new school is on reserve A3421. This Bill will enable the governors, in selling the old premises, to transfer to the purchaser free from the trusts. The governors will hold the proceeds in lieu of the old premises, and apply such proceeds to their new buildings or in such manner for the purposes of the High School as the Governor may approve. I move—

That the Bill be now read a second time.

Hon. A. LOVEKIN (Metropolitan) [6.11]: The sale of this property may be the means of blocking what is urgently needed in the city—the widening of Hay-street between Harvest-terrace and Melbourne-road. Already representations have been made to the Government to yield up portion of Parliament House reserve, so that the worst part of Hay-street may be widened. If portion of the High School grounds could be obtained for a similar purpose before it is built upon, it would certainly be an advantage to the city. I shall not offer any objection to the Bill, but I suggest that the Minister fix the Committee stage for this day week to permit of investigation being made as to whether it is possible to get a strip of the High School land for the widening of Hay-street.

Hon. A. J. H. Saw: For nothing?

Hon. A. LOVEKIN: No, but before it is sold. I understand there is an offer of some £13,000 for the block, and possibly some arrangements could be made with the City Council to take over so many feet of the Hay-street frontage, which at present is not built upon, and so save cost in future. There is no doubt that in years to come Hay-street will have to be widened right along. If the Minister adjourns the Committee stage, the City Council may be apprised of the fact that this measure is before the House and may take action.

Hon. J. CORNELL (South) [6.12]: I wish to supplement the remarks of Mr. Lovekin. The High School received the block as a free gift for 42 years and it has developed into one of the best land assets in Perth. The Parliamentary House Committee have been asked to express an opinion whether a certain portion of Parliament House grounds should be given to widen Hay-street. If the High School corner remains as at present, the result would be an abortion. It is necessary that the corner should be rounded off at least. Dr. Saw asked whether the school governors should give the land for nothing. If they did so, it would be merely an act of grace, considering the huge unearned increment that has fallen to them.

Hon. J. Nicholson: I think they did give a corner and allowed it to be rounded off.

Hon. J. CORNELL: But a large fig tree proved an impediment.

Hon. A. Lovekin: I think they owe the Government the money.

Hon. J. CORNELL: The City Council have communicated with the House Committee as to whether portion of Parliament House grounds should be handed over and although Parliament will have to decide the question, the House Committee are favourable to the proposal. In thus expressing themselves, the House Committee have committed themselves extensively, for these grounds are held in trust for posterity. If the House Committee are of opinion that 20 feet of this magnificent block fronting Hay-street should be handed over because it is not built upon, it should not be asking too much of the High School governors to give some, if not all, of what is required of their block. If this be not done, I shall fight this Bill, horse, foot and artillery, and they can keep the rest of the block.

Question put and passed.

Bill read a second time.

House adjourned at 6.15 p.m.

Legislative Assembly,

Tuesday, 9th September, 1924.

	PAGE
Questions: Fruit marketing, legislation ...	660
Noxious Weeds Bill and Native poison plants	661
Bills: Licensing Act Amendment, 1R.	661
Road Districts Rates 3R.	661
Noxious Weeds, Com.	661
Workers' Compensation Act Amendment, 2R.	668
Jury Act Amendment, report	685
Fremantle Municipal Tramways, 2R. ...	685

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

QUESTION—FRUIT MARKETING, LEGISLATION.

Mr. SAMPSON (without notice) asked the Minister for Agriculture: Is it correct that the Government have decided to introduce a measure on the lines of the Queensland Fruit Marketing Organisation Act?

The MINISTER FOR AGRICULTURE replied: I should like to ask the hon. member if it is a fact that he has been converted to the marketing scheme?

Mr. Sampson: Long since.

The MINISTER FOR AGRICULTURE: He was a pronounced opponent of the scheme at the last general election.

Hon. Sir James Mitchell: That is not an answer to the question.

Mr. SPEAKER: The Minister must confine himself to answering the question.

The MINISTER FOR AGRICULTURE: The policy of the Government is to introduce a Marketing Bill somewhat on the lines of the Queensland Act, but no action will be taken this session. I have already indicated that the matter must stand over until next session.

QUESTION—NOXIOUS WEEDS BILL AND NATIVE POISON PLANTS.

Mr. LATHAM (without notice) asked the Minister for Agriculture: Do the Government propose to bring under the provisions of the Noxious Weeds Bill, if it becomes law, all native poison plants?

The MINISTER FOR AGRICULTURE replied: No.

BILL—LICENSING ACT AMENDMENT.

Introduced by Hon. W. D. Johnson and read a first time.

BILL—ROAD DISTRICTS RATES.

Read a third time and transmitted to the Council.

BILL—NOXIOUS WEEDS.

In Committee.

Resumed from the 4th September.

Mr. Panton in the Chair; the Minister for Agriculture in charge of the Bill.

Clause 28—Powers of Minister in case local authority makes default in carrying out this Act:

Mr. THOMSON: The clause is of too drastic a nature. It gives the Minister power to appoint a commissioner to do what he likes within a district, and spend any money he chooses and charge it to the local authority.

Mr. Latham: That was not in the other Bill.

Mr. THOMSON: No. I had no time for that one and have less for this. I move an amendment—

That in Subclause 1 all the words after "may" in line 3 be struck out and the following inserted in lieu:—"impose a fine not exceeding £10."

A local authority has no right of appeal, and cannot object to anything that is laid down either by the Government or the Minister. In other parts of the Bill a £10 penalty is provided for, and I think it would meet the case in this particular clause.

Hon. Sir JAMES MITCHELL: I think I have read in the Press that the Minister for Works objected to the granting of control to local authorities under the Act that he administers. I am rather inclined to agree with him. This Bill now gives some form of control to local authorities that they have not yet enjoyed.

The Minister for Agriculture: He has an opinion, and I have mine.

The Minister for Lands: That principle is already in existence in the Health Act.

Hon. Sir JAMES MITCHELL: The Minister for Lands is wrong. He objected to a Bill of this nature last session, and to local authorities being saddled with the responsibility.

The Minister for Lands: I said that if the local authorities failed to do the work someone else must do it.

Hon. Sir JAMES MITCHELL: It would be quite right if the Minister said he would administer the Act.

Mr. Thomson: Provided he finds the funds.

Hon. Sir JAMES MITCHELL: The Minister for Agriculture objected to this very Bill, minus this clause, last session. I cannot support the amendment. I do not recognise the right of the House to impose a fine on a local authority because Parliament orders it to do something at its own cost that is outside the scope of its work. The suggested amendment is as bad. It is only a matter of degree. In effect the mover of the amendment says, "If it is only a matter of £10, I will agree." I trust the Committee will strike out the clause altogether. Some local governing authorities with small revenues may be saddled with a considerable expenditure by the Minister, which they will not be able to shoulder. I agree with the Minister for Works, that local authorities should be encouraged and assisted. The clause, however, provides that they will be supplanted by the Minister's proposal. If a local authority is incapable of administering the Act, the Government should ask for legislation to enable the Minister to take charge. The local authorities should not be set aside in this way unless they are shown to be incapable of doing the work. I understand that the Minister has already acted in regard to the Bathurst burr at Kalgoorlie. The Minister knows it is impossible to eradicate some noxious weeds in certain districts. I do not know whether power is taken to discriminate as between districts.

The Minister for Agriculture: Yes, the Government have power to declare districts.

Hon. Sir JAMES MITCHELL: That is good, because it would be useless waste of money to attempt to eradicate noxious weeds in some districts. The member for Katanning should be satisfied to vote against the clause rather than to go on with the amendment.

Mr. Thomson: I propose to move a further amendment limiting the expenditure recoverable by the Minister from a local authority to £10.

Hon. Sir JAMES MITCHELL: And if the fine of £10 were imposed I presume that would finish the matter, because it would nullify the Minister's powers respecting that board. Some members sitting on the Government side of the House represent districts that will be ruined if the Minister puts the measure into force, for their revenues would be eaten up if the Minister sought to compel them to eradicate noxious weeds in their districts. Local authorities should not be superseded at the will of the Minister, nor should the Minister have the right to fine local authorities

The Minister for Lands: I am surprised at the attitude of the hon. member, seeing that he is a farmer.

Hon. Sir JAMES MITCHELL: I am only following the attitude the Minister adopted last year. The Minister for Works has already stated that he objects to grandmotherly interference with local governing bodies.

The Minister for Agriculture: This is only step-motherly interference!

Hon. Sir JAMES MITCHELL: That is worse. Grandmothers never cause serious trouble; step-mothers do.

Mr. LATHAM: I hope the clause will be deleted. It is a penalty clause, such as the Minister has no right to insert in a Bill casting certain responsibilities upon local authorities towards which the Government do not provide a penny-piece. I cannot agree to the amendment proposed by the member for Katanning. The Committee should not give the Minister power to inflict penalties; that is a duty given to courts. The Bill itself should never have been placed before members. It may compel local authorities to utilise the whole of their revenue in this one direction without the Government providing any subsidy to assist in the work of eradicating noxious weeds. That is unfair. The Bill is unnecessary, because legislation already exists to deal with what is covered by the measure. The greatest trouble experienced in the districts regarding the distribution of the seeds of noxious weeds is in connection with the railways, which spread the seeds throughout the country.

The Minister for Lands: Then you do not want any more railways on account of the danger!

Mr. LATHAM: If the railways cause anything of disadvantage to the people, they should be held responsible. The country people pay the Commissioner of Railways for the services he renders, and the least he can do is to see that the country is kept clean. The other day the Minister said that a certain additional value was placed upon lands because of the eradication of noxious weeds. When most of the land was selected there were no noxious weeds growing on the areas; it is due to the carelessness of the Agricultural Department that these weeds have spread. If the Minister made provision in the Bill to strike a rate for specific purposes there would be some reason in the move. I hope the Minister will agree to the deletion of the penalty clause.

Hon. W. D. JOHNSON: I do not regard this as a penalty clause, but as an efficiency clause. Without the clause I do not see what value would attach to the Bill.

Hon. Sir James Mitchell: Then you do not trust the local authorities.

Hon. W. D. JOHNSON: It is not a function of the Government but one for the local authorities to carry out. The more the work is localised the more efficiently will it be done.

Mr. Latham: You want to put a tax on the local authorities and make them tax-gatherers——

Mr. Thomson: And so provide more money for the Government to spend.

Hon. W. D. JOHNSON: We want to see the good farmer protected against the dirty farmer. The farmer who realises the danger arising from noxious weeds works early and late to keep his property clean.

Mr. Latham: But legislation already exists to deal with that position.

Hon. W. D. JOHNSON: We hear it stated now that noxious weeds are growing from one end of the State to the other. When you ask a farmer why the weeds are not eradicated, he replies "What is the good? I have expended time and money in trying to keep my place clean, but it is seeded from my neighbour, who does nothing." Then when you ask why the Noxious Weeds Act has not been put into operation, you are told of all sorts of difficulties in the way. Therefore the Minister has brought down the Bill which, again, would be of no value without this clause. Under it the Minister says, "If you do not eradicate the weeds, we will do it for you."

Mr. Latham: In other words, if you do not do what we cannot do—that is what it means.

Hon. W. D. JOHNSON: No, it does not. It simply places on the local authority the responsibility for seeing that the dirty farmer is kept up to the standard of his clean neighbour. The only way to do that is by localising control. I should like to see the areas under the Bill made even smaller than those within road board boundaries. Swan, for instance, is a very big area. If it could be cut into smaller districts the work of eradication would be more

efficiently carried out. If we insist upon all buildings in an area being cleaned, it will result in an enhancement of the value of the land.

Mr. Thomson: What about Crown land?

Hon. W. D. JOHNSON: That is another matter. If we cut out this efficiency clause we shall get nowhere, we shall fail, not only to keep Crown lands clean, but to keep private lands clean. Under the Bill the local authorities are to be given all the powers.

Mr. Latham: But no revenue.

Mr. Sampson: The clause places on the Government no obligation to clean up Crown lands.

Hon. W. D. JOHNSON: No, that is a totally different question. The Bill as a whole charges the local authorities with certain responsibilities, and Clause 28 clinches the matter, makes it imperative. Why should the Bruce Rock Road Board, prepared to carry out the Act, be penalised because the Narrambeen Road Board will not attend to its share of the responsibility?

Mr. Latham: How are the local authorities to carry it out when the Agricultural Department could not do it?

Hon. W. D. JOHNSON: Noxious weeds cannot be eradicated by any State-wide organisation; the work must be localised. The smaller the area under the control of a local authority, the more efficiently will the work be done. The Bill gives the local authority power to eradicate weeds, and if the local authority fails to exercise that power, the Minister will do the work.

Mr. SAMPSON: How can efficiency be claimed when the Government themselves fail to carry out their obligation to keep clean railway tracks, reserves and other Crown land? It is hopeless to expect the local authority to clear noxious weeds off roads if the Government allow their reserves to be nurseries for weeds.

The Minister for Lands: This clause says nothing about Government reserves.

Mr. SAMPSON: Something must be done to ensure the Government carrying out their duty in respect of reserves.

The MINISTER FOR AGRICULTURE: Strong exception has been taken to the anticipated tyranny of the Government in administering the measure.

Hon. Sir James Mitchell: "Tyranny" is a good word, but we did not use it.

The MINISTER FOR AGRICULTURE: You implied it. The Leader of the Opposition appealed to members on this side not to agree to such a clause. But similar provisions are to be found in several other Acts, particularly the Vermin Act of 1919. That Act provides that if the board neglects to exercise its powers for the destruction of vermin, the Minister may do the work and debit the cost against the board.

Mr. Latham: That is quite a different matter.

The MINISTER FOR AGRICULTURE: If that can be done without any dreadful injury to the farmer, I can promise the same immunity in respect of the Bill. The Health Act also provides that if the local authority does not appoint a medical officer or a health inspector, the Commissioner of Public Health may appoint such officer and fix his remuneration, and the amount so fixed shall be a charge against the local authority.

Mr. Latham: That is quite a different thing.

The MINISTER FOR AGRICULTURE: The member for York has been particularly unfortunate in his arguments. He said the department had failed to eradicate noxious weeds. That has been simply because the department has not the necessary power, has not even the necessary machinery to learn where noxious weeds are getting a hold. Undoubtedly the local authority is the best organisation for the purpose. The hon. member who declared that because of the carelessness of the Agricultural Department noxious weeds have become established in the country, was condemning his own Government of the past five years.

Hon. Sir James Mitchell: We have had noxious weeds here for the past 40 years.

Mr. Latham: The present Government know they cannot do the work, and so they are passing it on to somebody else.

The MINISTER FOR AGRICULTURE: If before settlement the agricultural areas were clean, who, may I ask, has been responsible for the introduction of noxious weeds? Obviously the settlers, in part at least. Up at Trayning the other day I found the double-gee; there it is not yet a real pest, but it is getting a start. In the eastern districts I saw Spanish radish; again it is not yet bad, but it is beginning, and will spread. Is it not better to take action in the early stages of a pest? We do not propose to do anything in districts where weeds are already firmly established. The department is not going to be unreasonably administered while I remain Minister, for I am but too conscious of the difficulties of the settlers. However, the Gascoyne Vermin Board has not fulfilled its obligations in respect of its fencing, and so the Government had to step in. The local authority will not act unless under the fear that the Government have power to step in where they fail to act. Has there ever been a time when the whole of the powers given under any Act of Parliament were exercised to injure any individual or any section of the community? The power must be given to be used with discretion. This clause is the policeman of the Bill. It provides that if the local authorities do not act, the Government will step in. No Minister could hold office for a week if he insisted upon settlers clearing their land, and did not see that Government lands were similarly dealt with.

Mr. Latham: : There is no power for a local authority to take action against the Government.

The MINISTER FOR AGRICULTURE: The Government administer the law. At Kalgoorlie the Bathurst burr will become a menace if allowed to spread. Members are overburdened with fears that should not exist. They merely pretend there is a lot of despotism in such a clause. Without it the measure would be valueless. On the argument of members opposite I am compelled to admit the failure of previous Governments. The present Government will do their duty and the Railway Department will do their duty. The Railway Department clear up the country adjacent to their lines, and my regret is that in doing so they are destroying useful weeds, such as the lupin. The Government will not ask a local authority to do what they themselves are not prepared to do.

Mr. THOMSON: It was my intention to move that all portions of the clause giving the Government power to appoint a commissioner be struck out, leaving power to appoint inspectors to deal with the boards, and also to limit the amount of money that could be expended on behalf of a local authority. The member for Guildford (Hon. W. D. Johnson) said the failure to get Crown lands clean was a different question. I suggested the inclusion of a clause to the following effect:—

> On a report being made to the Minister by any inspector of the Department of Agriculture that any noxious weed is growing upon any Government railway reserve, stock route, or unoccupied Crown lands, within one mile of cultivated land, all such reserves, routes, or lands shall from time to time be cleared by the Minister for Lands and the Commissioner of Railways respectively.

Under the former measure it was recognised that the Government had a responsibility in respect to Crown lands.

Hon. W. D. Johnson: There is a notice on the paper that that is to be moved as a new clause.

Mr. THOMSON: I am anxious as to its fate.

Hon. W. D. Johnson: Why not debate it when it is brought forward?

Mr. THOMSON: I wish to show that under this measure the Government are evading the whole of their responsibility, and casting it upon the local authorities.

Mr. Taylor: Upon everybody but themselves.

Mr. THOMSON: I do not say that slightingly of the present Government; the same thing would happen if there was a change of Government.

Hon. W. D. Johnson: If that new clause were inserted in the Bill, would you vote for Clause 28?

Mr. THOMSON: The hon. member knows there is no hope of getting it passed; it will be ruled out of order on the ground that it involves the expenditure of public money.

Mr. Latham: Do not tell them that.

Mr. THOMSON: Section 180 of the Road Districts Act gives the Minister power to enter and do any work that a local authority neglects to do, but an important provision appearing in the Road Districts Act has been omitted from this Bill. Section 211 reads--

> The Governor may from time to time place to the credit of the board for the purpose of any specific object or for general purposes, any sum of money out of moneys appropriated by Parliament for the purposes of this Act.

The Minister for Lands: If you did not have that, you would get no subsidy.

Mr. THOMSON: That is why I want a similar provision in this measure. If the Government place a responsibility upon local authorities, why are they not prepared to subsidise them? If the Government agreed to subsidise them, I would support this clause and withdraw my objections to the Bill. That is a reasonable request.

The MINISTER FOR LANDS: The hon. member has failed to realise that this clause is to be used only in case of default. The responsibility thrown on the road board by the clause is merely to destroy noxious weeds growing on any road or land under their control. The Roads Act says that a road board shall, if required by the Minister to do so, clear the roads, reserves, commons, and other lands under their control of noxious weeds, and that the board may, so far as necessary, apply their ordinary revenue to such purpose, including the subsidy granted by the Government.

Mr. Latham: The power stops there.

The MINISTER FOR LANDS: If the board did not do these things, the Minister would be able, under that Act, to disband the board. What is the other position referred to by the member for Katanning? Merely that the board may be called upon to compel a man who will not clear his land of noxious weeds, to do so. That is not the responsibility of the board, because the charge for clearing land in a dirty state and liable to be dangerous to the surrounding land owners is to be borne by the owner of the dirty land. If the board neglect to do these things, the Minister can say, "I will appoint a Commissioner to do what you are neglecting to do." The difference between the last Government and the present one is that the last Government would not grant any money for clearing Crown lands of noxious weeds. The Minister for Agriculture has already told the House that he will provide £1,000 on this year's Estimates for that purpose.

Mr. Latham: How far will £1,000 go?

The MINISTER FOR LANDS: Some way. In the circumstances to which I have referred, the board would send out a notice to the defaulting owner telling him that his land is a danger to the district, and that he must clear his holding of the noxious weeds. Further, Clause 7 provides that the local authority may recover such cost from the owner or occupier of the

land in any court as a debt due by such owner or occupier to the board. There are many districts in which a member of the board has been allowed to escape for a considerable time the carrying out of the law, simply because the officers of the board will not take the stand of enforcing the law upon him.

Mr. Sampson: That is a shocking statement.

The MINISTER FOR LANDS: It is a fact.

Mr. Sampson: Such a board should be disbanded.

The MINISTER FOR LANDS: In nine cases out of ten an officer of a board will not take action against a member of the board in the same way as he will against an ordinary owner or occupier. This clause merely gives authority in respect of what the Roads Act already provides. It is right that the owner or occupier of a holding which, by reason of the presence on it of noxious weeds, is a public danger should be compelled to clean his land. I have frequently said that the demands on local authorities are already as much as their funds can bear but in this instance the only demand on them is that they shall send out notices.

Mr. Taylor: There is a subsidy as regards the work imposed on road boards by the Roads Act, but there is no subsidy under this Bill.

The MINISTER FOR LANDS: The provision is necessary in view of the possibility of boards being lax. The Minister would not step in straight away and appoint a Commissioner, but would first notify the board, and if the board then did the work no Commissioner would be appointed. Unless this power is in the Bill, the measure might as well not be passed.

Mr. TAYLOR: Following the line of argument pursued by the Minister for Lands, let me point out that the Bill provides that noxious weeds shall be destroyed, as being objectionable and dangerous. The Minister emphasised that the Bill gives power to the Government, in the event of a board failing to carry out their duty and their area in consequence becoming a menace to neighbouring districts, to appoint a Commissioner to spend the money of the board in removing and destroying the noxious weeds. If the Government realise the menace constituted by the area of a negligent road board, how can the Government conscientiously assert that Crown lands growing noxious weeds are not objectionable, and that there should be no obligation on the Crown to clear its land? The Minister said to-night, what was not mentioned on the second reading of the Bill, that £1,000 would be provided on the Estimates for the purpose of clearing Crown lands of noxious weeds. If our Crown lands can be cleared of noxious weeds by the expenditure of £1,000, this Bill is unnecessary.

Hon. S. W. Munsie: A thousand pounds is better than nothing. The last Bill provided nothing.

Mr. TAYLOR: Two wrongs do not make a right. The Minister in charge of the present Bill was most emphatic in denouncing the last Noxious Weeds Bill because that measure did not contain the provision which this side seeks to introduce into the present Bill. I took no part in last year's debate, but I say now that if it is right for the Government to compel anybody else to keep his land free from noxious weeds, then the Government should keep their own lands clean, too; and this is the place to insert such a provision. The Minister should recommit the Bill for the purpose of inserting the clause suggested by the member for York.

The CHAIRMAN: There is nothing in this clause dealing with Crown lands.

Mr. TAYLOR: There is nothing in the Bill for that purpose, and this measure proposes to force the local governing bodies to do certain things which I say the Government cannot reasonably demand while they fail to clear their own lands.

Mr. LATHAM: The statement of the Minister for Lands to-day conflicts strangely with his question on the last Bill, "Where are the local governing authorities to get the necessary money from, seeing that they have not sufficient funds to do what they are already called upon to do?" To-day the Minister says that no money is required for the job, which he declares is only a small one. I fear the Minister is judging the country districts by his own wee little municipality at Fremantle.

The Minister for Lands: There is a big farming community in my district.

Mr. LATHAM: There are many acres of reserves, particularly camping reserves, on which noxious weeds are found. The subsidy will have to be used to clear those Crown lands.

The Minister for Lands: That matter does not arise under this clause.

Mr. LATHAM: In order to clear their own holdings, land owners will have to clear Crown lands. The greatest trouble the local governing bodies have in administering the Vermin Act is that the Crown and the Agricultural Bank do not keep their lands clear of vermin. The abandoned farms held by the Agricultural Bank will be one of the greatest curses with regard to noxious weeds. Large areas of land of a poor type were cleared and abandoned, and such land is the natural seed bed of noxious weeds.

Hon. S. W. Munsie: You don't want the noxious weeds eradicated at all, do you?

Mr. LATHAM: I am most anxious for the eradication of noxious weeds, but we had a Bill with two clauses which were vital, and which should have been included in this measure. Then this would have been a decent Bill for the destruction of noxious

weeds. The Government take money by way of taxation from the people for specific purposes. When taxation was raised in this connection, I believed that it was raised in view of a piece of legislation containing a clause to the effect that all expenses incurred in the administration of the measure should be paid out of money to be appropriated by Parliament for the purpose. The Government are shelving their responsibility and putting it on the local governing bodies.

Hon. S. W. Munsie: You supported the Bill last year.

Mr. LATHAM: I did not. The Government have brought down the same piece of legislation that they opposed last year, except that it now has a penalty clause. The Government have no right to introduce legislation of this kind, especially when it was turned down a year ago in no uncertain way. I am not concerned about the few weeds that grow along the roads; I am not concerned about making the farmers get rid of those weeds.

The Minister for Lands: That is all the Bill provides.

Mr. LATHAM: The Bill should provide that Crown and railway lands be kept clean. If the Minister will agree to the proposed new clause I will withdraw my opposition to the clause under discussion. Let us make it obligatory on the part of the Commissioner of Railways to clear his land. When the Minister for Agriculture read from the Health and Vermin Acts I pointed out that it was not obligatory on the part of the road board to carry out functions under those statutes. It is a voluntary task if road boards become vermin boards.

Hon. S. W. Munsie: Nothing of the kind.

Mr. LATHAM: It is so, and I defy contradiction.

Hon. S. W. Munsie: You do not know the Act.

Mr. LATHAM: I know it well. I approached the Minister for Agriculture recently and asked him to appoint a road board a vermin board. The other day I rang up the office of the Honorary Minister and asked him to appoint the Narambeen Road Board a health board to enable them to send out their notices at once.

The CHAIRMAN: I ask the hon. member to keep to the amendment.

Mr. LATHAM: I am merely replying to the statement made by the Honorary Minister.

Hon. S. W. Munsie: I am satisfied you do not know the Bill. I feel inclined to vote against it altogether.

Mr. Sampson: You are not game to vote against it.

Mr. LATHAM: We would be delighted if the Honorary Minister did so.

Hon. S. W. Munsie: I can do so; it is not a party Bill.

Mr. LATHAM: It has the appearance of being a party Bill.

Hon. S. W. Munsie: You move that the Bill be thrown out, and I will vote with you.

Mr. LATHAM: Very well, I will give the Honorary Minister that opportunity on the third reading. I shall divide the House on it, and we shall see who are in favour of it. What I want now is to get rid of an objectionable clause.

Hon. S. W. Munsie: You do not seem to want to get rid of noxious weeds. Anyhow, it is time that the local authorities did something for themselves.

Mr. LATHAM: The Honorary Minister does not know what he is talking about. Section 193 of the Roads Act makes it obligatory on the part of road boards to carry out this work.

Hon. S. W. Munsie: They are not doing it.

Mr. LATHAM: There is already sufficient power. All I want is to see a clause inserted similar to the section in the existing Act to provide revenue for doing a work that is wholly and solely the Government's job.

Hon. S. W. Munsie: If the Government find the money they will do the work all right.

Mr. LATHAM: We cannot use road board money for clearing noxious weeds from Crown lands.

Hon. S. W. Munsie: We have to make you do it.

Mr. LATHAM: The Honorary Minister is too hasty. There is no power by which we can spend one penny on Government property. If the Government will agree to the insertion of a simple clause, I will raise no further objection.

Mr. BROWN: Unless drastic power is given, the Bill will be one of the greatest farces ever produced in Western Australia. If the question of clearing lands of noxious weeds is left in the hands of road boards, many infested districts will never be attended to. Stinkwort has got such a hold that it is impossible to eradicate it in the Great Southern districts. Farmers, however, are devoting some attention to it, having found out that when nothing grows around it it thrives luxuriantly. With the aid of sheep now it is possible to keep it down. To eradicate it by legislation is an impossibility. I do not know whether I am in order in mentioning it, but I suggest that the Government should put their own house in order by clearing Crown and railway lands of noxious weeds.

The CHAIRMAN: The hon. member is not in order. He is making a second reading speech.

Mr. BROWN: I have said what I wanted to say. I am with the Government in this matter, because I consider the Bill has been introduced solely to keep out Bathurst burr. This is only just making its appearance in Western Australia. If it is permitted to get a hold, it will prove one of the greatest curses ever experienced by the State.

Mr. Marshall: On a point of order. Is the hon. member in order in continuing to make a second reading speech on the amendment before the Committee? If he is permitted to wander all over the place, instead of confining himself to the amendment,——

The CHAIRMAN: The hon. member must not make a speech on a point of order.

Mr. Marshall: On the point of order I have raised I intend to speak.

The CHAIRMAN: Excuse me.

Mr. Marshall: I ask you, Mr. Chairman, to keep the Committee in order and to give a ruling.

Mr. CHAIRMAN: I have already told the member for Pingelly (Mr. Brown) that he must not make a second reading speech. The amendment before the Committee is that all the words after "may" in the third line of the clause be struck out.

Mr. BROWN: I have always advocated that legislation should be introduced declaring Bathurst burr to be a noxious weed. The Bill is for the benefit of the farmers. I hope we can come to some finality in the matter.

Mr. THOMSON: If the Minister will give an assurance that he will adopt Section 14 of the original Act, I will withdraw any further objection to the clause.

The MINISTER FOR AGRICULTURE: Any member can move for a recommittal of the Bill, but it would not be in order to bring forward a question that has already been negatived.

Mr. Thomson: You said I was out of order and I accepted that.

The MINISTER FOR AGRICULTURE: I cannot give the assurance asked for just now but before the Bill is recommitted I will give the matter further consideration.

Amendment put and negatived.

Mr. THOMSON: I move an amendment—

That in Subclause 5, line 1, after the words "any expense," the following be inserted, "Not exceeding £20."

My object is to limit the expense to which the local authority can be put. We should not allow the Minister to "run mad." Some years ago the Moora Road Board compelled the farmers to spend a large sum of money in eradicating stinkwort, although the Honorary Minister in charge of the Yandanooka estate (Mr. Willmott) refused to eradicate the stinkwort there. The Minister should also give the local authority the right of appeal against the decision of the Agricultural Department.

The MINISTER FOR AGRICULTURE: I cannot accept the amendment, for it may make the measure valueless.

Mr. Thomson: That is not my intention.

The MINISTER FOR AGRICULTURE: If the board knew the expenditure would not exceed £20, it could continue to ignore the instructions of the Commissioner or the Minister. In view of my promise that the Bill would be reconsidered before recommittal, members should leave it as it is. They need have no concern about the local authority having the right of appeal, for the Minister would permit no officer to act in an arbitrary manner.

Mr. Thomson: Will you give the local authority the right to appeal to the Minister?

The MINISTER FOR AGRICULTURE: It has that right, for the Minister is the administrator.

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

Ayes	7
Noes	30
Majority against ..	23

AYES.

Mr. Brown	Mr. Sampson
Mr. Griffiths	Mr. Thomson
Mr. E. B. Johnston	Mr. Lindsay
Mr. Latham	(*Teller.*)

NOES.

Mr. Angwin	Mr. McCallum
Mr. Barnard	Mr. Millington
Mr. Chesson	Sir James Mitchell
Mr. Clydesdale	Mr. Munsie
Mr. Corboy	Mr. North
Mr. Coverley	Mr. Richardson
Mr. Cunningham	Mr. Sleeman
Mr. Davy	Mr. J. H. Smith
Mr. Denton	Mr. Teesdale
Mr. W. D. Johnson	Mr. Troy
Mr. Kennedy	Mr. A. Wansbrough
Mr. Lambert	Mr. Willcock
Mr. Lamond	Mr. Withers
Mr. Maley	Mr. Wilson
Mr. Marshall	(*Teller.*)

Pair.

AYES.	NOES
Mr. Mann	Mr. Lutey

Amendment thus negatived.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. Sir JAMES MITCHELL: On principle I must vote against the clause, which, if it is to stand, should give the Government power to make it effective. I do not for a moment mistrust the Minister; I believe he would act reasonably under the clause.

The Minister for Agriculture: I hope it will never be necessary to use the clause, but the power must be there.

Hon. Sir JAMES MITCHELL: I hope the clause will be rejected.

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

Ayes	21
Noes	14
Majority for	7

AYES.

Mr. Angwin	Mr. Marshall
Mr. Chesson	Mr. McCallum
Mr. Clydesdale	Mr. Millington
Mr. Corboy	Mr. Munsie
Mr. Coverley	Mr. Sleeman
Mr. Cunningham	Mr. Troy
Mr. Heron	Mr. A. Wansbrough
Mr. Holman	Mr. Willcock
Mr. W. D. Johnson	Mr. Withers
Mr. Kennedy	Mr. Wilson
Mr. Lamond	(*Teller.*)

NOES.

Mr. Barnard	Mr. Sampson
Mr. Brown	Mr. J. H. Smith
Mr. Davy	Mr. Stubbs
Mr. Denton	Mr. Taylor
Mr. E. B. Johnston	Mr. Teesdale
Mr. Lindsay	Mr. Thomson
Sir James Mitchell	Mr. Latham
	(*Teller.*)

Pair.

AYES.	NOES.
Mr. Lutey	Mr. Mann

Clause thus passed.

Clause 29—agreed to.

Title:

Mr. THOMSON: The member for York has an amendment on the Notice Paper.

Mr. LATHAM: In view of the fact that the Minister has given an undertaking that the new clause will be duly considered, and as you, Mr. Chairman, practically ruled the clause out of order the other evening, it would be almost foolish for me to ask the Committee to carry it. I trust the Minister will carefully consider the new clause, as its inclusion might save the Bill in another place.

The MINISTER FOR AGRICULTURE: I promise that before recommittal this amendment shall be considered. I should be interested to learn how the hon. member knows that the new clause would save the Bill in another place.

Mr. Latham: I said it might.

Title—agreed to.

Bill reported with amendments.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Message.

Message from Lieutenant Governor received and read recommending the Bill.

Second Reading.

The MINISTER FOR WORKS AND LABOUR (Hon. A. McCallum—South Fremantle) [7.42] in moving the second reading said: I am conscious that this is a most intricate measure, and one that requires very careful handling. It is the second instalment of the industrial legislation that this party stood for, and it is long overdue in Western Australia. There has been no amendment of material consequence in our Workers' Compensation Act since 1912. Meanwhile we have drifted right behind the rest of the world in this regard. The measure I submitted to the House a fortnight ago, being an amendment of our industrial arbitration legislation, covered the producing human element in industry. The present Bill covers human casualties in industry. As regards looking after the casualties which industry creates Western Australia is not only behind the other States of the Commonwealth, but considerably behind most of the countries of the world. I do not know why it is so, but in all our industrial laws we have drifted. There was a period in our history when we could boast that we led the world. Once we considered ourselves a democratic State that should set an example to the rest of this continent. That was when the Labour Party was solid, before the division in our ranks over war issues. Somehow or other, the outbreak of war was used by certain alleged Labour men in this country as an argument why we should look for no improvement in our industrial laws. But the war was not used in that way by men aiming at reform in any other country. In the Eastern States the war was not made an excuse for not amending industrial laws, nor was it so used on the Continent or in America. Consequently the rest of the world has passed on, leaving this State standing. The present measure represents merely another step designed to bring us somewhere near the level of other States of the Commonwealth, and the level of older countries.

Mr. Sampson: I hope it will not take us over the cliff.

The MINISTER FOR WORKS: My trouble in framing this Bill with a desire to make it an up-to-date measure has been to avoid creating the impression that the Bill was attempting to revolutionise the existing position; so far are we behind many other countries. I will be able to show that the rest of the world is a long way ahead of us regarding these laws.

Mr. Taylor: Will the proposals in the Bill bring us up to their standard?

The MINISTER FOR WORKS: Not up to all of them.

Mr. Sampson: You had better go the whole hog while you are at it.

The MINISTER FOR WORKS: I do not like to be associated with the introduction of a measure which, if put on the statute-book, will still leave us behind other countries. I would not like to ask Parliament

to agree to legislation that was not up-to-date. The Government are endeavouring, in the Bill presented to members, to mete out equity and justice to the workers of Western Australia, but while placing them in a more favourable position, it is not desired to go to extremes. We do not even go so far as do some other countries.

Mr. Taylor: We should at least go as far as they do.

The MINISTER FOR WORKS: The present Act does not mete out justice to an injured worker or to his dependants. The law is most intricate and I am advised by men who should know that there are more cases decided in respect of the law relating to workers' compensation than to any other law on the statute-book. Reference books dealing with various decisions would form a considerable part of an up-to-date law library. Appeal after appeal has been made against decisions. The wording of the legislation has been so complicated, the phrases so intricate, that nearly every country has been tried to the utmost to get a measure to stand the test of time and mete out justice to those it sought to assist. I fully recognise the difficulties we are confronted with in handling this measure, and also what it means to those who are affected by it.

Hon. Sir James Mitchell: The schedule is the most important part of the Bill.

The MINISTER FOR WORKS: But there are far more important parts of the Bill than even the schedule. Workers' compensation laws are humanitarian measures enacted in response to a strong public sentiment that the remedies afforded by action of tort at common law and under the Employers' Liability Act have failed to accomplish that measure of protection against injuries and of relief in case of accident that it was believed should be afforded the workmen. I propose first of all to give a brief survey of the laws in operation in other parts of Australia and of the world to show how we have drifted and how our existing law compares with that of other countries and how the Bill before us compares with the legislation in operation there. The idea that a workman injured in his employment should be entitled to compensation irrespective of any question of negligence, revolutionary in 1897 and still novel in 1906, achieved, by 1920, world-wide acceptance. In 1906, workmen's compensation legislation was unknown in the United States of America. Now there are workers' compensation laws in 42 of the 48 States comprised within the Union, as well as in Hawaii and Porto Rico. Each State or province of the British Dominions has an Act which is the subject of constant amendment in the endeavour to improve administration and increase benefits without unduly burdening industry. Until 1880, the only legal remedy open to the workman in England who had suffered bodily injury when following his employment was a common law action against his employer. In that year the Employers' Liability Act, somewhat modified in the workmen's interest, the old rigid common law rules. A new chapter in the history of the law relating to master and servant was opened by the Workmen's Compensation Act of 1897. An action at common law is available only when it can be shown that the personal injury complained of arose by the employer's personal negligence, or because he knowingly employed an incompetent servant. Even then, however, the plaintiff may have to meet the defence of a doctrine which deprives a servant of the right to recover damages from personal injury if, appreciating the risk he is running, he agrees, expressly or by implication, to accept that risk. Furthermore, a counter charge of "contributory neglegence," that is to say, want of care on his own part, proof of which by the employer may deprive a workman of success in the action, has almost always to be met. That is the position we have been up against here. In practically all instances where we have endeavoured to recover damages outside the Workers' Compensation Act itself, our experience has been the same. Even if a plaintiff successfully surmounted these objections, there still remained the still more serious obstacles of the doctrine of "common employment" which excludes liability when the injury is caused to the workman by reason of negligence of a fellow-workman in the employment of the same employer for the purpose of the same business, and it makes no difference that the injured workman was bound to obey the orders of the fellow servant whose negligence caused the injury. The cases where the injured workman can hope to succeed in a common law action for negligence are accordingly but few. There have been very few instances in Western Australia where an employee has been able to successfully claim damages under the Employers' Liability Act or at common law. It is only under the Workers' Compensation Act that he has been able to get any measure of justice at all. The Workmen's Compensation Act of 1897 effected a revolution in Britain in the branch of law that concerns the legal relationship between employer and workmen in the occupations to which the Act applied, for it imposed a liability upon the employer to pay compensation to an injured workman or to the dependants of a workman who had been killed, quite independently of the question whether or not there had been negligence on the part of the employer or of anyone employed by him. All that the Employers' Liability Act did was to provide exceptions to existing common law rules. The Workers' Compensation Act set up an entirely new doctrine, and provided rights and imposed obligations that nowhere fitted into the then-existing scheme of jurisprudence. Since the introduction of the first legislation in Great Britain, material improvements have been

effected in recent years. Important changes were made in the law, increasing benefits, and otherwise liberalising the provisions of the British Workmen's Compensation Act. The Act of 1906 was the subject of amendments in 1917 and 1919 which undertook to relieve the situation produced by changes in the value of currency and in the cost of living. The amendment of 1917 added 25 per cent. to the benefits payable under the Act of 1906 on account of total incapacity. This Act was limited to the duration of the war and six months afterwards, but legislation passed in 1919 continued the period of increase, but advanced the amount of the increase to 75 per cent. and made that increase available to beneficiaries under the Workmen's Compensation Acts of 1897 and 1900 as well as to those under the present principal Act of 1906.

Hon. Sir James Mitchell: What is paid now?

The MINISTER FOR WORKS: I will quote figures later on. I will also give comparative statistics to show how we compare with other countries. In America, the most important changes in workers' compensation legislation since 1920 were the consolidation of workmen's compensation commissions with other labour-law enforcing agencies, the reduction of the waiting period, and the increases in compensation and medical benefits, particularly the increase of the weekly maximum. More especially, the following changes were made during the past three years: five States added occupational diseases to the list of compensable injuries; seven States decreased the waiting period, and four States abolished the waiting period altogether in cases in which the disability extended beyond a certain period; five States increased the percentage; nineteen States increased the weekly maximum; thirteen States increased the medical benefits; and eight States increased the maximum amount. We in Western Australia have effected no improvements since 1912 with the exception of increasing the amount for total incapacity from £400 to £500. Mr. W. French, the chairman of the Industrial Accident Commission of California, has given his views under several headings, and set out the case regarding death benefits and workers' compensation as follows:—

> An adequate death-benefit schedule should take into consideration these constituent parts:
>
> *First*: A realisation that human life is the true wealth of a community, and that its loss must not be treated lightly.
>
> *Second*: When a worker loses his life, he gives his all, and there is an imperative duty devolving upon industry to see that his dependants are cared for; included in this duty should be a determination to see that want never hovers around the door of the home from which he has been ruthlessly taken.
>
> *Third*: A process of education that will enable employers especially to see that a death benefit is not a tax on them, but a compensation cost to be distributed over the community by means of insurance, and without which no compensation system begins to be adequate.
>
> *Fourth*: A payment of a sufficient amount to provide burial expenses based upon reasonable needs.
>
> *Fifth*: An income for each widow as long as she lives with provision for a lump-sum payment, such income to be sufficient for living needs and not confined to a limited percentage of the husband's wage if such wage was inadequate to provide a reasonable living standard at the time of his death.
>
> *Sixth*: An income for each dependant child, to the end that the home life shall be conserved, with provision that there be full opportunity for the education of such child and a fair, average chance in life, the payments to cease only after a wage-earner status has been acquired, and to continue indefinitely if sickness or accident or other good cause keeps such child dependant, and all such payments to be independent of the mother's re-marriage.
>
> *Seventh*: Careful supervision of each dependant's home by a compensation agent, to the end that each family may face the future with the knowledge that the State is a friend and will assist with the problems that relate to living, to education, to health, to planning the future of the children, to finding employment, and to all the other factors that make up a well-rounded home life; the agent to be a woman of heart and brain who can secure the results that will make a success of the home that at the time of the husband's death seemed to be irreparably broken.

That is the standard set up by an eminent American. I notice that in America and California the administration of this law is largely handled by boards and commissions who have full jurisdiction to deal with every phase of the law. They have jurisdiction to see that penalties are enforced, and that compensation is paid. They supervise the administration and, in fact, they practically control every activity of the workers' compensation law. When we find men holding such positions as Mr. French laying that down as the standard for workers' compensation law, we should consider the position here. Particularly should we do so because the Americans are classed as an individualistic people who do not believe too much in State interference, while we in Australia are classed as being largely in favour of socialism or State control. In the summary I have quoted, Mr. French has set out what he considers should be the duty of the State. He has pointed out that the State should see that the widow and children are properly cared for, that an authority should be set up to advise, supervise, and

assist in the home life, to see that each child does not suffer because of the loss of his parent, and that every facility is given for his education.

Mr. Thomson: Should not that be done under a national insurance scheme, rather than under this type of legislation?

The MINISTER FOR WORKS: That is what is operating under workers' compensation Acts in a large number of the American States. If the hon. member peruses the Bill he will see that provision is made there, too. We are in no way approaching the standard that has been set up in America. Widows and children of disabled workers in Western Australia have to battle for themselves. The first important alteration proposed in the Bill is in the definition of "dependants." To-day even the widow or the children of a worker who has met with a fatal accident in his employment have to prove that they were dependent on his wages before they can successfully claim compensation. If the employer or the insurance company can show that the widow or children were not dependent on the worker's wages, there can be no successful claim for compensation. This, despite the fact that the wife has been robbed of her helpmate and the children deprived of the care of a father.

Mr. Sampson: Of course no monetary payment can replace such a loss.

The MINISTER FOR WORKS: No, that is readily admitted. But without the monetary recompense the home is much poorer. The only possible recompense to tide the women and children over their difficulty is some little financial help.

Mr. Sampson: I understood you to say they were not dependent on the worker.

The MINISTER FOR WORKS: But take the case of a wife who had independent means, and so was able to care for her children without the financial assistance of her husband. Still, all the while she had her husband to advise her in the control and direction of her affairs. Although at the time of her husband's death she had independent means, yet owing to the loss of her natural adviser, in a few years she may be penniless, notwithstanding which she has no claim for compensation. We propose to remedy that by providing that the widow and all children under 14 shall be declared dependants, in order that there can be no question as to their claim for compensation.

Mr. Sampson: Does not State aid cover that to-day?

The MINISTER FOR WORKS: State aid does not meet such a case. This is something to provide for the care of those who have been deprived of their breadwinner as the result of an industrial accident. Why should they be thrown on the charity of the world? The definition of "worker" to-day embraces all those receiving up to £400 per annum; they are entitled to claim compensation under the Act. In New South Wales the limit is £525, in Victoria £350, in Queensland £10 weekly, in South Australia £8 weekly, and in Tasmania £5 weekly. New Zealand recently increased her amount from £250 to £400, and in England it has been increased from £250 to £350. In order to meet to some extent the altered value of the currency, and to keep pace with the rest of the world, we propose to bring within the scope of the measure all workers receiving up to £520 per annum. That is on the same level as Queensland, but New South Wales will still be £5 ahead of us.

Mr. Taylor: Does it include members of Parliament?

The MINISTER FOR WORKS: Yes, if it can be proved that the member was working in an industry when he was killed. In order to secure uniformity of decision, and to encourage the study of the Act—for it is somewhat intricate—we propose to provide for the appointment of industrial magistrates. That does not mean new appointments of magistrates. Certain magistrates will be named as industrial magistrates and will deal with cases arising under this particular law. Also, instead of, as at present, appeals going from a magistrate to the Supreme Court and thence to the Full Court, the High Court, and the Privy Council, we propose to provide that there shall be but one appeal from the magistrate, and that to the Court of Arbitration, whose decision shall be final. We propose to make that court a truly industrial court. Under another Bill at present before us, that court is materially relieved of work, machinery is set up that will effectually cope with the pressure of work on that court. So, that court will have time to deal with the appeals from industrial magistrates. We propose also to bring under this law a working contractor, that is to say, a man who takes a contract and, without sub-letting it, works under it himself, although employing other workers. To-day, particularly in respect of land clearing, well sinking, etc., a man takes a contract at a well-established figure; but because he has taken the contract he is classed, not as a worker, but as a contractor, and so is outside the pale of the existing law. The Bill will embrace such men so long as they do not sub-let, or trade in the name of a firm or company, provided they themselves work under the contract even while employing other men.

Mr. Thomson: Then any man letting a contract will have to insure against accident the contractor and his men?

The MINISTER FOR WORKS: Yes. We also propose to bring insurance canvassers under the provisions of the measure. The courts of this country class an insurance canvasser, not as a worker, but as an agent. We propose to have him classed as a worker.

Mr. Taylor: We will make him a worker under the Act, whether he likes it or not.

Lieut.-Col. Denton: Will it include commercial travellers?

The MINISTER FOR WORKS: Yes, so long as they do not earn more than £520.

Mr. Latham: Will a member of Parliament come under the Act?

The MINISTER FOR WORKS: Yes, if he can show that he is working in an industry.

Hon. S. W. Munsie: He will be able to establish that he is working in a gas factory.

The MINISTER FOR WORKS: The courts in other States, notably in Queensland, have all included insurance agents.

Mr. Taylor: This will include all agents?

The MINISTER FOR WORKS: Yes, always keeping in mind the £520 maximum. The law is an intricate one, and produces more contested cases than any other Act on the statute-book. Most of those cases have turned on one line in the existing Act, namely the definition of an accident. The existing Act sets out that an accident must be one arising out of, and in course of, employment. All over the world, in America, in England and in Australia, the trouble has cropped up over that definition. Most of the American States have altered the definition in consequence. In England there is a case in which a young girl working in a factory was upstairs in the dining-room, or canteen, having her lunch when the hooter went for the resumption of work. Hurrying downstairs to clock-on, she slipped and broke her ankle. The employer said the accident had not arisen out of, and in course of, her employment. That case was taken to the House of Lords, thus giving some idea of the persistency with which cases under this law are contested. The insurance companies seize on every little loophole for avoiding the payment of compensation. The accident occurred in 1920, and the case went to the House of Lords. Lord Wrenbury, one of the recognised authorities on workers' compensation law, in delivering the decision, made use of these words—

> My Lords, the language of the Act of Parliament and the decisions upon it are such as that I have long since abandoned the hope of deciding any case upon the words "out of, and in the course of" upon grounds satisfactory to myself or convincing to others. In the present case I say no more than that I think that the girl was in the course of her employment when hurrying down the stairs to achieve punctuality in clocking-on. She was endeavouring to comply wtih the duty of punctuality which she owed to the employer, and the stairs being "very slippery," she was exposed to the danger which resulted in the accident by the fact that it was incidental to her employment that she was allowed to be, and was, in that place.

There we have a leading authority setting forth that he cannot with satisfaction to himself or conviction to others give an exact definition of those words. Those words appear in our law as it stands to-day.

Mr. Davy: What case were you quoting?

The MINISTER FOR WORKS: Butterworth's Workers' Compensation Cases, vol. 13, page 89. Workers should not be confined merely to causes arising out of or in course of their employment, but should be covered in all movements that are necessary to their earning a livelihood. A trader in the course of business insures his goods from port to port or while in transit from place to place. If he attends so carefully to his commodities, why should he not attend equally carefully to his workmen? We propose to repeal those contentious words and substitute a definition contained in the Queensland Act. This provides that if personal injury by accident is caused to a worker at the place of employment or on his journey to or from such place——

Mr. Thomson: Does that mean after leaving his home and travelling by train to work?

The MINISTER FOR WORKS: Yes, from the time he leaves his home till he gets to his work, and from the time of leaving his work till he gets to his home. That is the law in Queensland and it has worked satisfactorily there.

Mr. Thomson: If a workman has an accident in the train, surely you will not hold his employer responsible?

The MINISTER FOR WORKS: Yes, the employer will have to insure him. If there is right of action against the Commissioner of Railways or anyone else, we shall not deprive him of the opportunity to proceed at common law, but the compensation he receives under this measure will be taken into consideration in assessing any damages awarded him under common law.

Mr. Thomson: Would the employee have the right to sue the Commissioner of Railways?

The MINISTER FOR WORKS: He has that right now. The employer must cover by insurance the employee from the time he leaves home until he gets back. I do not say that if a man goes away joy-riding instead of proceeding home, he should be entitled to the benefits of this provision.

Mr. Taylor: What if he stopped on the way to do some business?

The MINISTER FOR WORKS: I think he would be entitled to the benefits under this measure.

Mr. Taylor: That is all right so long as it is understood.

The MINISTER FOR WORKS: It frequently happens that workers, to get to their place of employment, have to cross a river or a dangerous railway crossing. The responsibility for that should not be upon the worker; he should be covered by insurance. Insurance should cover every phase of his activities in the earning of his livelihood. The existing Act provides that if incapacity lasts for less than two weeks, no compensation shall be paid for the first three days. That provision has led to a lot of imposition, and the insurance companies have not been the only ones to suffer. The trades

unions also have suffered. The law, as it stands, provides a loophole and an invitation to impose. If a man has been off duty for eight days through accident and he feels well enough to return to work, he realises that if he goes to work on the following day it will make only nine days, whereas if he remained off for a fortnight, he would receive compensation. This has resulted in imposition, and has entailed the paying out of a great deal of money by way of insurance and from trades union funds. We propose that compensation shall be paid from the date of the accident. This provision differs from what obtains in some other countries, but I propose to give not only the information that suits my case, but details of what prevails in other places. Then members will be able to arrive at a sound judgment in coming to a final decision. In New South Wales, if the employee is incapacitated for less than one week, he receives no compensation, but if he is incapacitated for more than a week, he receives compensation from the date of the accident. In Victoria a similar provision operates. In Queensland no compensation is paid unless the incapacity exceeds three days. In South Australia, if the incapacity is for less than two weeks, nothing is paid for the first week. Tasmania has the same provision as has Queensland. New Zealand has recently reduced the waiting period from seven days to three days, and in England in 1923 the waiting period was reduced from seven days to three days. At present no matter how careless or negligent an employer may be, if an accident arises out of the employer's negligence, the worker has to select the law under which he intends to proceed, and having made his selection, he cannot go back. If he elects to proceed under the Employers' Liability Act, whereby he may claim a higher amount than under the Workers' Compensation Act, that is the end of it. We propose that if a worker claims under the Workers' Compensation Act, he may also exercise whatever other rights he has——

Mr. Taylor: Having a decision under the Workers' Compensation Act will not prejudice him in taking action under any other law.

The MINISTER FOR WORKS: That is so, but the compensation he receives under the Workers' Compensation Act must be taken into account when the compensation to be paid under any other Act is being assessed. Thus the worker will not be deprived of his common law rights, but he will not be able to obtain double compensation. The existing Act contains a schedule setting out the percentage of compensation, and in practice the worker very seldom, if ever, draws the percentage provided in the schedule. It is headed, "Ratio of compensation to full compensation as for total incapacity," and then is set out the class of accident and the percentage. The percentages are taken as applying to the full amount of compensation, £500.

Mr. Davy: Not of half payment?

The MINISTER FOR WORKS: That has never been held by the courts here, although we have always been fearful of it. In New Zealand it was held that that was the percentage of the half payment. If a worker loses an arm, he is entitled to 80 per cent. of £500, or an amount of £400. If the worker has been off duty for any period, the amount of money he has drawn in half wages is deducted. Thus he does not receive the compensation set out in the schedule. He may have been off duty for six, nine or 12 months, and all he has drawn in half wages is deducted. He has to pay his hospital fees, and a whole pound is allowed him for medical fees, and when it comes to a settlement the insurance companies barter as to the rate of interest they are entitled to deduct, on the ground that if the money had been kept by them, they could have earned so much interest upon it.

Mr. Taylor: And they fight every case.

The MINISTER FOR WORKS: We provide in this measure that the amount shall be paid in full and without any deduction. Instead of the schedule setting out percentages, and to meet the point raised by the member for West Perth, the actual amount is stated for each accident. I believe that was the original intention of Parliament, but the law has drifted into the position I have described.

Mr. Taylor: You make provision for partial incapacity on the percentage basis.

The MINISTER FOR WORKS: Yes. We provide that the amount stated in the schedule shall be the minimum; to-day it is the maximum. A worker who feels that he has suffered some extra industrial loss or incapacity owing to accident has a right to claim something in addition to the scheduled amount. The loss of a finger may mean very little to a navvy, but to a linotype operator it may necessitate a change of occupation. It is certainly a greater disability to a linotype operator than to a navvy. On the other hand, the loss of a leg to a tailor would not mean nearly so much as the loss of a leg to a navvy. So we set out that where an accident places an additional handicap upon the worker owing to his particular calling, and he has probably to change his calling, the schedule shall be regarded merely as a basis for negotiation. Not less than the schedule amount may be paid, but the worker will be entitled to claim something extra if he can show that he is suffering an additional industrial handicap. Obviously the loss of an arm will be a greater handicap to a man 60 years of age than it will be to a man 25 years of age. Not only will it be more difficult for the older man to learn a new trade, but his very age will be an effective bar to re-employment. Industry gives little encouragement to old men. Similarly the loss of a leg will be a more severe handicap to a structural steel worker or a railroad brakeman than to a machinist, because the loss of a leg to the

former will necessitate a change in occupation and perhaps in industry. There are other factors which affect the rehabilitability, and consequently the subsequent earning capacity of the permanently disabled. Among the more important of these factors are education, training, experience, and mentality. Strange to say the existing Act sets out that an employee 60 years of age may arrange for an agreement with his employer to accept less than the schedule. He is permitted to contract out of the law. Sound judgment would show that the older man suffers more than the younger through being deprived of a limb. We are repealing the section that permits a man over 60 to contract for a lower amount. New South Wales has no schedule. Victoria has a similar schedule to that of Western Australia, but higher compensation is paid for a right hand than for a left, or for a right arm than for a left arm. I do not know how that would work out if the man were left handed, and whether a left handed man should not get more for his left hand than for his right. Queensland fixes an amount in lieu of percentages, as we propose to do; otherwise it is similar to our own and the Victorian Act. South Australia and Tasmania have no schedule. When there is no schedule it means that each individual case is a matter of separate barter, that there is no basis to start with. That was our position prior to 1912. I went through enough prior to 1912 in handling cases under the Workers' Compensation Act to want an Act with a schedule, because without one we had to start from nothing. Every time one went to an insurance company for a settlement one had to establish one's basis. Our experience teaches us that a schedule is the only safe plan to adopt, for, with the basis provided by law, one can start negotiations for the lump sum required. I will give members an idea of how the conditions in Europe compare with this Bill and the Act under which we are working. The comparison is as follows:—

WORKERS' COMPENSATION.

(*From U.S.A. Bulletin, No.* 333.)

Item.	European Laws. (Max.)	Western Australia. (Present.)	Western Australia. (In Bill.)
	%	%	%
Loss of—			
Arm	85	80	90
Hand	83	70	80
Thumb ...	60	30	30
First Finger ...	20	20	20
Second Finger...	20	12	15
Third Finger ...	15	12	15
Fourth Finger...	18	12	15
Leg	90	75	80
Foot	75	60	70
Toe	20	10	12
Sight (one eye)	50	50	50
Hearing (one ear)	30	10	40
Hearing (both ears) ...	70	50	80

There is no great difference between what we are claiming and the conditions now existing in Europe.

Mr. Thomson: What about the loss of an eye?

The MINISTER FOR WORKS: At the foot of the Bill I have set out a special note regarding the loss of an eye. Since 1920 the New York law contains the following:—

> The loss of 80 per centum of the vision of the eye shall be considered to be the equivalent of the loss of the use of the eye, and the loss of binocular vision shall be considered to be equivalent to the loss of use of one eye.

Dr. William Tarun, of Baltimore, in dealing with this phase of the question, says:—

> We are all at a loss in determining what degree of vision should be considered an industrial total loss. This is generally given as 20/200, yet the United States Government considers an eye totally lost with vision 20/400 or less. In other States, for example, New York, 20/100 is the standard. This equals 80 per cent. of loss in that State and its court of appeals ruled that 80 per cent. can not be considered a total loss since 20 per cent. remaining of normal vision is far from having lost the use of the eye. Later, however, the State legislature amended this particular part of the Bill so as to read "80 per cent. shall be considered equivalent to the loss of the eye."

Our present law provides that "the loss of" includes the permanent loss of the use of the eye. That is set out in our second schedule. I believe that Parliament put that provision in meaning to convey that "loss of" meant the permanent loss of the use of the eye. It means if a man lost the use of his arm he is entitled to compensation no matter if he did not lose his arm or both his arms. If he had lost the use of it he was entitled to compensation for such loss. Our courts have interpreted that in a different way. I have had two cases under my care for some months, one for over two years, and I have been supervising the negotiations, although I have not yet arrived at a settlement. In one case molten metal came from a furnace, and ran over the neck and arms of the worker. Both his arms are bent and he is unable to straighten either of them. His chest and the sinews of his arms appeared to be baked with the molten metal. He can stoop down and lift weights. He has not lost the use of his arms, and on account of that he cannot get compensation. I have also the case of a little boy, who two years ago this month, had both his arms caught in a machine and they were ripped up. He has had no fewer than six operations, and he cannot yet hold even an egg in his hand. I am now negotiating for a settlement for the lad, but it is doubtful what settlement I can get for him.

Mr. Davy: He is totally incapacitated, is he not?

The MINISTER FOR WORKS: In my opinion he is, but the decision of the court is against that. In what is known as the eye case that was determined here, it was held that because a man could distinguish his fingers moving at arm's length he had not lost the sight of his eye, because the total sight had not gone. For industrial purposes, however, his sight no longer existed. Because there was some sight left he could not claim compensation for the loss of the use of his eye.

Mr. Davy: He still possessed a capacity for work?

The MINISTER FOR WORKS: That should not enter into the case at all, even if his earning capacity had not been decreased. What about the physical suffering, and the physical loss? Is nothing to be paid for that, or for his anxiety and pain, or for his physical disability?

Mr. Taylor: You may have only one eye left.

The MINISTER FOR WORKS: I know of a man from a woodline who had only one eye. He lost his eye through a splinter getting into it. The insurance people fought him for months and only offered to pay for the loss of one eye, although he was totally blind. I can quote hundreds of cases of workers who have been whittled out of their just dues.

Mr. Taylor: If there is any ambiguity in the law there will be still more fights.

The MINISTER FOR WORKS: Not only will the second schedule be paid in full in the case of those who suffer permanent disability, but, if there is a partial disability, the worker shall be paid a percentage of the schedule, according to the percentage of the efficiency lost. If an arm has lost 50 per cent. of its efficiency a proportionate amount will be paid to the worker. If a hand has lost a portion of its efficiency, the same thing will apply. Instead of its being said, "You must have lost the total use of your arm before compensation is paid," we provide that a percentage shall be paid according to the efficiency lost.

Mr. Teesdale: How will that be arrived at?

The MINISTER FOR WORKS: The worker goes to his own doctor. If the insurance company is not satisfied with the certificate, he will go to their doctor. If the two doctors disagree a medical referee will be called in.

Mr. Taylor: Selected by whom?

The MINISTER FOR WORKS: By the Minister. The referee will be paid by the Government. If he is interested in either side he cannot act. He will be appointed by the Government and paid by the Government as at present. If the decision of the medical referee is not acceptable an appeal from him can be made to the Court of Arbitration, whose decision shall be final. The decision of the court would be determined on the medical evidence adduced. At present while the worker is off during the healing period or during the period of convalescence, the Act provides for half wages with a maximum of £2 10s. per week, the present maximum being £500. New South Wales provides for 66-2/3 rds percentage with a maximum of £3 a week; Victoria the same percentage and a maximum of £2 a week; Queensland 50 per cent. with a maximum of £2 a week, plus 5s. for each child under 14 up to a maximum of £3 10s.; South Australia 50 per cent., with 30s. for single men and 40s. for married men; Tasmania 50 per cent. and £2 10s., and New Zealand 55 per cent. and £3 15s. as a weekly maximum. To demonstrate the upward trend America and other countries have effected in this regard, let me mention that the compensation laws enacted in 32 States of the American Union during the period from 1911 to 1916 have weekly maxima ranging from 6 dollars to 20 dollars. Two States started with a 6-dollar, and 15 States with a 10-dollar maximum. Amendments have increased these amounts. None of the 32 States now has a maximum of less than 10 dollars; indeed, one State, that of New York, has a maximum of 20 dollars, and five States have gone up to 18 dollars. Of the States which have more recently adopted compensation Acts, three have adopted a 10-dollar maximum, one an 11-dollar maximum, two a 20-dollar maximum, and the rest maxima between 10 dollars and 20 dollars. With regard to juniors, our Act provides that where the wage is less than 20s. per week, the allowance shall be 100 per cent. New South Wales provides that where the wage is less than 20s., the allowance shall be 100 per cent., with a maximum of 15s. Victoria provides that where the wage is less than 20s., the allowance shall be 100 per cent., with a maximum of 15s. up to 21 years of age, and a maximum of 20s. over 21 years of age. Queensland legislation does not mention juniors. In South Australia for a wage less than 20s. the allowance is 100 per cent., with a maximum of 10s. In Tasmania, for a wage less than 20s. the allowance is 100 per cent., with a maximum of 20s. As regards medical benefits, 13 States of the American Union have increased their medical benefits within the last two years. At present three States, those of Alaska, Arizona and New Hampshire, furnish no medical service except that supplied in fatal cases by the employer. Seven American States and the American Federal Government provide unlimited service. Nine laws place no limitation upon the period during which medical treatment shall be furnished, but do limit the amount. Seven laws limit the period, but do not limit the amount. All of the other laws place limitations upon both period and amount. The Netherlands law with regard to medical treatment provides that the State Insurance Bank established by the Government for the purpose of social insurance shall grant to an injured person who meets with an accident in con-

nection with his employment medical and curative treatment, or payment for the same in pursuance of rules issued by public administration regulation. The law also provides that medical treatment shall include the supply of the appliances appearing on a list drawn up by the Minister administering the law, being appliances necessary for the restoration, maintenance, or improvement of working capacity in so far as this is reduced in consequence of the accident. The law also provides that instruction shall be given in the use of such appliances. In Canada, Alberta provides medical aid from a fund to which the workers contribute; British Columbia provides full medical aid and provision for artificial limbs, as also does Manitoba. New Brunswick provides full medical aid, but makes no provision for artificial limbs; Nova Scotia provides 30 days' medical aid, but does not provide for artificial limbs; and Ontario provides full medical aid and artificial limbs. Mr. G. R. Kingston, a member of the Ontario Workmen's Compensation Board, writes as follows regarding compensation for specific permanent partial disability:—

> Another feature of the committee's report in which I heartily concur is that relating to payment of compensation during the healing period. A number of States have in recent years amended their laws to provide for payment of compensation during the healing period in addition to, not concurrent with, the specific period allowed for specific injuries. One can readily conceive of many cases where by reason of the severity of conditions during the healing period, due possibly to infection delaying recovery an unusually long time, as so frequently happens, there must be a tremendous inroad into the specific period. The true idea, it seems to me, should be that a man suffering the loss of an arm has suffered two distinct losses, and they are really not concurrent. There is the loss caused by the shock of the accident, which is a loss, as everybody knows, affecting the whole system—loss of blood, loss of nerve, vitality, etc. While the workman is recovering from this initial loss, the loss of the arm is really of no consequence except as it may affect the nervous system; but as soon as he has recovered his lost vitality and is otherwise fit, then it is that he realises the real loss of the arm as an economic factor in his future career. If the report of the committee (Industrial Committee of Statistics and Compensation Insurance) bears no other fruit than to repair this wrong, the effort whill have been well worth while.

With further reference to specific permanent partial disabilities, I will quote an extract from the report of the Industrial Association of Industrial Accident Boards and Commissions—

> The permanent disability schedule is supposed to represent the probable average loss of earning capacity resulting from the effect of the permanent disability, and should not include the temporary incapacity during the healing period. Compensation for temporary total disability should be paid in addition to the amounts provided for in the schedule. The principal reasons in favour of allowing additional compensation for temporary disability are: (1) In some cases the healing period, notably in infectious cases, approaches, or even exceeds, the compensation period in the schedule allowed for the permanent disability; consequently in these cases the injured workman receives no compensation whatever for his permanent disability. (2) There are great variations in the healing periods for the same type of injury, ranging in Ohio, for example, from 32 to 888 days in case of an arm.

As regards compensation, the Netherlands law allows, in addition to medical treatment, for the period of total or partial incapacity the equivalent of 70 per cent. of the daily wage, and in case of death it allows a pension according to a scheme on a family basis, funeral expenses being also paid. Brazil, by its Act of 1919, allows compensation equal to three years' wages in case of death or permanent incapacity, and in the event of death there is also an allowance for burial expenses. Italy's compensation Acts up to 1921 allow in cases of total permanent incapacitation six times a year's wages, but in any case not less than 6,000 lire, and in case of death, five times one year's wages, but not less than 5,000 lire. Belgium allows for permanent incapacity an annual allowance for three years, and after the three years a life annuity, and in case of death the sum of 75 francs is allowed for funeral expenses. The capital sum is equivalent to the value of a life annuity of 30 per cent. of the annual wages calculated on the basis of the age of the injured person at the time of his death. Uruguay allows for permanent total incapacity an annuity equal to two-thirds of the worker's annual pay, and in case of death a pension the amount of which is based on family responsibilities. In America most States recognise the fact that a permanently disabled workman is a greater economic loss to his family than if he were killed outright at the time of the accident, and consequently provide greater benefits for permanent disablement than in case of fatal accidents. Eighteen States and the Federal Government provide that for permanent total disability compensation payments shall continue for the full period of the injured workman's life. The following is an extract from the report of the International Association of Industrial Accidents Boards and Commissions, sitting at Chicago in 1921:—

> When a workman is totally and permanently injured, he requires assistance for the remainder of his life; and compensation should be paid during life.

American States have varying percentages for different types of injuries, and in several States the percentage varies with conjugal condition and number of children. In America the benefits for death in most cases approximate three or four years' earnings of the deceased employee. The methods which are provided for determining compensation for death vary somewhat. Two States provide for fixed absolute amounts without reference to wages or length of time, and one State proportions the amount of compensation to the working capacity and number and needs of dependants of deceased. Six States provide for the annual earnings for three or four years. The large majority of States, however, apply a wage percentage for specified periods. Of these, two States pay death benefits for less than 300 weeks; 12 for 300 weeks; seven for over 300 weeks but under 400 weeks; seven for 400 to 500 weeks; while seven States and the Federal Government provide benefits until the death or re-marriage of the widow. Further, 23 States place a limit upon the maximum amount payable in any one case, these maximum amounts ranging from 3,000 dollars in New Hampshire and South Dakota to 6,000 dollars in Alaska. It will be noticed that in America they have set great value on the amount paid at death. This has been the subject of a good deal of debate and criticism. I find it has been dealt with in many reports, and commissions of inquiry in America have given great consideration to the compensation paid to widows and dependants following upon fatal accidents. Mr. French, the chairman of the Californian Industrial Accidents Commission, to whose views I have already referred, dealt with this question as follows:—

> This simple obligation on industries part, diffused over the community by means of insurance, would seem to the layman, who is not a compensation student, as one that would meet with little or no opposition. The compensation student, however, knows otherwise. He has appeared before legislative committees and has noted the actions of others there. He has heard the wail that business men cannot stand a higher requirement——

Mr. Taylor: I have heard that expression before.

The MINISTER FOR WORKS: I can hear it ringing in my ears now. We will have a lot of that sort of talk during the next week or so.

Mr. Marshall: We have heard some of it already.

The MINISTER FOR WORKS: Mr. French continued—

> He has observed the telegrams and letters massed on legislative desks against the increase—

I anticipate that hon. members' desks will be littered with letters and telegrams as soon as the contents of the Bill become known in certain quarters. However, Mr. French continued—

> He has noted the hired man, usually with a background as an alleged friend of humanity, whisper into legislative ears the appeal for negative votes because this or the other business must succumb if it has to bear an additional financial burden. Against such organisation the widow and her children are helpless; in fact, they know nought of the devious ways of political life. They know the husband and father no longer returns each night from his work, and the little ones are informed by their mother that food is scarce and comforts have disappeared.

That is largely the position we are confronted with in Western Australia to-day. While at first glance the present allowance of £500, set out in the existing Act, looks comparatively large when contrasted with the preceding method, or want of method, it has to be realised that the day of that law is now a decade old. We need to take stock and then we shall soon find out how totally inadequate the average compensation death benefit is, and how industry has failed to meet what should be its first obligation. The worker who gives his life in order that the employment in which he is engaged may proceed, has indeed made the supreme sacrifice. He has done more than that if his life was taken needlessly. It is apparent there can be no replacement of such a life. The only thing that can be done is to make sure that industry does the least it should do, namely, keep the home intact and the dependent mouths filled. Under the British Workmen's Compensation Act of 1923 considerable amendments were made to the advantage of the employee. Under the terms of the old law, death benefits in England were to be on the basis of three years' earnings of the deceased, or the sum of £150, whichever was the larger, but not exceeding £300. Under the present law the minimum is £200 and the maximum £600. To-day Western Australia is on the £500 maximum basis, while conservative old England has a maximum of £600! In addition to that, provision is made for a variation of the amount on the basis of the age and number of dependent children under the age of 15 years. On comparing the death compensation maximum and minimum payments provided in the various States of the Commonwealth, I find that Western Australia's present basis is a minimum of £400 and a maximum of £500. In New South Wales the minimum is £300 and the maximum £500; in Victoria the minimum is £200 and the maximum £600; in Queensland the minimum is £300 and the maximum £600. I am referring to death compensation and not to compensation for total incapacity. In South Australia the minimum is £200 and the maximum £400. We propose under the provisions of the Bill to increase the amount payable for total incapacity and for death. We do not make the distinction that Queensland and

other countries make, by providing a greater amount for total incapacity than for death compensation. We propose to fix the one amount at £750 for total incapacity or for death, that being the amount the Queensland Act provides for total incapacity. Regarding lump sum settlements, our present law provides that, after the lapse of six months, a lump sum can be fixed by agreement or arranged by the court. The Bill provides that after six months a lump sum settlement may be effected by agreement or arranged by the court, and in cases of permanent incapacity the amount is to be sufficient to purchase a life annuity equal to the annual value of the weekly payments earned. Thus, if a worker had been drawing £3 a week as his wage, and a lump sum settlement is to be effected, it has to be sufficient to purchase a life annuity at that weekly rate. But the maximum allowed will be £750. In New South Wales, after the lapse of six months, a lump sum settlement can be arranged by agreement or by the court. In instances of permanent incapacity the amount fixed must be sufficient to purchase an annuity equal to 75 per cent. of the annual value of the weekly payments. In Victoria the provision is that after six months such a settlement may be fixed by agreement or by the court, who will compute the amount on 5 per cent. compound interest of the aggregate of the weekly payments. In Queensland the settlement may be by agreement with the State Insurance Commissioner, or as fixed by an industrial magistrate. In South Australia the provision is similar to our own Act, and in Tasmania the law provides for such a settlement after the lapse of two months either by agreement or by the court. In this particular law the question of insurance is a most important matter. Particularly in the country areas, we frequently hear of instances where workers have sustained accidents, but when they made claims, they found they had been employed by men of straw, who had not insured them. In such instances the workers get nothing. I have had innumerable cases brought under my notice in which the employer neglected to insure the workers, and as the employer had no assets, the worker had to suffer the full loss. We have considered the question as to whether some improvement cannot be effected. I find it is generally accepted in most countries that this matter should not be left to the individual employer so that he can do as he likes. In America 33 States have compulsory insurance laws with some form of competitive insurance, or at least an option given to the employer to choose the method of insuring his risk. In nine of those States the laws provide for a State fund through which the State conducts a workmen's compensation insurance business in competition with private liability companies. Private casualty companies, however, are permitted to write compensation insurance in all of those States. One State differs somewhat from the other States, having competitive State funds. It allows employers to carry their own risk and also permits substitute insurance schemes if the benefits provided equal those under the Act. Self-insurers, however, as evidence of satisfactory security, may furnish a surety bond or guaranty contract with any authorised surety or guaranty company. In North Dakota, Porto Rico, Washington, and Wyoming both compensation and insurance are compulsory. The State becomes the sole insurance carrier. It classifies the industries into groups according to hazard, fixes and collects premiums, adjudicates claims, and pays compensation. Two other States, Ohio and West Virginia, are nearly exclusive in character. They allow no private insurance company to operate, but permit self-insurance. Ohio permits employers to carry their own risks, though all such employers are required to contribute their proportionate share to the State insurance fund. Self-insurers, however, are not permitted to insure their risks in private companies. West Virginia has practically an exclusive State insurance system. It permits no private insurance but does allow self-insurance. The employers, however, who desire to carry their own risks must contribute their proportionate share to the administrative expenses of the law. In the Bill we propose making insurance compulsory. In Victoria it is obligatory and the State has an insurance office but has no monopoly. In Queensland insurance is compulsory and it is a State monopoly there. In the other States there is no such provision. While we propose to make State insurance compulsory, the employer can arrange his own insurance. He can carry his own risk, but should he do so he must lodge approved guarantees with the Treasury to the value of the amount of the risk he is carrying. I expect to hear that the Bill will represent a harvest for the insurance companies and that they will welcome it and will make money out of it.

Mr. Thomson: I suppose the rates will go up.

Mr. Marshall: Seeing that there are only 42 companies established, it will be hard for them to drag along.

The MINISTER FOR WORKS: I expect the House will hear something from the Premier a little later regarding our insurance laws. It is my present intention to ask the representatives of the insurance companies to meet me in conference in an endeavour to arrange a satisfactory working basis to meet the obligations imposed by the Bill. I am hopeful that we shall be able to come to terms so that no exorbitant charges shall be levied, and so that no great additional impost on industry will be entailed. If I am unable to make satisfactory arrangements with the insurance companies, I shall have to consult Parliament further.

Mr. Marshall: You had better notify us before you go into conference with the insurance companies.

The MINISTER FOR WORKS: If we provide that such insurance must be compulsory, and that employers must take out a policy to provide compensation for their employees, it is only right that the Government should have some supervision over the work. If we can arrive at some satisfactory working scheme with the insurance companies, we shall be delighted. Failing that, however, we shall have to ask Parliament to give us power to take further action. I come now to another aspect of workers' compensation legislation that is entirely new in the history of Western Australia. This is the only State, with the exception of Tasmania, where no provision has been made for the payment of compensation for industrial diseases. I do not know why it is we have drifted so far behind the rest of Australia and many other countries of the world. We have here one industry in particular that has been responsible for hundreds and thousands of employees becoming afflicted with a deadly disease. Yet Parliament has made no provision whereby those workers can be cared for or their dependants paid compensation. While we have boasted of our advanced social laws in this respect at all events we are away behind. The Bill proposes to deal with industrial diseases. It is safe to say that easily 90 per cent. of the industrial diseases that will be contracted in this State will come from the mining industry. The pity is that something was not done years ago, when that industry was thriving, when big dividends were being paid and the mines were in a much more flourishing position than they are to-day. But because something was not done years ago, is no reason why we should take no action now. As responsible men, we cannot shield ourselves behind what someone before us has failed to do. The obligation is on us, and I am positive that nobody who knows the position in the mining industry will deny it is high time Parliament did something to provide a measure of justice for those who have contracted deadly diseases in the mining industry.

Mr. Marshall: Does the Bill cover all occupational diseases?

The MINISTER FOR WORKS: Yes.

Mr. Marshall: Will it apply to the sleeping sickness peculiar to politicians?

The MINISTER FOR WORKS: One might say the hon. member ought to be afflicted with that disease.

Mr. Teesdale: Yes, by God, one might!

Mr. Marshall: I have not as much of a head as the hon. member has.

The MINISTER FOR WORKS: Anyone who has the least acquaintance with the mining industry must be stirred by the prevalence of disease in that industry. Whenever it falls to my lot to pay a visit to the sanatorium at Wooroloo, I come away a sad man and it is days before I get back to normal. When I go there I meet men whom I knew years ago on the goldfields as fine, big, strapping specimens of humanity. To-day at the sanatorium I find them mere skeletons of their former selves, human wrecks. Then one goes to the fields and there meets their wives and children. What is the outlook for them? What is their position? What has the country done for them? It would be different if during the time those men were engaged in the industry they had lived well and been paid according to the risks they ran. But whenever this industry provides a case for the Arbitration Court, witnesses are cross-examined as to every detail of their living expenses. They are asked to provide their household budgets, and every item of those budgets is carefully scrutinised. They are asked can they not cut down expenses, a shilling here, a sixpence somewhere else. Not a farthing is permitted them beyond the cost of a bare existence. Frequently, has it made my blood boil to sit in the Arbitration Court and hear the examination to which the men are subjected; every detail of their household expenditure, not a sixpence or a shilling that is not closely examined in an endeavour to find whether they cannot do without it; can they not do on less? The men who have to submit to that sort of inquiry are working in an industry where they are faced every day with the deadly disease that mining inflicts on its employees. If they lived up to a standard that made it worth while running a risk, there might be some justification for it all. But the homes those men have to live in are mere shanties, with roofs of a height that can be reached by a touch of the hand, iron roofs under a tropical sun. There we find women and children existing in conditions very little removed from those of aborigines. And the industry that inflicts those conditions on its employees afflicts them also with a deadly disease and then sends them to the sanatorium to face an early death. That industry makes no provision for compensation, except a one-third contribution to a fund now eking out a mere existence, the Mine Workers' Relief Fund, contributed to by the men themselves, by the Government and by the mining companies. It is high time something was done by Parliament to remedy that. The Bill makes some effort to meet the situation. I am aware that in any attempt to deal effectively with occupational diseases we have a most difficult task. But no intelligent person can go far in a study of compensation for industrial accidents, without realising that a logical consideration of the facts must lead likewise to compensation for occupational diseases. In fact the arguments used so effectively by advocates for compensation for accident are now generally accepted in support of compensation for diseases. I am fully aware that we shall have it ringing from one end of the State to the other that the Bill proposes to place on industry an impost that industry will be unable to bear. Let me make it perfectly clear that the Government do not regard the Bill as being the last word. But

also I want it to be clearly and distinctly understood that we as a Government, and the party on this side of the House, are determined that something must be done. There must be improvement on the existing situation. The wail that may go out, as Mr. French puts it, as to the burden this may be on industry, we have heard ringing down the corridors of the ages. In every reform that has been instituted, from the time the first attempt was made to restrict the employment of child labour, the cry went up, "If you do not permit industry to exploit the labour of little children, you will be ruining industry." It was claimed that industry could not stand up to competition unless it were permitted to employ little children, as in England, children of from eight to ten years of age employed for from 16 to 18 hours a day with a foreman standing over them with a lash to keep them up to their work. When Shaftesbury first attempted to stop that, the cry went up that industry would be ruined. When compulsory education was first introduced the cry again went up, and the widow and children were again used. The community at that time were told that if the widow were deprived of the few shillings her children could earn in industry, it would be ruination to her, and industry would be penalised by it. But we have found through history that these cries have proved to be false, that where industry has been compelled to stand up to the obligation of paying higher wages and giving improved industrial conditions, necessity has found a way out, inventions have been made, up-to-date machinery and appliances have been installed, improvements have been everywhere effected, and industry has thrived instead of being retarded. So I am convinced that, as with the law having similar provisions to those of the Bill, so we shall find that, instead of the haphazard, happy-go-lucky style we now have, with little attention, if any, paid to the health of the worker, with no scientific examination of the prevention of industrial disease, when this obligation is placed on industry, industry will soon find a way of combating the diseases and remedying the limitations they impose on industry. A few years ago when visiting Ceylon, I was sitting in the office of the editor of the "Ceylon Times" discussing the problem of a White Australia. Although he had never been in Australia, that gentleman was informing me that the development of this continent was impossible under the White Australia doctrine, that we should never be able to hold the country or develop it unless we admitted Asiatic or coloured labour. I was trying to point out to him that their methods of employment were antiquated, and could not compete with the Australian conditions. Also I told him there was no likelihood of Australia departing from the white Australia ideal. Chancing to look out through the window, I saw opposite the Grand Oriental Hotel, eight or ten storeys high, in course of construction. It had a scaffolding made of giant bamboos interlaced like a cobweb over its face. The method of conveying the bricks from the ground to the top storey was per native women, stationed one above the other all the way up the scaffolding. These women passed each to the one above her a little basket holding three or four bricks, and so the baskets went from the ground to the top storey. There were scores of women in the vertical line, and that is how that building was constructed. I had just come away from Sydney, where I paid a visit to the Homebush State Brickworks. There I saw the bricks taken from the kiln, stacked into a dray, the dray run on to a barge in the harbour, the barge taken down to the landing place, where the body of the dray was lifted out of the barge, placed on wheels and taken along to the building for which the bricks were intended. Arrived there, the load was lifted to the scaffolding stage where the bricklayers were laying the bricks. So those bricks were not handled anywhere between the kiln and the bricklayer. That struck me as being the difference between a state of civilisation in which the workers enjoy decent wages and conditions, and what passed for civilisation in Ceylon, where no regard was had for human life, where native labour was employed and where the employers had upon them little or no obligation as to wages and conditions. It is an economic truism the world over that wherever decent conditions have been enforced, there have sprung into being improved inventions and up-to-date appliances; and so I am convinced that as soon as we provide for the payment of compensation for industrial diseases, science will apply itself to the eradication of disease and improved health conditions will prevail in the mines. The increasing complexity of our industrial life with its rapid development, its introduction of new machinery and processes has introduced new occupations, new industrial poisons and new occupational hazards. The conditions of labour have changed greatly in the last 30 years. In the older parts of the world countries like England, France, Germany, and Italy found that death was exacting a very heavy toll in many industries. Indeed the workmen in those countries spoke of their condition as one of slavery, and of their factories and workshops as slaughter-houses. When we examine the statistics of that time we must admit that the statement was not altogether exaggerated. In 1833 in factory towns like Manchester, the youthful population was physically worn out before manhood, and the average age of the working classes was only 22 years as compared with 44 years among the higher classes. At a later period the general death-rate for the whole of England was 22 per thousand, but the death-rate in the labouring classes was 36 per thousand. Thus until conditions were imposed upon industry to carry this obligation, the death-rate amongst workers was

considerably higher than amongst any other section of the community. The method of compensation is based upon the principle that the individual misfortunes that cannot be prevented either by prohibition or regulation can best be borne by the community. When applied to industrial injuries sustained by workmen in the course of their employment, the justification for this principle is obvious. The expense of broken machines is borne by industry, which passes the burden on to society. In recent years we have come to insist that the financial expense of broken legs and arms should so be borne, and the next step must be the extension of the principle to include incapacity due to arms being paralysed by lead poisoning or to other diseases of occupation. Instead of the financial burden, as well as the physical suffering being borne by the victim or his family, the financial burden of relief should be placed upon industry. Australia and most other countries have legislated out of existence the manufacture of matches with white phosphorus, because of the human wrecks it was making of men and women. Other industries are also creating human wrecks, and no doubt in time will be dealt with in the same way. In 1864 certain occupations in England were declared dangerous, and in 1867 a law compelling the installation of appliances for the removal of dust was enacted. An Act of 1878 permitted children to be employed at the age of 10 years, but excluded them from work in certain of the processes in the white lead industry. The country which up to 1916 led in the matter of compensation for occupational diseases was Great Britain. Its Workmen's Compensation Act of 1906 contained a pioneer schedule of six diseases, for which compensation was to be paid on the same basis as for accidents. This list has twice been extended until to-day no fewer than 25 maladies of occupation entitle the victims to relief. But Western Australia has not yet made a start. In 1914 the Canadian province of Ontario adopted its first workmen's compensation law, modelled after that of England and scheduling the same six diseases. In 1913 the U.S.A. Department of Commerce published a report upon the operation of the accident compensation. Sixty-six closely printed pages were devoted to embarrassing questions arising out of occupational diseases contracted in the government service. One of the most urgent recommendations for a change in the law was that it be extended specifically to embrace diseases of occupation. In Massachusetts, beginning in 1914, the Supreme Court had several times upheld awards by the industrial accident board on the ground that the occupational diseases compensated were "personal injuries" within the meaning of the Act. The California legislature in 1915 brought occupational diseases within the scope of its compensation law of 1911 by striking out the word "accidental" as applied to compensable personal injuries. Eleven States of America and the Federal Government now include occupational diseases among the list of compensable injuries, five States having amended their Acts to this effect during the past two years. In most of these States all occupational diseases are compensated, but in Minnesota, New York and Ohio, the coverage is limited to certain specified diseases and processes patterned after the British law. In 1919 France provided that the responsibility for industrial accidents should be extended to industrial diseases as specified. The Act provided a schedule of industrial diseases for which compensation was to be paid. The French law also provided for the appointment of a central commission to give opinions on proposed amendments to the schedule and all medical and technical questions referred to it by the Minister for Labour. In India workers suffering from anthrax, lead poisoning and phosphorous poisoning receive the same benefits as when injured by accident. In Mexico the compensation laws are limited not only as to employments covered and persons compensated, but also as to injuries covered. The Mexican State laws specify that the employer is liable for industrial accidents and occupational diseases suffered by the employee only when they have arisen in the course of, or have resulted as a natural consequence from the employment. Seven States specify that an occupational disease is one contracted or developed during regular employment and as a consequence of it. The laws of three States authorise employers to require prospective employees to undergo a physical examination. At the recent International Labour Conference held at Geneva and attended by my friend, Mr. John Curtin, of Perth, as representative of Australia, this problem was also discussed. The meeting examined various questions bearing on industrial hygiene and pathology, including anthrax infection among workers, the possibility of placing industrial diseases on the same footing as industrial accidents from the point of view of compensation, and the preliminary inquiries that would be required to prepare for uniformity of colour-vision tests for railway men and seamen. The sittings of the committee occupied three days. The committee formulated various suggestions regarding the disinfection of hair, horns, and hoofs and with regard to measures for the protection of workers in certain occupations against risks of anthrax infection. On the subject of workmen's compensation, the committee expressed the opinion that workers who were victims of specified industrial diseases, of which it compiled a list, should have a right to compensation at least equal to that which they would receive if they were victims of industrial accidents. I wish to direct the attention of members to the importance of that decision, because this conference is held under the provisions of the Peace Treaty and every nation subscribing to the League of Nations is in honour bound

to give effect to the conference decisions. The only step taken here to give effect to any one of the decisions arrived at by the International Labour Conference was the small provision made in the Bill I introduced last session dealing with employees engaged in the manufacture of white lead. Quite a number of other decisions that vitally affect industrial workers have been reached, but so far no attempt has been made to give effect to them, although we as one of the signatories to the Versailles Treaty are in honour bound to give effect to them. The conference recently held decided that all industrial diseases should be compensated for on the same basis as industrial accidents. That is a duty this Parliament must fulfil, unless we intend to treat the Peace Treaty as a scrap of paper and repudiate our obligations to the industrial workers of the allied nations. Heaven only knows the industrial workers have received little enough out of the war. This is one of the means they have of gaining something, for the representatives of different nations there agree upon industrial laws that will effect improvement to the conditions under which the workers toil.

Mr. Teesdale: I suppose we are not alone in our neglect.

The MINISTER FOR WORKS: Mr. Curtain, in his address in Perth recently pointed out how our position seemed worse. He said Australia was regarded as an advanced nation, one that had outstripped most countries of the world in industrial conditions. We were pointed to as a democratic community where the worker had a vote equal to that of any other man. When backward countries pressed their Governments to give effect to the conference decisions, they were met with the reply that Australia, this advanced socialistic country that was supposed to be a workers' paradise, had not yet honoured the decisions of the Geneva conference. If an advanced country like Australia declines or neglects to live up to its obligations, it is seized upon by the Governments of backward countries as a reason for their not doing so. In many respects the honouring of these obligations means little or nothing. Take the provision of an eight-hour day. That was laid down by the Geneva Conference three or four years ago.

Mr. Panton: In 1919.

The MINISTER FOR WORKS: All countries subscribing to the Versailles Treaty and League of Nations were in honour bound to pass an eight-hours Bill, but Australia has not done it. The excuse made is that the eight-hour day is practically the recognised working day throughout the Commonwealth. When Mr. Curtin went to Geneva and met the representatives of different nations, they pointed out that Australia was a defaulting country in that it had not passed the Eight-Hours Bill, and it was no answer to say that the eight-hours principle prevailed. We have defaulted; we have not lived up to our obligations. Now that we have an opportunity to honour our obligations under the Peace Treaty, I hope it will not be long before we do so and adopt the other conditions agreed to by this International Conference. Let me come nearer home. Recently an interstate conference was held in Melbourne, and dealt with the subject matter of this Bill. This State was represented by Dr. Atkinson, the Chief Medical Officer, and Mr. Bradshaw, the Chief Inspector of Factories. The interstate conference was convened by the Commonwealth authorities for the purpose of discussing industrial hygiene. Amongst those present were Dr. Park, the Acting Director General of Health for the Commonwealth, and Dr. Robertson, Director Industrial Hygiene Division of the Commonwealth Department of Health. Dr. Robertson has recently returned from a world's tour. I think the Carnegie Institute financed him. He went to study hygiene and the problems that are being dealt with in this Bill. He spent some time in America. It was mainly to deal with his report that the conference was held. There were also present Dr. Badham, Medical Officer of Industrial Hygiene, Department of Public Health of New South Wales, Mr. G. H. Taylor, Railway Medical Officer of New South Wales, Mr. W. I. Taylor, Chief Inspector of Factories and Investigation Officer, New South Wales, Mr. E. Robertson, Chairman of the Victorian Health Commission, Mr. H. M. Murphy, Secretary for Labour, Melbourne, Dr. Ramsay Smith, Chairman of the Central Board of Health of South Australia, and Dr. Atkinson and Mr. Bradshaw, from this State, and Mr. Reynolds, Chief Inspector of Factories of Tasmania. Dr. Park was elected to the chair. I will read the report I have just received from Dr. Atkinson and Mr. Bradshaw covering this particular question. They say:—

> The last question dealt with was the important one of industrial diseases, or diseases of occupation, and the control of dangerous and unhealthy industries. It will, no doubt, be of interest to you to know that the conference unhesitatingly and unanimously passed the following resolutions in regard to occupational disease. (1) That it is desirable that each State of the Commonwealth should have in effective operation legislation controlling occupations dangerous to the health of those employed therein, and (2) That every Australian State should afford compensation for industrial diseases. It was the view of all members of the conference that the worker who loses his life, or suffers incapacity as a result of occupational disease, is entitled to compensation equally with him who meets with death or injury by accident. The legislation already in force in some of the States was reviewed, and a list drawn up of those occupational diseases in regard to which it was considered compensation should be payable. This list has already been submitted to you. It is possible that only a

few of these occupational diseases will concern this State for some time to come, but as industry develops they may become increasingly important. Certain mining diseases mentioned in the schedule are, however, of special import to this State; but if we are to have a uniform legislation throughout Australia, the list should be complete and the legislation competent to deal with any of these diseases that may arise from time to time. Whilst compensation is therefore considered just and desirable, it is the duty of the State to prevent the occurrence of industrial disease so far as lies in its power, and for this reason it must have the necessary statistics to show where and how it has arisen and the machinery to prevent its continuance or recurrence. The conference therefore recommends that the diseases specified in a schedule should be notifiable to the Commissioner of Public Health, whose organisation, working in co-operation with the Department of Labour, may investigate causes and institute preventive measures. In most of the States some legislation for notification and compensation of industrial disease has been in operation, but in none, with the possible exception of New South Wales, does the comprehensive range recommended by the conference appear to have been covered. Certain further points in regard to the legislation contemplated by you have already been submitted following our inquiries in the Eastern States, and it is presumed that their repetition is not desired here.

We have here the decision, not of a Labour conference, nor of party politicians, but of independent professional men who, unanimously and unhesitatingly, recommended that every Australian State should pay compensation in the case of industrial diseases. I cannot see that any argument that can be used in favour of compensation for accident can be used against compensation in the case of diseases. Under workers' compensation we say that no matter if the employee has been contributorily negligent, and has been careless, and met with an accident he might have prevented, or that he could, by the exercise of some care, have avoided suffering injury, he must be paid compensation. On the other hand, no matter how the worker may have hedged himself around with means of protection, or how careful he is, there is no hope of his dodging the germs. He will catch the disease. In such a case we are, up to date, making no provision at all for compensation. We must come into line with other countries. There is no logical argument why any country should provide compensation for accident, and make no provision for disease. Members will notice that in this Bill we are treating disease as accident. We are making the same provision for a workman who contracts a disease as for a workman who meets with an accident. I should like members to understand that the schedule of diseases set out in the Bill is the schedule approved by the conference in Melbourne. We have adopted that schedule in toto, just as it was recommended by the conference. The two Western Australian representatives assured me there is no doubt the other States will come into line. They were firmly convinced that all the Eastern States Parliaments would shortly be asked to pass a measure making provision for industrial diseases in keeping with the decision of the conference, and that is what we are asking for in this Bill. There is a clause in the Bill that permits of the schedule being extended. It is provided that the Governor-in-Council may, by regulation, add to the list of diseases. The Government are anxious that we shall live up to our protestations and not have government by regulation. The custom has been that immediately a regulation has been promulgated it becomes law and effective, whereas we are providing that although we may by regulation prescribe that a given disease may be added to the schedule, such regulation must be laid on the Table of the House, and cannot become effective until 14 days have elapsed from such time. That will give Parliament an opportunity to discuss the question and take exception to the regulations, and will reverse the existing custom of allowing a regulation to operate and for Parliament then to express an opinion. All industrial diseases will be notifiable to the Registrar General, who will be charged with the administration of the Act. The diseases that are marked with an asterisk will be notifiable by the medical man direct to the Commissioner of Health. The employer shall be responsible for notifying to the Registrar all industrial diseases, but only those marked with an asterisk shall be compulsorily notifiable by the medical man to the Commissioner of Public Health. The medical profession, particularly the chief medical officer in charge in Great Britain, places great importance on the need for notification. That officer points out how time after time it has helped the Medical Department in Great Britain to prevent the spread of disease, and has actually helped them to eradicate it. They receive notification of a disease. If they find the disease has become prevalent in a given industry they examine the situation, find out the causes, and remedial measures are immediately taken. They are very strong in Great Britain on the importance of diseases being notified. The conference in Melbourne also stressed the importance of this. I feel confident it will be a considerable help to professional men of the country in stamping out some of our industrial diseases. It must be borne in mind that before compensation is payable it has to be proven that the disease arose from the industry. The worker may contract any of the diseases named in the schedule, but unless it can be shown that they were contracted from the industry, they will not

come within the provisions of the Act. The same provision will apply to that, as applies to the other question as to a dispute for compensation in the case of accident. If the medical man attending the worker states that in his judgment the disease has been contracted in the industry, and the medical man of the insurance company claims that this was not so, but that the disease was contracted outside, the dispute shall be referred to a medical referee, who will be appointed under the Act, and an appeal from him will lie with the Arbitration Court.

Mr. Teesdale: The workman starts with a medical certificate.

The MINISTER FOR WORKS: Yes. The employee must be employed in the particular industry mentioned in the schedule within 12 months of making the claim. If a man has been outside that industry for more than 12 months before making a claim, he does not come within the provisions of the Act. If he has worked for more than one employer during that time, the employer with whom he last worked shall be responsible. The employee is called upon to advise the employer of the name and address of the employer with whom he was previously employed, and the last employer has the right of joining with the other employer in the action, and the amount of compensation shall be distributed proportionately between them. That is a copy of the provision now operating under the English law.

Mr. Thomson: Will not that tend to prevent men from getting employment?

The MINISTER FOR WORKS: We have heard that before. We are providing that all new arrivals must have a clean bill of health before they enter a particular industry. In the mining industry for some considerable time, ever since the operation of the Mine Workers' Relief Fund——

Mr. Marshall: Since February, 1915.

The MINISTER FOR WORKS: The mine owners have been insisting on a clean bill of health before new men are permitted to enter the industry. We propose to apply that principle to all new arrivals. There exists in some countries a stipulation for a residential qualification. For instance, the Queensland law provides that one must have been a resident of Queensland for five years before one is entitled to compensation in the mining industry, not in other industries. It was an endeavour to guard against workers with the disease flocking into Queensland to gain compensation. With a clean bill of health that restriction is not necessary. The conference recently held in Melbourne pointed out how unfair it would be of the Legislatures to restrict compensation to residents. The conference stated that quite a number of occupational diseases could be developed within a couple of months. Here, therefore, we stipulate for a clean bill of health in the case of all new arrivals, and also provide that a worker must have been in the industry within 12 months of his claiming compensation. There is at present in operation on the Eastern Goldfields the Mine Workers' Relief Fund, from which the Murchison goldfields have recently withdrawn.

Mr. Marshall: Only a part of the Murchison has withdrawn. The Meekatharra miners are still paying into the fund.

The MINISTER FOR WORKS: The fund is contributed to by the employees, the mine owners, and the Government; but the fund is having a very hard struggle for existence. During this year the Government have had to contribute an extra £1,000 to meet liabilities. There are now coming on the fund men who contracted the disease many years ago, when no provision existed for such cases. It is quite obvious that the fund cannot meet the whole of the demands being made on it. At the last conference with the unions and the mine owners, and the Chamber of Mines, which was attended by the ex-Minister for Mines, Mr. Scaddan, a tentative arrangement was made whereby, if Parliament enacted a law providing for compulsory insurance and compensation for industrial diseases, the mine owners should be relieved from contributing to the Mine Workers' Relief Fund, that the Government and the employees should continue to contribute to it, that the miners affected with the disease should come under what would be the law of the land and should be entitled to claim up to the limit of the law, and that after this claim was exhausted they would be able to go on the Mine Workers' Relief Fund and carry on thus for the rest of their days. That proposal was practically agreed to by the people on the goldfields, but I am very doubtful whether a fund operating under such conditions will be able to meet the obligations. I believe it is impossible, but I wish to say quite distinctly, and to have it thoroughly understood by those engaged in the mining industry, that before this Bill goes into Committee, the Minister for Mines and I will visit the goldfields and meet representatives of the unions and of the mine owners and discuss with them the administration of the Mine Workers' Relief Fund and the question how our proposals will affect the situation, the idea being to arrive at some arrangement with the unions and the mine owners for the carrying on of the existing fund to meet the cases of men who now have contracted the disease. For this law cannot be made retrospective. We cannot by this law cover the man already stricken down with miners' phthisis. But we will help to cover him in some way through the fund already established, letting this measure meet future claims. I am hopeful that some way out will be found. I am also very hopeful that the House will look with favour on the suggestions of the Government, that hon. members will see the time has arrived when something should be done. It is obvious that the great bulk of the claims under this Bill will come from

the mining industry. I repeat, I am sorry that provision of this nature was not made when the industry was flourishing. Western Australia has boasted of its Golden Mile. Everywhere we have travelled we have spoken, and in all our literature we have written, of our Golden Mile. We have held it out to the world that we possess here the richest mile of auriferous country in the world. It is famous for the amount of gold it has yielded. In reports of speeches made at banquets held in the Old Country, where there has been abundance of turkey and champagne, we have read eloquent references to the wonderful gold mines of Western Australia. But what has the Golden Mile done for the men who have delved in the bowels of the earth and won the gold?

Mr. Heron: It has put them into early graves.

The MINISTER FOR WORKS: What has the Golden Mile done for the widows and orphans? We have an obligation to face. Need I again remind hon. members of that passage about the widow and the children knowing that no longer does the husband and father come home, about the mother reminding the children that food is scarce and that comforts have disappeared? That is the situation in scores of homes on the Golden Mile, and right through our mining districts; and we have at Wooroloo a monument of human wreckage which the mining industry has built up—fine young Australians are there, just waiting for the end of their days. The responsibility is ours to see that some provision is made in view of the attitude other countries are taking towards those who have been stricken down in industry, and towards the widows and children they have left behind, in view of the provision other countries are making for industrial casualties. We make provision to ensure decent wages and decent conditions to those engaged in active industry. Let us by this law make some provision for the care of the casualties of industry. I move—

That the Bill be now read a second time.

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

BILL—JURY ACT AMENDMENT.

Report of Committee adopted.

BILL—FREMANTLE MUNICIPAL TRAMWAYS.

Second Reading.

The MINISTER FOR LANDS (Hon. W. C. Angwin—North-East Fremantle) [10.12] in moving the second reading said: This Bill consists of one clause. Its purpose is to give power to the Fremantle Municipal Tramways and Electric Lighting Board to provide and acquire, and to run on any roads, motor buses and other similar vehicles for the carriage of passengers. As hon. members are aware, the Fremantle tramways are owned by the local authorities, namely, the Fremantle and East Fremantle municipalities, but the management of the tramways is vested in a board, the members of which are elected by the ratepayers of the two districts. For some time the board have had under consideration the advisableness of running motor buses for the purpose of supplying the outlying districts with means of conveyance towards the trams. No power has been given to the board to purchase motor buses, or run them. The board can only run trams. Hon. members will recognise that local authorities having considerably over £100,000 invested in trams find it necessary to make preparations to protect the earning capacity of their trams. So far as the board have gone, they have levied only one rate, which was for the purpose of paying interest during the time of construction. From that time to the present day the tramways have paid all their liabilities, including sinking fund and depreciation. Motor buses are now coming into vogue, and we of the board want to make sure that the traffic of our tramways shall not be interfered with by persons going into the outlying districts with motor buses and there taking the business of the trams. That would mean a serious loss to the ratepayers of Fremantle. By this Bill the board ask merely to be placed in the same position as other people. They do not ask for any special favour, but simply for the power to purchase and run motor buses on the roads of the district.

Mr. Teesdale: You are giving Perth a lead, anyhow.

The MINISTER FOR LANDS: We want to make provision before it is too late. There are many outlying districts to which we can run motor buses for the purpose of feeding our trams, but to which it would not pay us to construct tram lines.

Member: You don't propose to go outside your own boundaries?

The MINISTER FOR LANDS: We are not allowed to do so.

Mr. E. B. Johnston: The Bill refers to any road.

The MINISTER FOR LANDS: We have a tramway running to the cemetery and that can provide for portion of the outlying districts. Palmyra has a fair population and we are catering for them. We could make arrangements to bring them into the town at a much cheaper rate than would be possible through private individuals. If we do not obtain power to do this work ourselves, some private individual may step in and secure these returns. We do not wish to maintain roads for the motor people to use. In Fremantle we have approximately 20 trams running continually. Although the trams do not use the roadway,

we have contributed to the local authorities £1,500, or £75 per tram for the upkeep of the road. Those trams only travel over the rails and therefore do not use the road. We cannot afford to make the ratepayers accept these financial responsibilities and at the same time allow other vehicles to step in and take the traffic.

Mr. Sampson: Is that the full number of your cars?

The MINISTER FOR LANDS: No, we have about 25 cars, but 20 of them are continually in running. The purpose of the Bill is simply to give the municipalities, through the tramway board, power to purchase and run motor buses in connection with the tramway system.

Mr. Sampson: Are any buses competing with the trams to-day?

The MINISTER FOR LANDS: No, with the exception of a small concern at North Fremantle where a motor bus picks up a passenger here and there and, for a weekly charge, conveys the workers to one or other of the big works there. We want to make provision before our revenue is affected. It will be too late to do that later on when our revenue is adversely affected. There may be some difficulty at a future date should we then attempt to take such a step, seeing that motor buses may then be established along certain routes.

Hon. Sir James Mitchell: You do not want a monopoly.

The MINISTER FOR LANDS: We do not ask for that. We merely ask to be placed in the same position as others.

Mr. Thomson: But you are asking for power to make by-laws regulating motor bus traffic.

The MINISTER FOR LANDS: We cannot interfere with any private party running buses, because we have no power regarding the licensing of vehicles.

Mr. Sampson: You are merely taking time by the forelock.

The MINISTER FOR LANDS: We are simply asking for power to make by-laws respecting the payment of fares and so forth.

Mr. Thomson: You do not require provisions to fine yourselves £5 under the by-laws.

The MINISTER FOR LANDS: That is necessary for the protection of the public. Action may have to be taken against some person if he uses bad language in the presence of other passengers on trams and so on. The running of motor buses has considerably interfered with the tramway services throughout Australia.

Mr. Thomson: And in every other part of the world.

The MINISTER FOR LANDS: It must be realised that the tramways, although they do not utilise the roadways, have paid a considerable amount towards the upkeep of those roads. In the city of Perth last year the Government tramways contributed nearly £12,000 and, in addition, over £7,000, being 3 per cent. of the revenue towards the upkeep of the roads. In such circumstances, it is necessary that the people's funds should be protected by preventing competition. The motor buses will be used as feeders for the trams. We do not intend running motor buses to Perth or anything of that description. I move—

That the Bill be now read a second time.

On motion by Hon. Sir James Mitchell debate adjourned.

House adjourned at 10.30 p.m.

Legislative Council,

Wednesday, 10th September, 1924.

	PAGE
Question: Commonwealth Loan	686
Bills: Electoral Act Amendment, 2R.	686
Standard Survey Marks, Com., report ...	692
Closer Settlement, 2R.	692
Inspection of Scaffolding, 2R.	694
Unclaimed Moneys Act Amendment, 2R., Com., report	695
Road Districts Rates, 2R.	696

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

QUESTION—COMMONWEALTH LOAN, £10,300,000.

Hon. J. W. KIRWAN asked the Colonial Secretary: With reference to the six per cent. loan for £10,300,000, now being floated in Australia by the Commonwealth Government on behalf of the States, what proportion is being raised for Western Australia?

The COLONIAL SECRETARY replied: Western Australia's proportion is £1,200,000. The expenses of flotation are provided for in the £10,300,000.

BILL—ELECTORAL ACT AMENDMENT.

Second Reading.

Hon. J. EWING (South-West) [4.35] in moving the second reading said: I thank the Leader of the House for his courtesy in placing this Bill in the foremost position on the Notice Paper. I thought I would