compensation on workers dying from or affected by certain industrial diseases:

Hon. Sir JAMES MITCHELL: This is something new and we ought to understand just what is proposed.

The Premier: It is not new in other places.

Hon. Sir JAMES MITCHELL: It is very late to think of protecting men in the mining industry. What will be the effect of the clause seeing that many men are suffering to an extent that may make it difficult for them to find employment?

The Premier: It is a fearful reflection on the State that provision has not been made.

Hon. Sir JAMES MITCHELL: Provision should have been made long ago, but coming now, men may experience great difficulty in finding employment. If their employment in mines is not continued something will have to be done for them. The Minister goes a bit further than occupational diseases. Subclause 4 should be redrafted. It provides that if the worker has at the time of entering employment wilfully and falsely represented himself in writing as not having previously suffered from a disease, compensation shall not be payable. If a worker has suffered from a disease, he should be compelled to state it in writing to the employer. Under the subclause unless an employer obtained a statement in writing, he would be out of court, no matter how bad the man might be. Only the man would know whether he had had a certain disease. When a man comes into the State the responsibility rests upon the worker. It would be doing no injustice to the worker at present in the State if it were provided that notice in writing should be given by the applicant for work.

Mr. THOMSON: I am not opposed to provision being made for those who suffer because of their employment. It appears to me, however, that if the Government had brought down a measure placing the responsibility upon the whole of the people of the State, most of us would have viewed the question with more sympathy than we are prepared to do now. I fear this Bill will mean overloading our industries. This is really a form of national insurance, but is placing the responsibility on the shoulders of private employers. If the Bill passes I shall be obliged, as an employer, to request those working for me to bring me medical certificates that they are free from the diseases enumerated in the schedule. If a man is found to be suffering from one of these diseases I may have to dispense with his services. It will be difficult for the insurance companies to determine a basis upon which to levy an insurance fund. I hope, even at this late hour, the Government will see the necessity of introducing a Bill providing for national insurance. Cancer should certainly not be brought in as an industrial disease.

Mr. CHESSON: I support the clause. Provisions such as these should have been made long ago. Every man who is stricken down by disease as a result of his occupation should be compensated for his loss of health. Before a man can obtain employment on some of the big mines on the goldfields, he is subject to medical examination, and if his lungs are affected he does not get employment there. If the companies that have paid big dividends had been compelled to make provision for afflicted miners, they would have seen to it that the ventilation underground was such as to minimise the risks to which the men were subjected. Queensland and New South Wales have made provision for men struck down by occupational disease.

The Minister for Works: Western Australia is really the only State that has not done so.

Mr. CHESSON: I shall support the clause, and I hope it will be carried in its present form.

Progress reported.

House adjourned at 10.45 p.m.