

*Divisions—State Ferries, £8,159; State Hotels, £61,734; State Implement and Engineering Works, £156,490; State Quarries, £22,806; State Steamship Service; £203,700; State Sawmills, £750,703; Wyndham Freezing, Canning, and Meat Export Works, £247,000—agreed to.*

Resolution reported, and the report adopted.

*House adjourned at 11.8 p.m.*

## Legislative Council.

*Tuesday, 11th November, 1924.*

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

### MOTION—TRAFFIC REGULATION, TO DISALLOW.

Hon. H. STEWART (South-East) [4.36]: As I explained to the House when moving for the postponement of this notice of motion, as the result of certain inquiries I propose to alter its terms. I now move—

*That Regulation 150 promulgated under the Traffic Act, 1919, as amended by the Amendment Act, 1922, published in the "Government Gazette" of the 5th September, 1924, and laid on the Table of the House on the 10th September, 1924, be and is hereby disallowed.*

The subparagraph in question exempts from a heavy traffic regulation which has been promulgated all districts and subdistricts comprised within the metropolitan area. Not being a metropolitan representative, I felt some diffidence in moving in the matter, as I thought possibly someone else would take action. My justification, however, is that as a member of this Chamber I consider that the districts and subdistricts of the metropolitan area should not be freed from heavy traffic regulations. In

that view I am supported by answers given in another place to questions asked by a member there, and these I shall read later. Further, I have been in consultation with the Road Boards Association of Western Australia, who considered the matter at their quarterly meeting in October last. As the result of mature consideration they came to the conclusion that it was undesirable to free the metropolitan area from the regulations in question. In that they were adhering to a decision come to by a road boards conference held in August, 1922. Prior to the regulations gazetted on the 7th September last, the regulations as then existing were amended and regulations were promulgated to impose special fees on heavy traffic. Those fees were imposed by the Armadale-Kelmscott road board and other road boards. Comparatively lately someone took exception to the imposition of those fees by the Armadale-Kelmscott road board, and upon the matter being taken to court it was held that the heavy traffic regulations were ultra vires. In consequence the Government promulgated other regulations to deal with what I think all members will consider a matter that should be dealt with—special fees for heavy traffic. These regulations were laid on the Table on the 10th September last.

Hon. J. Duffell: Was it not that same district in which a fatal accident occurred just recently in consequence of a bad road?

Hon. H. STEWART: I do not know, and I do not see that the query has any bearing whatever on the point.

Hon. J. Duffell: You said the fees were levied by that road board.

Hon. H. STEWART: New regulations have been promulgated, but exemptions are provided as I have stated. The subparagraph in question reads—

The following parts of the State are hereby exempted from the operation of this regulation: that is to say, all districts and subdistricts comprised in the metropolitan area.

That paragraph I am seeking to have eliminated from the regulations. Whether a fatal accident has occurred as stated has nothing whatever to do with whether a certain fee should or should not be imposed upon heavy traffic. In connection with the regulation there is nothing to release any local authority from any responsibility in the matter. The whole tendency of the Government's regulations is to foster in local governing authorities the desire to provide good roads. Further, the tendency of the regulations is to make people who do particular damage to the roads pay fees proportionate to the extra damage they cause.

Hon. J. Duffell: What about main trunk roads?

Hon. H. STEWART: That being the case, I do not see—though I am open to enlightenment—and the Road Boards Association of Western Australia do not see, why

the regulation imposing a certain fee on heavy traffic should not be borne by the heavy traffic in all the districts and sub-districts of the metropolitan area.

Hon. J. Duffell: I have heard nothing about this. I don't know whether any other member representing the metropolitan area has heard anything about it.

Hon. H. STEWART: For the further enlightenment of the Chamber I may point out that two other exemptions are provided by the paragraph in question—

(b) any goldfields as defined by the Mining Act, and (c) any road board district in which the public office of the board is situated north of the twenty-fifth parallel of South latitude.

That is to say, it is not deemed by the Government or by the Road Boards Association that there is any necessity for the imposition of special fees on heavy traffic in the road board districts of the far North and on mining fields. As a general citizen, I consider that if there is any place where special fees on heavy traffic should hold, it is in places where the traffic is most congested.

Hon. J. Duffell: I agree with you there.

Hon. H. STEWART: It is not necessary for me at this stage to take up the time of the House, the matter not being one of personal opinion. I shall simply submit the opinion of the Road Boards Association and the replies given by the Minister for Works to questions asked in another place. As I have stated, a legal decision rendered it necessary for the Government to promulgate new regulations. The *Gazette* notice reads as follows:—

A new regulation is hereby made to be inserted after Regulation 13:—

13. (a) A license for a vehicle engaged in heavy traffic shall be in the Form V. in the second schedule. (2) Regulations 149, 149a and 150 made pursuant to the said Act are hereby repealed. (3) The following regulations to stand as 149, 150 are hereby enacted:—149. For the purpose of "The Traffic Act, 1919," and all regulations made thereunder, "heavy traffic" shall mean and include the traffic of all vehicles engaged in the carriage or conveyance of sleepers or sawn, hewn, split and other timber, firewood, bricks, stone, gravel, metal, salt, lime, cement, farm produce, or other material in bulk, and the traffic of any vehicle the weight whereof, including any load, exceeds 12 cwt. per wheel. 150. (1) No person shall use on any road, in any district to which this regulation applies, any vehicle engaged in heavy traffic unless a license is in force in respect of such vehicle under the provisions of this regulation. Penalty £20. (ii.) The local authority of any district is hereby required and authorised to require any person using any jinker,

whim, or other vehicle or trailer engaged in heavy traffic in its district to obtain a license for which a fee shall be payable of the amount hereinafter prescribed, and the local authority shall issue such license to any person applying for the same on payment of the said fee. Such license shall be according to the Form V. in the second schedule of the Traffic Act regulations. (iii.) The provision of Section 9 of the said Act shall apply in every such license.

I do not think it necessary to read the remainder of the notice, except so far as it relates to agricultural vehicles. On this point it continues:—

This regulation shall not apply to—(a) A vehicle which is only engaged in heavy carrying on some special occasion for which permission in writing of the licensing authority for the district has been obtained; or (b) A vehicle owned and used by a farmer or settler carrying goods and materials to and from his own farm.

I omitted to mention that the annual license fees payable under the regulation shall be, for every cart of two wheels £5, for every cart or wagon of four wheels, £8. I have here a letter from the Road Board Association, dated 13th October, which reads in reference to my objection as follows:—

Referring to the repeals, additions and amendments of the traffic regulations published in the "Government Gazette" of September 5th, 1924, I have to advise that these received careful consideration and discussion at the meeting of the executive committee on the 9th inst., and it was resolved to approve of the same with the exception that it desired that Regulation 150 (Vb) should have the words "and materials" excised, also that No. 150 (Vla) should be removed from the exemptions. . . . The conference in August, 1922, when discussing the department's proposed heavy traffic regulations, decided against exempting the metropolitan area districts and sub-districts; and the committee are still of the same opinion that the heavy traffic regulations should certainly operate therein. I send this advice on to you, so that you may know the attitude of the executive committee on the regulations concerned. Thanking you for your interest in the matter, yours etc., (Sgd.,) E. H. Rosman, secretary.

On the 9th October, the following questions were asked in the Assembly by Mr. Richardson on behalf of Mr. Sampson:—

1, Does the amendment of the metropolitan area, in respect of the levying of heavy traffic fees, mean that owners of vehicles engaged in heavy traffic in

that area are not required to pay the special tax? 2, Is he aware that this imposes an undue burden on carters located in other districts? 3, Will he take steps to correct this anomaly?

The Minister for Works replied:—

1, The regulations imposing heavy traffic fees do not apply within the metropolitan area as amended, nor did the previous regulations apply to the metropolitan area. 2 and 3, It is recognised that the special tax should apply to vehicles licensed within the metropolitan area, and action is shortly being taken which, it is expected, will correct the anomaly.

It has occurred to me that only recently there has been springing up a heavy traffic of motor vehicles right through the country. Some of those heavy vehicles, if licensed in the metropolitan area, might possibly escape their liability, although travelling right through the Great Southern and South-West towns, and destroying the roads. However, that is not the main point of my contention, which is simply that the exemption of districts in the metropolitan area is not justifiable on general principles.

On motion by Colonial Secretary, debate adjourned.

#### BILL—BILLS OF SALE ACT AMENDMENT.

Introduced by Hon. H. A. Stephenson, and read a first time.

#### BILLS (2)—FIRST READING.

- 1, Permanent Reserves.
- 2, Roads Closure.

#### BILL—GENERAL LOAN AND IN- SCRIBED STOCK ACT CONTINU- ANCE.

*In Committee.*

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

#### BILL—TREASURY BILLS ACT AMENDMENT.

*In Committee.*

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

Clause 1—agreed to.

Clause 2—Amendment of Section 4 of 57 Vic. No. 2.

Hon. H. SEDDON: I should like to know from the Minister whether the sinking fund provisions of the Treasury Bills

Deficiency Act are applied to the Treasury bills issued from time to time since 1917. Provision is made that sinking fund shall operate from the year following the commencement of the Act.

The Colonial Secretary: I cannot reply to that question without first having notice of it.

Hon. J. J. HOLMES: I have before me a return showing the State's indebtedness to the 31st March, 1924. It appears that the gross indebtedness was at that time 63 millions, and that sinking fund was provided for 38 millions. I am using round figures. A sum of 25 millions is shown as "Various," presumably Treasury bills, etc., for which no sinking fund has been provided. There is a principle involved as to whether we are to provide sinking fund in connection with the money we are borrowing, or whether we are to leave it to the next generation to foot the bill. I am not speaking in a hostile sense because the present Ministry are in no way responsible for the position. It would appear, however, that no less a sum than 25 millions has been borrowed principally on Treasury bills for which no sinking fund has been provided. Sooner or later that 25 millions will have to be met, and the sooner we set about to provide a sinking fund to meet it the better. There should be provision in this Bill similar to that in the Bill we have just dealt with, and that is to limit the life of the measure to a year. I know money is difficult to get just now, and that we must pay a high rate of interest. The Government, therefore, are entitled to finance on Treasury bills, but they should not do so beyond the 31st December, 1925. Then they can come along and declare whether they desire to continue to borrow without providing a sinking fund, or whether they intend to establish one in connection with this method of raising money.

Hon. H. SEDDON: I assure the Minister that I had no intention of springing a surprise on him when I asked him my question a few minutes ago. The query I put was prompted by my reading the return from which Mr. Holmes has quoted.

Clause put and passed.

New clause:

Hon. A. LOVEKIN: I move—

*That the following new clause be added to stand as Clause 3:—"This Act shall continue in force until the 31st day of December, 1925, but no longer."*

This will bring the Bill into line with other measures of a similar nature that have been passed. Mr. Holmes has already explained why there should be such a provision in the Bill, and there is therefore no need to labour the question. The present rate of interest is high and probably will come down within the next 12 months, if we may judge correctly from the cables that have been published lately. Treasury bills, when once issued, carry no sinking fund, but in

this country, where from time to time we are losing so much money, it is desirable that a sinking fund should be provided.

New clause put and passed.

Title—agreed to.

Bill reported with an amendment.

## BILL—INDUSTRIES ASSISTANCE ACT AMENDMENT.

### *Second Reading.*

Debate resumed from 6th November.

Hon. J. A. GREIG (South-East) [5.10]: I intend to support the Bill. The object is to give the board power to wipe off some of the debts of the present clients who are looked upon as doubtful clients of the board. The Country Party, as a party, has for some time been asking for this legislation. Under the existing Act the board have no power to write off debts whilst the holder of the block is in occupation of it. But once he leaves the land, under power conferred by Parliament on the Agricultural Bank, the trustees are able to write off some of the debt. It seems to me, as it does to the Government, that it is better to give the existing occupier, who may have battled hard for many years to develop the land, the opportunity to make good by writing off some of his indebtedness. When the Industries Assistance Board was started some years ago, the administration—as is naturally the case with all new institutions—was difficult. None knew the conditions of farming in those days as well as we know them to-day. For instance, those who took up land were advised to go in for the production of wheat only, whereas to-day the advice is in the direction of mixed farming. Many men, therefore, were wrongly instructed and they piled up big debts and overhead charges. If these are now written down, the holders of areas will in many instances make good. The Agricultural Bank trustees, consisting of Messrs. McLarty, Cook and Moran, also control the Industries Assistance Board, as well as the Soldier Settlement Board with the assistance of Mr. Hugo Throssell, V.C. The last named was put on the Soldier Settlement Board at the request of the returned soldiers. On many occasions I have voiced the opinion that the Industries Assistance Board, the Agricultural Bank, and the Soldier Settlement Board should be amalgamated. The Bill does not carry out that desire, but it gives power to this body of men to write down debts where the holder of a property has a chance of making good. The Industries Assistance Board has been a good institution for the State, as well as for the individual. It has collected many thousands of pounds in rent, which, but for its existence, would not have been paid. I intend to support the second reading.

Hon. H. A. STEPHENSON (Metropolitan-Suburban) [5.14]: I shall support the second reading of the Bill. There are many private firms to whom men on the Industries Assistance Board have been indebted for some time. A few years ago something like half a million of money was invested in that way by the farmers. Everyone realises that the farmers have had a bad time and that, in consequence, it has been difficult for many of them to meet their liabilities. I believe it was decided after a conference with representatives of the Industries Assistance Board that the procedure proposed was a good one for all concerned. For that reason I support the Bill.

Question put and passed.

Bill read a second time.

## BILL—WORKERS' COMPENSATION ACT AMENDMENT.

### *Second Reading.*

Debate resumed from 5th November.

Hon. J. EWING (South-West) [5.17]: I support the second reading of the Bill because I believe in the principle of compensation. It does not necessarily follow because I intend to support the second reading that a large proportion of the measure will not call for serious consideration during the Committee stage. This is the second instalment of the industrial legislation promised by the present Government during the election. So far as I can see, they have carried out their promises to the electors faithfully. The Arbitration Act Amendment Bill, which is a drastic measure, has not yet received the full consideration of this House, and has not made rapid progress in this Chamber. I hope that not much more time will be spent before we are permitted to deal with it in Committee. Another place has got through a good deal of the business of the session and members there are likely to be called upon to await the completion of deliberations in this Chamber.

Hon. F. E. S. Willmott: They have a brutal majority there.

Hon. J. EWING: This position is quite the reverse of the ordinary procedure when we have been called upon to deal with important legislation during the last days of sessions. Hon. members will have to pay strict attention to the legislation before us if we desire to get into recess by Christmas time. If any additional legislation of an important nature is brought forward, I doubt if it will be possible to conclude the session before the end of the year. Members in this Chamber realise their responsibilities and desire to give a fair measure of consideration to every Bill brought before them, but we do not intend to be rushed. Some of the Bills before us will have such an important bearing on the destinies of the State that they demand our fullest con-

sideration. The Bill we are dealing with seeks to amend the Workers' Compensation Act of 1912. It is a Bill of the first importance. That must appeal to anyone who reads the measure, for it must make him wonder what we are doing. It is difficult to grasp fully the whole details of the Bill. The Minister who introduced the Bill in the Assembly as well as the Leader of the House in this Chamber, referred to the Bill as being intricate and difficult to deal with. The consideration of the measure will demand a lot of time. I support the measure because the principle of insurance against death or accident has been established. During the last few days I have endeavoured to compare the parent Act and the amending Bill. I have not given sufficient attention to be able to appreciate all the points affected, and doubtless during the Committee stage, matters that I have not noted, will be brought forward by other members. Both Ministers, in introducing the Bill took us all over the world where legislation of this description is in operation. Any part not dealt with by the Leader of the House, was referred to by the Minister for Works.

Hon. J. Cornell: They both missed a lot.

Hon. J. EWING: The Leader of the House made an excellent speech in introducing the Bill. There are many proposals in the Bill that do not meet with the views of some members in this Chamber. The Minister placed his side of the question clearly before us. There was no nonsense about what he stated, because he dealt with facts. He informed us that the Bill was necessary because Western Australia had lagged far behind other parts of the world, including some of the Australian States, in this class of legislation. No member of this Chamber would desire to withhold just consideration from the workers of the State. If the Minister succeeds in piloting the Bill through the Chamber in its present form, we will outstrip similar legislation in every other portion of the known world and those parts will look to Western Australia to ascertain how much further it would be possible to go. The Bill will have a far-reaching effect and demands close scrutiny. Being a House of review, members of the Legislative Council will give the Bill fair consideration. I do not intend to camouflage the position with a view to inducing the Minister to conclude that I shall support the Bill in globo. I have serious objection to portions of the Bill. In framing the measure I am afraid the Minister for Works, quite unwittingly of course, did not take into full consideration the requirements of all sections of the community. To me, the Bill looks like class legislation. In dealing with a Bill, a Minister of the Crown must give consideration to the rights of not merely one section of the community. He must not endeavour to place upon the statute book Acts that will be favour-

able to one section of the community only and unfavourable to other sections. There are three sections of the community whose interests have to be safeguarded. The employees are the most important because compensation is necessary in their interests in the event of accident or death occurring as the result of their employment. That provision for compensation has now been extended to cover occupational diseases. We should do all in our power to provide adequate compensation. At the same time we must consider other aspects and make sure that compensation awarded will not be such as to adversely affect the position of the man who has invested his money in an industry which might be crippled. In that event there will be no work for the employee, for unemployment will follow. Thus, such a position would be bad for the worker himself. The general public also have to be considered, as we must see that in providing compensation for the worker we must not make the cost of production and of commodities too high. We must hold the balance true as between the varied interests. I do not think there is a member who does not desire to conserve the best interests of the workers regarding compensation, bearing in mind the exigencies of the State.

Member: You do not mean that, do you?

Hon. J. EWING: I do. It has been said that no matter what compensation we provide we cannot make up for the loss of a husband or of a bread-winner. That is very true. It is impossible to provide adequate compensation in such circumstances. Nor can we compensate adequately the man who loses the use of his eyesight. What has life for such a man? What has life for the man who has lost the use of an arm or a leg? It cannot hold out as much for him as it did when he was possessed of all his physical powers. We cannot give adequate compensation, but we can consider what is the greatest amount of compensation we can provide, while still holding the balance true. Only two States of the Commonwealth provide for compulsory insurance. In Queensland it is a State monopoly, and is compulsory, while in Victoria, although compulsory, the insurance companies enter into competition with the State. I have figures regarding the effects of compulsory insurance in those two States. In 1922, Queensland had a population of 756,000 people and the premiums paid in that year amounted to £335,610 or 8s. 11d. per head of the population. In Victoria, with a population of 1,531,000, premiums to the amount of £288,060 had been paid, and per head of the population this works out at 3s. 9d. This indicates the difference between compulsory insurance in Queensland and the system in Victoria.

Hon. T. Moore: Are your Victorian figures authentic?

Hon. J. EWING: I believe so.

Hon. T. Moore: Are you positive?

Hon. J. EWING: Yes. I am speaking of 1922. I have not seen any figures for 1923.

Hon. E. H. Harris: Not for Queensland?

Hon. T. Moore: That is up-to-date. You have the correct ones from there.

Hon. J. EWING: If the cost per head in Queensland had been the same as in Victoria for 1922, the Queensland employers would have paid £141,744 instead of £335,000, a difference of £193,866. If it had cost Victoria as much per head of the population as was the case in Queensland, the former State would have had to pay £394,000 more than it did. This would have been a serious charge and a big tax upon the people of that State. I quote these figures to show what the State monopoly in Queensland means, and how much better it is to have competition in every avenue of industrial life.

Hon. J. R. Brown: In Queensland all the insurance competitors went out of the market.

Hon. J. EWING: That shows how serious the position would be if the Government of this State introduced State insurance. If they had gone the way Queensland has gone, it would be a bad thing for the State, and for the employers who would have had to pay big premiums.

Hon. E. H. Harris: You claim that State monopoly is responsible for the higher rates?

Hon. J. EWING: I am stating facts. There must be something wrong with Queensland when the premiums are so much higher per head of the population than is the case in Victoria.

Hon. G. W. Miles: Under this Bill ours will be much higher than in Queensland.

Hon. J. EWING: No one knows what this Bill means. I hope the Minister in his reply will be able to tell me whether my figures are correct or not. I do not think there has been much improvement since 1922.

Hon. J. Cornell: Is it not the nature of the risk that governs the premiums?

Hon. J. EWING: Yes. I have already compared Queensland with Victoria. The people of the latter State seem to be quite satisfied.

Hon. E. H. Gray: Not the workers.

Hon. J. EWING: I have shown what the results will be for this State if we pass the Bill. The amount of compensation provided for incapacity under this Bill is £750. I am not clear whether or not that is the total liability.

Hon. A. J. H. Saw: There is £100 for medical expenses, etc.

Hon. J. EWING: Yes, and so much for funeral expenses, and artificial limbs, reaching a total of about £850. Dealing with occupational diseases, provision is made for so much to be paid to the worker week by week, and no deduction is made from the total amount on settlement. That will really mean a great deal more than £850. I

wish to compare the position set up in this Bill with that obtaining elsewhere. The British Workmen's Compensation Act of 1923 provides for a minimum of £200 and a maximum of £600; New South Wales provides for a minimum of £300 and a maximum of £500; Victoria for £200 and £600 respectively; Queensland, £300 and £600; South Australia, £200 and £400; and Western Australia for a maximum of £500 at present. In the case of this State the Bill proposes to raise the amount to £750, and in fact to nearly £900. The Bill will be a great advantage to the worker, and if it is passed we should certainly not lag behind other countries. We are not much behind them now. Our maximum of £500 is within £100 of any other State of the Commonwealth. If we give an extra £250, we shall be higher than the others.

Hon. A. J. H. Saw: It is a Marathon race. We win at every stage.

Hon. E. H. Gray: We are behind the Old Country at present.

Hon. J. EWING: How can the hon. member say so on the figures I have quoted? If we make the amount £750 we shall be £150 above the Old Country.

Hon. T. Moore: Do you think we should lag behind the Old Country?

Hon. J. EWING: I do not say that, but the Minister said we were behind all the countries in the world.

Hon. G. W. Miles: The insurance companies will do good business.

Hon. J. EWING: Clause 3 amends the definition of dependants, by striking out the words "such members," and inserting "the widow and the children under the age of 16 years, of a worker (whether dependent upon the earnings of the worker at the time of his death, or not so dependent)." This opens up a big question. No one can say that the widow and dependants should not get full compensation, but in some circumstances it might be unjust that they should do so. A man may be separated from his wife for many years, and the wife may be living on her own income. The man may be giving his earnings to his father or mother, or other dependants. There is a difference between a legal dependant and a real dependant. The real dependant receives money from him week by week, and has to live upon it; the other is one with whom he has not been living for many years, and who has no right to his support. Something should be done in this respect.

Hon. J. Cornell: This actually becomes a perquisite of the insurance companies today. It is covered by the employer, and the insurance company pays.

Hon. J. EWING: Subclause 2 of Clause 3 proposes to amend the definition of "worker" by striking out "whose remuneration exceeds £400 a year," and inserting "whose remuneration exceeds £520 per year." The £400 a year is satisfactory. The alteration is in keeping with

Queensland and New South Wales. I have ascertained the position in other parts of the world. The amount in New South Wales is £525, in Victoria £350, in Queensland £10 weekly—that is practically the same as in the Bill—South Australia £8 weekly, Tasmania £5 weekly, New Zealand £250 to £400, and England £250 to £350. Mr. Gray said we were lagging behind the Old Country, whereas in the two instances I have quoted we are ahead of it.

Hon. T. Moore: We would want to be.

Hon. J. EWING: The average works out at £403, and that is what should cover the definition of "worker." Those whose incomes, wages or salary, is over £400 a year and reaches £520 a year, are to be workers under this Bill, but if a man earns more than £400 a year he is in a position to insure himself. The figure provided here is too high. Another clause I take exception to is that referring to contractors. A contractor has always had to insure his own men. Any man who employs another has to accept the responsibilities of a contractor, and has to find £5 for every man he employs and does not cover. Canvassers and commission agents are also brought under the Bill. These should certainly be excluded. They work by contract, and it is difficult to define for whom they are working. An agent may be employed by a dozen different people and his employers would share the risk between them. A canvasser works for himself, and for many different amounts in wages. He should, therefore, be excluded from this Bill.

Hon. T. Moore: You believe in working long hours?

Hon. J. EWING: No. Clause 5 should not be allowed to pass. I refer particularly to Subclause (1) paragraph (b). This protects the worker on his journey to and from the place of his employment.

Hon. A. Lovekin: That will add 30 per cent. to the premiums.

Hon. J. EWING: It is an unreasonable proposition, and should not find a place in any legislation. We are told it comes from the Queensland Act, and that it has not done any harm. That is no reason why we should adopt it, and I think the majority of the House will oppose it.

Hon. J. R. Brown: Why have you such a set on Queensland?

Hon. J. EWING: If an employer has no control over his workers it is not fair to ask him to pay for any accident that may occur on the man's journey to and from his employment. The Minister, in introducing the Bill, spoke of a dangerous place in the Fremantle Harbour which workers had to cross in a tugboat and where they were liable to meet with accident while on their way to work. Dr. Saw interjected that it was a dangerous trip across to South Perth.

Hon. J. J. Holmes: Was he referring to the "Duchess"?

Hon. J. EWING: Yes.

Hon. J. Duffell: I should not like to be shipwrecked in her.

Hon. J. EWING: It is going to the extreme to pass legislation of that description. Provision is made for all cases to be brought before the local court. I am quite opposed to industrial magistrates.

Hon. J. Cornell: Under this Bill the industrial magistrate will be quite all right; he is to be the police or resident magistrate.

Hon. J. EWING: My reading of the Bill is that, in addition to the police or resident magistrate, the Minister may appoint industrial magistrates to hear these cases. If it were only a question of appointing the police or resident magistrate, my objection would not be so great. An appeal is to be allowed from the decision of the magistrate to the Arbitration Court. At present an appeal may be made to the Supreme Court, the High Court and the Privy Council. Perhaps this limitation of the appeal is a move in the right direction.

Hon. G. W. Miles: We can alter that so that parties may appeal to the Supreme Court.

Hon. J. EWING: The hon. member is entitled to his own opinion on that point. The decision of the Arbitration Court is to be final. I should like to know whether counsel may appear in appeals before the Arbitration Court. In ordinary industrial matters counsel may not appear in the Arbitration Court, but there should be an opportunity for the proper presentation of an appeal under this measure to the Arbitration Court. Some of the industrial diseases mentioned in this Bill are new. In some parts of the world those diseases are recognised and I am not going to say I object to their inclusion. If such diseases can be traced to the calling of the worker, it may be right to include them, but there are two diseases about which I require further information; one, cancer, and the other zymotic diseases. Perhaps Dr. Saw will be able to enlighten us as to zymotic diseases. Cancer is certainly not one that should be included, because scientists are unable to tell its cause or origin. Another clause to which I object is that empowering a union official to interfere in a settlement. There is too much of this sort of thing permitted at present. One thing that appeals to me is the difficulty of comprehending this Bill and conjecturing what will happen if it becomes law. No one knows whether it will involve a cost of two, three, five or seven per cent. in premiums.

Hon. G. W. Miles: You know it will cost from five per cent. up.

Hon. J. EWING: It will certainly cost a considerable amount, and we are justified in looking to the Minister to give us some statement as to what the cost will be. The Minister for Works told another place that he was consulting the underwriters to ascertain what the cost would be. Later on he

said he had consulted the underwriters; and yet he made no statement as to the cost. The Minister does not know what the cost will be; the underwriters do not know; no one knows. Therefore it is impossible for us to arrive at a conclusion as to the burden that this measure will impose upon the people. It may prove embarrassing to the whole community; industry may be hampered, and the measure may prove highly disadvantageous to the State. I have been wondering how we can arrive at this information. The difficulties are so great and the information as to its possible effects so slight that it might be well to refer the measure to a select committee.

Hon. A. Lovekin: Hear, hear!

Hon. J. Cornell: How far would a select committee be able to guide us on the question of risks?

Hon. J. EWING: I do not know, but some further information should be forthcoming.

Hon. T. Moore: Is that your method of killing the Bill?

Hon. J. EWING: Certainly not.

Hon. T. Moore: I have seen other measures killed in a like manner in this House.

Hon. J. EWING: That is not so.

Hon. T. Moore: It has been done in this House.

Hon. J. EWING: There is a large amount of other work before us and there is considerable time at our disposal, and I for one want to know what this measure is going to cost the community. Will it be two, five or seven per cent., or how much?

Hon. A. Lovekin: Perhaps 12½.

Hon. J. EWING: No member can tell us what it will cost.

Hon. J. Cornell: Exactly the same set of circumstances presented themselves when the first compensation Bill was passed.

Hon. J. EWING: That is so, but I want the information. It is a pity that members should be called upon to vote on the Bill without that information. If it is possible to obtain it by select committee, we should appoint one. I want Mr. Moore and those who think with him to understand that I do not wish to kill the Bill. There are portions of the Bill that are necessary and will receive my hearty support. With the other portions I do not agree. I shall vote for the second reading, but as regards the points to which I have directed attention, I shall oppose certain clauses in Committee.

Hon. J. J. HOLMES (North) [5.53]: I am not prepared to speak to the Bill as I should like to do, but the question of adjournment crops up so often and we have so much to do that the quicker we get along the better. Therefore I shall have to give my views after having only briefly studied the measure. The Bill seeks to set up a condition of affairs that does not exist elsewhere, not even in Queensland. We are asked to go even further than Queensland has gone. Mr.

Brown has interjected about what happened in Queensland and referred to all the insurance companies having cleared out of that State. I should like some information on this matter. I am informed that when Queensland undertook insurance under the workers' compensation law, it also undertook fire insurance, and at the end of a period the State was £40,000 or £50,000 short—

Hon. J. R. Brown: It made that much profit.

Hon. J. J. HOLMES: No, it was short on the compensation insurance and had to draw upon the fire insurance business to adjust accounts.

Hon. A. Lovekin: That is right.

Hon. J. R. Brown: Queensland made £50,000 profit on insurance.

Hon. G. W. Miles: Not on compensation insurance.

Hon. J. J. HOLMES: I wish to be informed whether it is a fact that Queensland was some £40,000 out in its compensation calculations and had to draw upon fire insurance to adjust the accounts. If it is not so, I shall be glad to have a denial; if it is so, we should be informed. If the Leader of the House gives us this information it will certainly enlighten members. The Minister for Works, in introducing the Bill in another place, said—

I am conscious this is a most intricate measure and one that requires careful handling.

That is the statement of a Minister who has been studying this subject for years. The Minister added—

My trouble in framing the Bill with a desire to make it appear an up-to-date measure has been to avoid creating the impression that the Bill was attempting to revolutionise the existing position.

The Minister said not that he was revolutionising the present position, but that he wished to avoid creating such an impression. When a Minister makes a statement like that, it behoves members to look very carefully into the Bill. It is tantamount to an admission that the Minister is seeking to revolutionise the present position, and that his desire is to avoid creating that impression.

Hon. E. H. Gray: We lag so far behind other communities.

Hon. J. J. HOLMES: It is useless to talk to me about Queensland. I know what they have done in Queensland and what they are doing. I am prepared to bring this Bill up to a level with legislation in other States in the East, but not to follow Queensland. To mention Queensland to me is as bad as waving a red rag to a bull. So it is to everyone who stops to think what has happened and what is happening in that State. The measure, if it becomes law, will involve legal points at every turn. There is a provision for one appeal and one appeal only, and that



is from the police magistrate to the Arbitration Court. We have been led to believe that the Arbitration Court business is terribly congested, that parties have been unable to get within coo-ee of the court, and that provision was necessary to relieve it of the congestion of work. Simultaneously with that, we have the Arbitration Court introduced as a final court of appeal. Moreover, the intention is to have a layman as president of the court. That is not denied. The layman will have to consider all the legal technicalities which will crop up under the Workers' Compensation Act. As Mr. Ewing pointed out, the Bill does not even provide that the litigant, either employer or employee, may be represented by counsel before the Arbitration Court. From what I see of the Bills now being introduced for our consideration, it seems to me there is an attempt at every stage to block appeal. In introducing the Bill the Minister said—

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.

No doubt we shall get uniformity of decision from a man who does not understand the law. He will arrive at one decision, and ever afterwards will stick to that decision because he will not know whether it is right or wrong. The speech continues—

That does not mean new appointments of magistrates.

It will mean new appointments of magistrates if the Ministry desire to make new appointments.

Hon. J. Cornell: But the Bill provides that an industrial magistrate shall be a police or resident magistrate.

Hon. J. J. HOLMES: Yes; and the Government can appoint as many police and resident magistrates as they like. What is the use of putting that argument before men of common sense? The Minister's speech continues—

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.

Hon. J. Cornell: One cannot do away with appeal to the High Court in that fashion.

Hon. J. J. HOLMES: Yes; that is what the Bill provides.

Hon. J. Cornell: It cannot be done.

Hon. J. J. HOLMES: Mr. Lovekin this afternoon inserted in a Bill a provision which said that the measure should remain in force until the 25th December next, and no longer. What is the difference between inserting such a clause as that in a Bill, and inserting in this Bill a clause providing that the Arbitration Court's decision shall be final?

Hon. A. Lovekin: We cannot override the Federal Constitution.

Hon. J. J. HOLMES: The hon. member can deal with the question from the Federal aspect later. I think the Minister who introduced this Bill knows as much about the matter as Mr. Lovekin knows. The Bill distinctly states that all appeals are to be cut out except that from the industrial magistrate to the Arbitration Court. Mr. Lovekin can get all the Acts of Parliament around him, and quote from them all; but that will not greatly influence my opinion. The Minister introducing the Bill has made a special study of the subject of arbitration and he stated that he had cut out appeals. There has been reference to intimidation of magistrates. I do not say that such is the case, and neither do I say that such will be the case. Certainly as regards the Leader of this House, nothing of the kind will be attempted. But assume that we had in power a Government who set about intimidating the magistracy. Then suppose that these industrial cases were tried by magistrates, who are appointed for only a given period, who can be retired practically at any time. The position is different with a judge of the Supreme Court, who is there practically permanently, being removable only by a resolution of both Houses of Parliament. If the magistrates try these cases and the Government in power desire to intimidate the magistrates, what sort of decisions would a magistrate be practically compelled to give to retain his position? If he found for the employee, it would be all right. I do not say that anything wrong would occur under this Administration; I am merely pointing out what might happen under some other Administration. If the magistrate found for the employee, I repeat, all would be well; but if he found for the employer, something might happen with regard to the magistrate. The magistrate might have to make way for somebody else. It has been suggested, but I do not suggest, that such a thing happened quite recently in this State. Now let us pass from the magistrate to the Arbitration Court, whose decision is to be final. If we have a layman as president of the Arbitration Court, that layman will be a partisan, because immediately one gets past the Supreme Court judges one has to take a man from one side or the other. So we are to have a partisan layman president of the Arbitration Court to decide cases under a most intricate piece of legislation. What sort of justice are we likely to get dealt out to us? Then there is a proposal

to make contractors employees under the Bill. The Minister's speech contains the following:—

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.

Then someone interjected that any man letting a contract would have to insure against accident to the contractor and his men. The Minister proceeded—

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.

Let us deal first of all with the contractor and the men employed by him. Assume that the proprietor of a station or a large agricultural holding engages a contractor to do certain work, and that the contractor works with the men. Then the proprietor would have to insure the contractor. Next, he would be responsible for the insurance of the contractor's men against any accident. It is quite possible that it would never come to the proprietor's knowledge what men were employed by the contractor, or who they were. I can see a very open gate here for conspiracy between the contractor and his men, they knowing full well that the proprietor, who knows nothing about the matter, will ultimately have to foot the bill. Now let us deal with the insurance canvassers, men who are occupied all hours of the day and some hours of the night. An insurance canvasser's only hope of getting hold of a man whom he wishes to see about insurance is to go to his house at six or seven o'clock in the evening. The difficulty is that these insurance canvassers frequently represent ten or a dozen different companies and firms. An insurance canvasser may represent one company for fire insurance, and another for life assurance, and another for accident assurance, and he may also be an agent for Bushell's tea. In fact, a canvasser might represent up to 20 different companies and firms. Now, who is to be responsible for that canvasser's insurance? Which company or firm is to pay the insurance premium? If hon. members will pause to think for a moment, they will see the necessity for considerable amendment of the Bill. The Minister in another place quoted "Butterworth's Workers' Compensation Cases," Vol. 13, page 89—

Workers should not be confined merely to causes arising out of or in the course of their employment, but should be covered in all movements that are necessary to their earning a livelihood.

The Minister went on to say that the worker is to be covered

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.

In justification, the Minister merely said that the provision was working very well in Queensland. I have heard that the law is working so well in Queensland that the State Compensation Insurance fund there, in order to liquidate its liabilities, has had to draw £40,000 or £50,000 from the State Fire Insurance Fund. Let me put this position to the House. In and about the city I suppose the employer could call at the worker's house in the morning with a motor car to take the man to work, and in the evening could send him back home by motor car. After that the employer's liability might cease.

Hon. A. Lovekin: Pretty risky, that! One might smash the whole lot.

Hon. J. J. HOLMES: I am illustrating what would happen in town. Employers there could protect themselves to the extent of taking their workmen home by motor car in the evening, and getting a receipt for them, and calling for them again in the morning. But in the case of a station or a farm the men are on the premises 365 days a year. They are always on the place. I have been told that in Queensland a shearer was mending his boots on a Saturday afternoon, when the knife slipped and did considerable damage to his arm, damage of such a nature that he was unable to continue his avocation as a shearer and thus came under the Workers' Compensation Act. He was doing some work for himself on the Saturday afternoon after he had finished his work for his employer. The man was mending his own boots, but nevertheless the employer was held responsible. That is the provision which is working so well in Queensland. Of course it is working well, and it can work very well for a time; but the industries of Queensland have to bear the cost of it, and the industries of this State will have to bear the same cost if we are foolish enough to enact such a provision.

*Sitting suspended from 6.15 to 7.30 p.m.*

Hon. J. J. HOLMES: Before tea I was pointing out what would happen in respect of the employees in the pastoral and agricultural industries if they were on the premises for 24 hours a day, 365 days in the year, during which time the employer would be responsible for any accident that might happen to them, either while they were carrying out the employer's work, or while amusing themselves during periods off duty. On reference to the existing legislation I find that the employer is liable for any accident arising out of or in the course of the employment. That, I think, is going far enough. If we go past that I do not know where we shall get to, or what responsibility will be heaped on the employer.

Hon. J. R. Brown: The Bill is not going any further than that.

Hon. J. J. HOLMES: If the hon. member has not read the Bill, I hope he will do so, and that if he reads it, he will understand it. He will have ample time to defend the Bill. I promise him that if he addresses the House on the subject I shall make an effort to be present. I might tell him that when, the other day, he had the adjournment of a Bill I, being at some distance from the Chamber at 4.30 p.m., hired a motor car in order that I might be here to listen to him. There is in the Bill provision for medical attendance. That does appear in the existing Act. The employer is to be responsible for medical attendance, and in the event of a dispute between the employer's medical adviser and that of the employee, the dispute is to be decided by another medical adviser. By whom is this third medical adviser to be appointed? Not by the employer nor by the employee but by the Minister. Why not in this, as in all similar situations, refer the dispute to an arbitrator appointed by the two medical men themselves? Throughout the Bill there are attempts to bring in the Minister. What the Minister has to do with a decision on technical points, is altogether beyond my comprehension. At present the employer is faced with quite enough responsibility in respect of medical certificates. There are in the medical profession men of the highest integrity, but unfortunately there are also black sheep amongst them. An insurance company operating in New Zealand with which I am connected, has notified its Perth directors that in New Zealand the insurance companies have had to black list a lot of medical men, because they were passing as fit for life insurance proponents who were bordering on the grave. I want to make it clear that my remarks apply to only a section of the medical profession. But even in this State, when a worker meets with a slight accident, perhaps only a bit of skin off his fingers, he rushes to a medical man, and if the medical man thinks the patient is not likely to be able to pay him for his advice, he has only to say, "Your case should come under the Workers' Compensation Act," and he knows he is sure of his guinea. So it will be seen that we are on very dangerous ground when we agree to the Minister appointing a third member of the medical profession to adjudicate between two others of the same profession. But for the inclusion of occupational diseases in the Bill, I would vote against the second reading. However, so much am I impressed with the necessity for bringing some occupational diseases within the scope of the measure, that if from that point of view alone, I will vote for the second reading. But the occupational diseases included must be clearly defined in plain English. I have read the schedule of diseases in the Bill. Some members may be able to decide what is meant by some of the high falutin' terms, but for the life of me I cannot understand what 90 per

cent. of the diseases included really are. We all know what miner's phthisis is, for from time to time members representing the goldfields have explained to us the disease, and how its victims suffer, and what their ultimate fate is.

Hon. J. Cornell: Pay compensation for miner's phthisis, and you need not worry about the rest.

Hon. J. J. HOLMES: The trouble is that if we enforce compensation for all these diseases it will be harder on the employees than on the employers. To begin with, the employer will not employ a man unless he has a clean certificate of health. The difficulty will be to get the employee to undergo the necessary medical examination, for he knows that if he fails to get the clean certificate he will be out of employment. From my experience of human nature I know that if we include diseases such as miner's phthisis, it will become very hard on a lot of the old miners suffering from that disease. In my view, starting from a given point, the State or the industry should provide compensation for those who under the Bill, will be forced out of their employment. Many phthisical men in the mining industry have spent all their lives on the goldfields. Unable to get away, they have had no other occupation offering and have had to go down the mines and engage in that employment. To ask an employer to continue to employ those men and be responsible for anything that might happen hereafter, is asking altogether too much. The responsibility will be on the men themselves, and if they cannot get a clean certificate of health, they will be passed out of their occupation. I am told it is almost impossible to diagnose a lot of these diseases, except by means of the X-ray apparatus. Such apparatus is not available outside of Perth. I take this opportunity to mention that in Broome, in the far North, where the X-ray apparatus is likely to be required at any time, the people agreed to put up £200 of their own money, and they asked the Government to put up another £200 in order that an X-ray plant might be secured for Broome. But several similar requests came from disparate parts of the State, and as a result I understand the Treasurer excluded the whole lot from this year's Estimates. I make an appeal on behalf of the Broome people. The existing conditions are all right for people in the southern areas, who have railway communication and motor cars to enable them to rush urgent cases into Perth to be dealt with under the X-ray; but what hope has any person in Broome of rushing to Perth in time for a serious trouble to be dealt with promptly by the X-ray? I do appeal to the Minister for the North-West to see that Broome is provided with that £200 in order that emergency cases requiring the apparatus may be dealt with on the spot. Now we have been told what happened in Queensland. I propose to tell the House what

happened in New Zealand and in Tasmania where legislation was passed including occupational diseases similar to those in the Bill before us. The sponsors for the Bill have not said anything about this. It has remained for others to mention it. In connection with the measure that was passed in New Zealand, it was not the employer that rebelled, it was the employees who would not submit themselves for examination, and the employers would not engage them unless they did so. As the New Zealand Parliament was in recess there was a deadlock, and the outcome was that the Government there accepted the responsibility until Parliament met, and when Parliament met the section was repealed. That has been given to me on the best authority. Will the sponsors for the Bill, who have told us about everything that happens in Queensland, inform us whether what I have related is a fact or not? Tasmania also passed a section similar to the one that is contained in the Bill before us. That State, too, came to a dead-end, and the Act there, I am told, has been amended to the extent that the section remains in the Act, but is not to operate until Parliament provides that it shall. Here are two countries, New Zealand and Tasmania, having had experience of this very question, and adopting the course I have related. The trouble has come from the men themselves, many of whom are not able to pass a health examination. I find it is provided in the Bill that the last employer is to be responsible in the event of a man meeting with an accident, and this employer can fall back upon the immediately previous employer of the individual. But that employer may be bankrupt or dead, or he may have left the State. If he has left the State, it may be possible to chase him and to secure part of the compensation from him, but if he is bankrupt or dead the last employer will have to carry the whole of the load. This responsibility does not cease when the worker leaves his employment. He may leave on the 31st December, 1923, take a trip round the world, and perhaps, having a weak chest may develop consumption. Then he returns here and his last employer in this State will be liable for the payment of compensation if it can be shown that the disease was contracted as the result of the man's employment whilst engaged in the industry. The onus of proving whether the disease was contracted in the industry or not rests with the employer. If a man has contracted a disease, he knows the condition he was in when he entered that industry and he knows the state he was in when he left it. The responsibility should be with him to show that he contracted the disease while he was actually employed in the industry; the responsibility should not rest with the employer. Take the men engaged in shearing. I do not know whether the diseases mentioned in the schedule include rheumatism, a complaint that is associated to some

extent with the work of shearing. Most of the shearers are old men. They begin in Kimberley in March and finish at Albany about December. They are shearing nine months of the year and are employed for not more than one month, and in some cases only a couple of weeks, by the one employer. They pass on from shed to shed. At the last shed a man may be employed for a week, and then goes away for 12 months and in the interval develops a disease which he may claim to be the result of shearing. Rheumatism, as hon. members know, is prevalent amongst shearers. The man has in mind the last employer for whom he worked one week. He cares nothing about the other 51 weeks of the year. Then it is for that particular employer to prove that the disease was not contracted while the individual was working for him. Is there any justice in that? What about all the other employers for whom the individual worked, say, for 40 or 45 weeks? Let me read to the House what the Minister for Labour said when he introduced the Bill—

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 the claim, he does not come within the provisions of the Act.

We can rest assured that the claim will be made within 12 months.

If he has worked for more than one employer during that time the employer whom he last worked for 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—

Not the employer but the employee

—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.

The next point will be that somebody else will be made to suffer. It may happen that one employer may be dealing with one insurance company, and the other employer with another insurance company. Litigation may follow and, if the Bill is passed, it will probably add to the harvest that will be reaped by lawyers. Coming to another provision, it may happen that the employee is not supporting his wife and children. He may be spending all the money that he earns, and he may be of no use whatever to his wife or to his family. He meets with an accident, I do not care whether it be on his way home or going to work.

Hon. T. Moore: That is an extreme case.

Hon. J. J. HOLMES: I am not quoting extreme cases.

Hon. T. Moore: I hope there will not be many such instances.

Hon. J. J. HOLMES: I have referred to black sheep amongst silvertails, as the hon. member would call them. There are black sheep everywhere. I was pointing out that a man may not be of any use to his wife or family; in fact, he would be better dead than alive. The question may arise as to how to get rid of him. If someone hit him over the head with a bottle he would be worth £750 to his widow and children, whereas if he continued to live he would not be worth a halfpenny to them. But it is proposed to go further than that.

Hon. J. Cornell: You cannot go much further.

Hon. J. J. HOLMES: The Bill goes further, at all events, but if we can help it, we will not let it go so far. Under the present legislation a worker has to elect whether he will proceed in connection with his claim, under the Workers' Compensation Act or the Employers' Liability Act, and having decided, he must be satisfied with the decision. Under the Bill he can have two shots at the employer. First, he can elect to proceed under the Workers' Compensation Act, and if he does not get all he thinks he should get, he can proceed under the other Act. The Bill proposes a double-barreled gun. If the man does not get what he wants with the first barrel, he can discharge the other. But it will not be the employer that will pay; it will be the industry. The employers and the insurance companies do not live on air. Let me quote the case of where a wife clears out with some young man that she likes better than her husband. The father and mother may be dependent upon the husband and they get compensation under the present Act.

Hon. J. R. Brown: Would that be a constitutional disease?

Hon. J. J. HOLMES: I am not a member of the medical profession. If I were I would have no difficulty in determining that the hon. member was suffering from a constitutional disease, and doubtless if I referred the matter to the Inspector General of the Insane he would confirm my diagnosis. The wife may be gadding about some other part of the world with the young man she likes better than her husband, and a father and mother may be depending upon the husband. Under our existing legislation, should something happen to the husband, the father and mother or either of them, would get the compensation in view of the circumstances I suggest, but under the Bill the giddy young wife will turn up in the right place and at the right moment and claim £750 under one Act and £750 under another Act. Then she will proceed to lavish the £1,500 upon her new companion, although the money came to her as the result of the death of her unfortunate husband. The mother or the father would get none of it.

Hon. J. M. Macfarlane: Evidently there will be created another industry, that of husband deserting.

Hon. J. J. HOLMES: Assuming that members of the Chamber are suffering from the constitutional disease as diagnosed by myself, and we pass the Bill as it appears before us, what will happen? Our industries will not be able to carry the burden. It is all very well to talk about what they do in England. Western Australia is a country of primary industries. We have a population that cannot consume all we produce. We have to compete with our produce in the world's markets. We have to convey our produce overseas for 15,000 miles and with the return journey this represents a total of 30,000 miles. We have a protective tariff framed by the Federal Parliament that is all right for the Eastern States where they have secondary industries. But it has a reverse effect upon Western Australia with our primary industries. So much are we adversely affected by the tariff, that ships have to come out practically empty and our primary products have to pay double freights and yet compete in the world's market. If hon. members desire to kill industry, and drive capital out of the country, they are going the right way about it. Seeing that we represent the people who pay—that is the difference between the Assembly and the Council—I can assure hon. members that the people are alarmed at the legislation that has been advanced.

Hon. E. H. Gray: Some of the people may be.

Hon. G. W. Miles: The majority of them are.

Hon. J. J. HOLMES: The majority of the people are trembling for fear this Chamber will pass the legislation I refer to. Those people do not as a rule study the Constitution and there is a feeling of alarm. Let me tell them—it is the duty of the Press to let them have the information too—that there is a fear that if we do not see fit to agree to this legislation, the Legislative Assembly will abolish this Chamber as was done in Queensland.

Hon. E. H. Gray: It should have been done years ago.

Hon. J. J. HOLMES: I want it to be known throughout the country that the Legislative Council cannot be abolished unless we ourselves pass the Bill to abolish this Chamber.

Hon. T. Moore: Public opinion will wipe this Chamber out.

Hon. J. Ewing: Public opinion is with us.

Hon. T. Moore: You would not like to test the question on a different franchise. If you did you would not be here.

Hon. J. J. HOLMES: If one section of a community think they can ride roughshod over every other section, they should remember that men with capital can come and go. While I admit that labour is essential for

the development of a country, I hope the Labour Party will be far-sighted enough to recognise that capital is equally essential in the interests of the State. If capital is taxed out of existence, there will be unemployment. I do not believe that the Government considered for one moment that there was any hope of the Bill being passed in its present form. I do not admire Labour members for making reckless extravagant promises throughout the country as to what they would do if they obtained possession of the Treasury benches.

Hon. F. E. S. Willmott: They made them and succeeded.

Hon. J. J. HOLMES: Having persuaded the people whom they represent that that was the position and that if they were returned to power Labour would bring about all sorts of reforms, I have not a word to say against them for bringing forward legislation. My complaint against the previous Government was that they made promises on the hustings and declared in favour of a certain policy, but when elected to power they declared in favour of a different policy. The present Government have honoured their election promises and are now praying to God that the Legislative Council will deal with their measure in an equitable way. It is on record that the Present Premier said, "Thank God we have a Legislative Council."

Hon. T. Moore: He was joking.

Hon. J. J. HOLMES: If I were in the Premier's bedroom when he was retiring at night, I venture to predict that I would hear him praying seven days in the week, saying, "Thank God we have the Legislative Council." While the Labour Party are keeping their election promises, I am afraid there is another nigger in the woodpile. The Government are hoping that the Legislative Council will trim their Bills into a more respectable form and convert revolutionary Bills into what may be classified as equitable measures. It is hoped that in doing this, the Legislative Council will become unpopular.

Hon. T. Moore: It is unpopular now.

Hon. J. J. HOLMES: The trouble is that the hon. member views the question from the same point of view as I do. The mistake most of us make is that we think public opinion is that represented by those with whom we come in contact. Mr. Moore meets one class of people and they say, "Away with the Legislative Council." I meet an entirely different class in the community, such as business people.

Hon. J. R. Brown: You need not tell us that.

Hon. J. J. HOLMES: I do not claim for one moment that the people I come in contact with are any better from a moral standpoint than other sections of the community, but the fact remains that they view the position from an entirely different standpoint. Each of us may be wrong, but it has to be remem-

bered that under the Constitution one-third of the Chamber have to go to the country every two years.

Hon. T. Moore: One-third of the members of this Chamber go to part of the country every two years.

Hon. J. J. HOLMES: In common with nine other hon. members, I will have to seek re-election in the near future. There is opportunity for the hon. member to endeavour to reform the House and ultimately secure sufficient numbers here to enable a Bill to abolish the Legislative Council to be passed. If Mr. Moore is right, and he has numbers on his side, this is the course he should adopt. If he is able to succeed in securing the return of ten members at the next elections, who will be in favour of his point of view, the probabilities are that the remaining 20 will get such a fright that they will pass the legislation Mr. Moore desires.

Hon. T. Moore: The sooner that happens the better.

Hon. J. J. HOLMES: The hon. member will have his opportunity in the near future.

Hon. T. Moore: You know we have not got the voting power. Only one-third of the people will be consulted.

Hon. J. J. HOLMES: The hon. member will recollect what his mother told him in his childhood days when she quoted to him, "The man who pays the piper should call the tune." The more I consider that old saying, the more wisdom I see in it. We represent the people who pay the piper and we are entitled to have some say in calling the tune.

Hon. T. Moore: That is your opinion.

Hon. J. J. HOLMES: The hon. member may have an opinion of his own, but I question whether Mr. Brown has one at all. We have heard scandalous assertions made regarding the employers. We have been told what employers do and how they treat their employees. Yesterday it became my duty to travel from 7.30 a.m. till 7.30 p.m. in order to see an old friend who is on the brink of the grave as the result of consumption. When I saw him I found that his last employer with whom he had been for two or three years only, had paid my old friend his full salary for the past 12 months and will continue to pay it as long as the man lives. He also provided a motor car to enable the man and his wife to go for drives whenever possible.

Hon. T. Moore: The Bill will not hurt a man like that who is humane.

Hon. J. J. HOLMES: No, but we are told that the employer is a scoundrel and out to victimise the employee. Any employer knows in these days of specialism that the staff is the mainstay. Unless an employer has a good staff, he cannot get on. Yet we have this doctrine taught that the employer is out to down the employee. What I saw yesterday convinced me more

than ever of the necessity for dealing with the disease created by work in the mining industry. For that reason, if for no other, I will support the second reading of the Bill and I hope that during the Committee stages we will be able to amend it so as to make it a more equitable measure. I do not propose to say anything more now than to urge upon hon. members the necessity for giving close attention to the Bill to see if we cannot evolve something that will relieve employers from the liabilities the Bill seeks to impose upon them and at the same time do something for those unfortunate miners who suffer as the result of their occupation.

Hon. G. POTTER (West) [8.13]: I do not propose to delay members for any length of time in discussing the Bill. It is one that should go through the refining process of the Committee stage. No hon. member would suggest for one moment that compensation should not be paid to those suffering as the result of industrial occupations. The desire to pay compensation to the dependants of those who suffer death or to those suffering from accidents and from the disabilities occasioned by occupational diseases, is not the prerogative of any one political party. All parties are united in the opinion that something should be done in that direction. We have heard what has happened in various places. Queensland has been on the lips of every member almost every minute he has been speaking on the Bill. One is really concerned as to whether Queensland is an excellent place to go to, or an equally excellent place to keep out of. We have also heard what has happened in England, New Zealand and other places. It appears to me that while we are considering the experiences of these other places, in what was at the time experimental legislation, and while we have probably much to learn from them, we must think of the varying conditions that prevail in their industrial and social being. We must also not fail to remember that whatever is done in Western Australia will have to be footed by Western Australian residents. We should, therefore, pause before doing anything that might savour of a revolutionary character, lest we forget that whatever we do we ourselves will have to pay for. It would not be altogether advisable to take one headlong plunge into the legislation of other places without giving due consideration to its local application. One of the features of the Bill is that it provides compensation to dependants. Mr. Holmes has dealt explicitly with that question. Undoubtedly it would be a grave injustice if the real dependant were to be deprived of that to which he was entitled, merely because of this amending Bill. Take the question of an aged father or mother, who is left as a dependant upon an obedient son, that is, someone who has been deserted

by his wife. That lady surely cannot reasonably be placed before the aged father and mother, who gave this hostage to the success of the State. In Committee I hope Mr. Holmes will give to this clause the attention he usually bestows upon the clauses in other measures.

Hon. J. J. Holmes: The present law provides that, but this Bill amends it.

Hon. G. POTTER: A grave disability will be inflicted by this Bill upon the principals who employ contractors. It is explicitly set out, and it is intended and foreseen, that this will apply in a great measure to coming agricultural areas. All kinds of provisions are made for woodcutting, etc. Picture the position of a struggling farmer who lets a contract for clearing in order to bring more acres under cultivation. Government after Government have implored the farmer to open up fresh ground. Even the Closer Settlement Bill provides for this very thing. A great disability will be cast upon the farmer, and it will impede him in performing his functions. Many times a small man will employ a contractor, and the contract is signed and sealed. The principal may be called away, and in the meantime the contractor may put on extra men, unknown to the principal. Is it fair or just that the principal, who lets the contract, should be entirely responsible for all the men employed by the contractor? If the Bill becomes law, and the contractor finds out how much he must insure for, and what his premiums will be, undoubtedly his price will include the extra charge. The feature of this Bill is to protect the wage earner.

Hon. T. Moore: How would you meet such circumstances?

Hon. G. POTTER: The contractor should be responsible for his own men, just as he is for the efficiency of the job he undertakes. Someone else should not be made responsible when the principal may be miles away from the job that is being undertaken. A contractor would take the greatest umbrage if his principal interfered with his work. I know of a farmer who complained of the manner in which a contractor was carrying out his work. The contractor said, "You have interfered with my job. I want my cheque. You can finish the contract." Now I come to canvassers and collectors. It was surely not contemplated that canvassers should be brought under this Bill. If so, it was an ill-advised and an ill-considered act. A canvasser is his own principal in many cases. He is not employed on a weekly, fortnightly, or monthly wage. Many of them are paid by the results of their own efforts, their natural ability and the amount of time they put into the work.

Hon. T. Moore: That is the case with wages men.

Hon. G. POTTER: No. The wage-earner takes up a job, and has to carry it out within certain prescribed hours, and at the direction of his master. The canvasser

is very largely his own principal. In the case of canvassers and collectors who may be working for a number of small firms, which may have a stack of agencies in their pockets, who is going to be responsible? Which of the firms will carry the insurance premiums? Only the other day I read of an insurance canvasser who was dealing with some stubborn client. His last argument was: "You evidently do not understand the value of insurance. I carry a £5,000 policy upon myself." He was rather nonplussed when the prospective client answered, "How do you justify your existence to your wife?" If some canvassers are to carry a multitude of lines with them and think each one of the firms they are working for is going to be responsible, they might suitably be asked the same question.

Hon. T. Moore: You would have no firm responsible.

Hon. G. POTTER: I want to find out which firm would be responsible. If all are to be responsible, is Mr. Moore going to classify the responsibility pro rata according to the value of the article the canvasser is carrying? Now we come to the question of the worker being covered by insurance from the time he leaves home in the morning until he returns at night. I am strongly in favour of an adequate amount of compensation being paid to the worker while he is actually in employment. What moral justification, however, is there for insuring a man who is away from the direction of his employer? It seems so absurd that I almost think this is merely a lordly gesture to the wage-earner, indicating some kind of Utopia wherein, in future, by the march of time, he will find it is nothing else but a mere question of mirage. The Leader of the House evidently had difficulty in justifying this provision. The only incident he mentioned was the great danger experienced by the Fremantle lumpers in having to take the hazardous journey across the harbour from one wharf to another, and the necessity for their being covered by insurance. I do not say the lumpers should not be covered by insurance from the time they come under their employer's wing until they leave it again. From the time the lumper is picked up on the wharf for work on the North Wharf he is automatically insured. I hope the Minister will quote some more telling instances showing the necessity of insuring workers between the time when they leave their homes and reach their work, and leave their work and return to their homes. The section of the Bill dealing with occupational diseases must appeal not only to the good sense of the House, but also the sentiment and sympathy of every member. All must have seen with great sadness of heart the awful devastation and the inroads made by industrial diseases. When we talk of industrial or occupational diseases, we have in our minds chiefly the complaint known as

miners' phthisis. In that direction much could be done for the sufferers. No matter what the Government might suggest within reason, I believe this House would heartily applaud and help them to bring it into being. Comparatively recently many of us had an opportunity of going underground in the mines in Kalgoorlie and Gwalia. One striking feature of our visit was that we saw the men actually working underground, where they contract this dread disease. The wonderful thing is that mine owners can induce people to take on this class of work. When people visit a mine, and realise the uncertainty of the ground above them, they are astounded by the fact that there are men who are willing to delve in the bowels of the earth in order to make a living. One asks oneself the question, is this worth while? If it is necessary to conduct mining industries, and it is, anything we can do to alleviate the conditions of living for men engaged in mining is well authorised. I support the second reading of the Bill.

Hon. J. CORNELL (South) [8.30]: I too have made no preparation for a speech, but I intend to follow the example set by previous speakers in order that we may push on to the Committee stage, which is the proper place to consider such contentious legislation. I must again refer to the Minister for Works and the pamphlet he distributed containing an exposition of the Industrial Arbitration Bill and the Workers' Compensation Bill. I allude to the Minister's lack of courtesy in not extending consideration to some whom I thought worthy of it. I return to that charge. I exonerate the Leader of this House. It would have been courteous of the Minister for Works if he had explained how far this House had gone to improve compensation legislation. In 1920 an amending Bill came from another place containing a proposal to increase the salary of a worker eligible for compensation from £300 to £400. Several members pointed out to the then Leader of the House, Mr. Colebatch, that if it was logical to increase that amount, it was only logical to make a corresponding increase all round. Mr. Cunningham, Mr. Dodd and I had a conference with Mr. Colebatch, and this was agreed upon. The question was raised whether we had power to make such an amendment. Eventually, however, this House did increase the amount of compensation to be paid from £400 to £500, and the total amount of weekly payment was increased from £2 to £2 10s. Thus we made the Bill square all round. The Minister for Works, however, made no reference to the action of this House in providing that increase.

Hon. H. Stewart: That is not the only thing we have done.

Hon. J. CORNELL: No. Any credit for the increases I have mentioned is due to



this House; they were granted spontaneously by this House. No reference, however, has been made to that. On the contrary, this House has been spoken of as an institution incapable of granting any measure of consideration by way of relief or reform.

Hon. T. Moore: I think you have said some things against this House in years gone by.

Hon. J. CORNELL: And probably I shall say some more.

Hon. G. W. Miles: He is telling the truth now.

Hon. J. CORNELL: Had the Colonial Secretary been acquainted with this, I think he would have referred to it in moving the second reading. Under the definition of dependants it has been necessary in the past for the widow, children or relatives to prove dependency on the worker. Under this Bill it is proposed to amend the definition so that a dependant may be the widow, or children who may not be dependent on the worker. I have looked up a few of the Acts operating in other parts of the world, and the most comprehensive in any statute-book is the Phthisis Act of the Union of South Africa. In all the Acts with the possible exception of that of Queensland, lawful dependency governs compensation. From two angles there are no objections to the new definition. Generally speaking, an employer does not inquire whether his workers have dependants. He insures them all. If one of them had such a lady as the one to whom Mr. Holmes referred, and she went off with someone else and the lawful husband was killed, she could claim compensation regardless of whether she was dependent upon him. In one respect that might be all right. It would be no concern of the employer, because he would have insured the man; but it would be the concern of the insurance company. Though the cover had been paid for the man, it would be a windfall to the insurance company comparable with the windfall enjoyed by the associated banks years ago when bank notes were lost.

Hon. G. W. Miles: The employer would have to pay the cover.

Hon. J. CORNELL: There might be one black sheep amongst employers sticky-beak enough to inquire of his workman whether his wife had deserted him, but generally speaking employers would not do that.

Hon. J. J. Holmes: In what way would he benefit?

Hon. J. CORNELL: The employer would not benefit; he would have to insure the man.

Hon. J. J. Holmes: Then why would he inquire?

Hon. J. CORNELL: As a rule he would not inquire.

Hon. G. W. Miles: The employer pays the premium and the insurance company takes it into account.

Hon. J. CORNELL: I would not agree to a person not dependent upon a worker reaping the benefit. That would be wrong from every aspect. But the insurance company should not be allowed to reap the benefit. If it be necessary for the employer to cover all his workmen irrespective of whether they have dependants, it should not become a perquisite of the insurance company if a worker without dependants is killed. The amount should be paid to a deserving institution.

Hon. J. J. Holmes: The insurance companies accept the risk.

Hon. J. CORNELL: If the hon. member employed 50 men and all 50 wives deserted, the law still provides that the 50 workers should be insured.

Hon. J. J. Holmes: But the next employer might have a man with two wives.

Hon. J. CORNELL: The employer would have done his part of the business by insuring them all. Yet, if accidents happened and the question of dependency cropped up, the company would reap the benefit. Mr. Moore can bear me out when I say there were dozens of men in the A.I.F. in respect of whose service non-dependants benefited. Some wives had deserted for five, 10, and 15 years. When the husbands were overseas the wives applied to the military authorities for separation allowances and got them. Some of these women are drawing pensions from the Commonwealth today, notwithstanding that their husbands had not contributed to their support for as much as 15 years, and notwithstanding that they were no more dependant upon their husbands than if they had never been married.

Hon. J. J. Holmes: You do not want to perpetuate that.

Hon. J. CORNELL: No, but I do not wish the insurance companies to claim money that does not belong to them.

Hon. G. W. Miles: We shall get a lower premium if they do not have to take that risk.

Hon. J. CORNELL: On these fine points we can expect as much consideration from the insurance companies as clients of the associated banks received before the days of the Commonwealth note issue.

Hon. G. W. Miles: There is a lot in that!

Hon. J. CORNELL: When every worker has to be insured, a certain amount should be paid by the companies regardless of whether the worker has dependants, but it should not be paid to a person who is not a dependant. The Bill has many features which require consideration in detail. However, the trend of to-night's debate suggests to me that what concerns the minds of many members is, can industry carry this added impost? Imposts of this kind have never been accurately assessed. The incidence of phthisis

has been sought to be measured in South Africa for ten years past by the ablest actuaries, but their efforts have proved unsuccessful. The same remarks may be made of all workers' compensation Acts. However, I have to ask myself firstly, is the imposition of compensation justifiable, and secondly, can we compensate with money for injuries received or deaths resulting? In answer to the second question I say, we cannot. But hon. members, if they will consult the greatest authorities on workers' compensation, can trace back the whole thesis of compensation to Roman-Dutch law. If hon. members will refer to a little pamphlet published as a result of my visit to South Africa, they will find quoted in it an admirable passage on compensation from a work by Mr. Justice Villiers of the Supreme Court of South Africa.

Hon. J. Nicholson: I believe the ancient Egyptians had a system of compensation.

Hon. J. CORNELL: Society having become so complex, the question to-day comes down to this, should industry bear the incidence of the burden of its accidents and deaths?

Member: Or should the State bear it?

Hon. J. CORNELL: The legislature of almost every advanced country in the world has answered the question by declaring that industry should bear that burden, and that compensation is as legitimate a charge against industry as fire insurance is. With that line of reasoning I absolutely agree. The result of an accident or a death occasioned in the course of industry affects the economic life of the State, and compensation is imposed for two reasons: firstly, to endeavour to minimise accident, disease, and death; secondly, in some measure to give compensation to the worker for injury inflicted on him, or to his dependants for the loss of their breadwinner. On that reasoning I hold industry should bear the burden of compensation. Once members begin to argue whether or not industry can bear the burden, they get away from the process of doing absolute justice to their fellow men. It is the bounden duty of the Legislature to abstain from differentiating between one industry and another. In the dissertation which I have mentioned, Judge Villiers concluded by saying that an industry which could not bear the incidence of compensation for accident, disease, and death occurring in it was, generally speaking, better closed down. I share that view, if only because an industry which could not afford to cover itself against fire and similar risks would automatically shut down. At this stage I am not concerned whether the definition of "worker" should be enlarged, or whether the maximum amount of compensation should be raised from £500 to £750, or whether the weekly payment should be increased beyond the amount at which it stands to-day. What does concern me is whether a section of the community that in

this connection has been talked about for 20 years is going to benefit by being brought under the Workers' Compensation Act. The section I have in mind is the miners. The Bill, though in a vague way, proposes to include occupational diseases. Many members have already given that proposal their benediction. For my part, however, I am prepared to strike out of the Third Schedule everything except pneumoconiosis and miners' phthisis, because I agree with the Minister for Labour that from 90 to 95 per cent. of occupational diseases in Western Australia is directly attributable to metalliferous mines. Such diseases as anthrax and septic poisoning and other things upon which Dr. Saw will no doubt in due course enlighten us, can go by the board so far as I am concerned; but I fear that they may remain while the salient feature will disappear. On its original introduction in another place the measure did not contain a provision that it shall be proclaimed in parts from time to time. The definition of "worker" could be enlarged and the maximum of compensation could be increased to £750, and there might be £100 for medical and burial expenses, and within a month the insurance companies would make some fair assessment of those risks and business could proceed. But when one turns to the phase that is concerned with mining diseases, one finds oneself up up against a totally different proposition. I understand that at a later stage Mr. Ewing will propose an amendment providing that no person shall become eligible for compensation in respect of occupational disease until he has undergone a medical examination. If that proposal becomes law, we shall reach the position outlined by Mr. Holmes in regard to the miners, and probably 20 per cent. of our miners will be excluded from following their present avocation and so will not come under the provisions of this Bill. I admit that the application of the Bill to the mining community is a very difficult matter. There is now on the statute-book a Miners' Phthisis Act, which has not yet been proclaimed. Its proclamation is dependent upon the erection, equipment, and working of a laboratory at Kalgoorlie. Until that laboratory is in working order, the Act is of no utility. When the Act has been proclaimed, miners will have to submit themselves to medical examination and all tubercular men will thereafter be excluded from the mining industry. Then it will be the duty of the Mines Department, under the Act, to find those tubercular men some measure of employment. That is the sum total of the Miners' Phthisis Act. How under the Bill compensation to miners will be assessed is rather beyond my comprehension.

Hon. G. W. Miles: Do you think an employer would employ men with that risk hanging over his head?

Hon. J. CORNELL: I understand that for some years past no man has been per-

mitted to commence work underground without a medical certificate that he is not suffering from tuberculosis. After that, he undergoes no medical examination. Let us assume that the provision relating to occupational diseases, including pneumoconiosis and miners' phthisis, is passed by this House without amendment. How do the employers then propose to cover themselves by way of insurance so as to give the men now employed in the mines the benefits of this measure? On that aspect we have heard absolutely nothing. When the Bill was brought down I was hopeful that there would be no differentiation between miners and other workers. But that there is going to be differentiation I am as certain as that I stand here. There will be differentiation, because those responsible for the introduction of the Bill realised, after its introduction, the herculean task they were up against. Hence the amendment made in another place to bring in parts of the Bill by proclamation. That was done in order to get over the difficulty of securing the necessary insurance in respect of all men engaged on the mines to-day. My main reason for speaking on the Bill is this phase, and this phase only. While the second reading of the Bill was being moved, I was rude enough to interject that the position of the miner under it would be as indefinite as ever. I adhere to that opinion. I believe that, through the advocacy of goldfields members past and present, the House will willingly give consideration and relief to phthisical miners. Taking industry generally in Western Australia, with its contingent risks of accidents and death, almost all workers, including miners, are provided for. But miners' disease causes more deaths per thousand than are caused by accidents. The miners have never had relief. It is now proposed to give them some measure of relief, but for the life of me I cannot see how it is intended to be applied. If an insurance company were told that the amount that could be claimed by lumpers had been increased from £500 to £750, that company could, within five minutes, assess the extra risk. But what insurance company can reasonably assess the risk it will have to take in insuring miners unless and until we agree that they must submit to medical examination? And if they do that, what is to become of them?

Hon. J. J. Holmes: The experience elsewhere is that they will not submit to it.

Hon. J. CORNELL: My inquiries into the system of medical inspection in South Africa informed me that the reason why the miners objected to medical examination was that the probable result would be to deprive them of their means of livelihood, without giving them anything in its stead. The New South Wales Government introduced compulsory medical examination for the miners at Broken Hill. On the passing of the Act every worker had to submit himself to medi-

cal examination. It was provided that all workers excluded as the result of that examination should fall on a scheme of compensation. That scheme was financed in equal parts by the mining companies and the State Government. That was a humane and logical way of dealing with the question. It was agreed that sufferers from silicosis or pneumoconiosis or tuberculosis working in the mines were, not only a menace to their fellow men, but were undermining their own vitiated health; and so those men were compensated and sent out of the mines. In past years, the Legislature of Western Australia has failed to give to affected miners the consideration they deserve.

Hon. J. J. Holmes: We passed a Bill some years ago.

Hon. J. CORNELL: That was another matter. This is a question of compensation. If the Bill passes in its present shape, the insurance companies will refuse to insure, or will demand a medical examination; and if the miner refuses to be medically examined, or if he fails to secure a certificate of health, he will find himself out of employment. I have heard it said that the cost to the mining companies will be some 10 per cent. or 12½ per cent. It will be for the industry to decide whether to carry on under the new burden. The Government ought to tell the mining companies that the Miners Phthisis Act will be proclaimed as soon as the laboratory is ready, and that all men excluded from mining as the result of their condition will have to be compensated, partly by the Government and partly by the companies, and that thenceforth the industry must accept full responsibility under the Bill; or alternatively that the Government say to the mining companies—"We will carry half the insurance rate on the men employed in the mines on the proclamation of the Act, but subsequently you will have to carry full responsibility for them." Unless something like that be done, I fear that under the Bill the miner will be left in the air. I am sure the House will go a long way in order to give the miner relief, and also that probably the House, in giving that relief, will be guided by the state of the mining industry. If the industry here were as stable as it is in Johannesburg, I should not be arguing in this way to-night; but, unfortunately, the industry in this State is declining year by year. Therefore, it may be that the load imposed under the Bill will be too great for the industry to carry, and in consequence no consideration will be given to worthy men who have devoted their lives to the industry. I again remind the Minister that I am prepared to forego everything else in the Bill if only we can put the miners on a satisfactory footing. I will support the second reading.

Hon. T. MOORE (Central) [9.15]: Solely with the desire of preventing the debate from repeatedly traversing the same ground, I propose to attempt to make clear

a couple of points. In the first place it ill becomes any member of the House to commend this Chamber for anything it has done in the past in the way of granting compensation. I am surprised that Mr. Cornell should take credit for anything the House has done. His concluding remarks show that the House, if it is to do what he now expects it to do, must turn a complete somersault. I recall to him the time when, 12 years ago, a similar Bill was before the House. It was introduced by Mr. Dodd, I have no doubt from this very bench. It contained a provision almost similar, so far as the mining clause is concerned, to that in the Bill now before us, and yet it was defeated.

Hon. J. Cornell: I referred to it because the Minister for Labour referred to it.

Hon. T. MOORE: It was only a question of money; it could have been made right. When it is a question of compensation for those unfortunate men, many of whom have since gone, this House should not take any credit so far as any compensation Act is concerned, because the 1912 measure contained a provision similar to the one now before the House, and members were not prepared to put it into effect. The Bill we are now dealing with is 12 years overdue. Mr. Holmes pleaded for the miner. I venture to say that if he looks back over the speeches he made at that time he will find that he did not say what he said to-night. Perhaps I am unfair to Mr. Holmes; I should have referred to what we often hear in this House, that we pay the piper and that therefore we have the right to call the tune.

Hon. J. J. Holmes: Is that not logical?

Hon. T. MOORE: To-day we have a different set of circumstances. Members are prepared to admit that it would have been much easier to do 12 years ago what we now propose, remembering that at that time the mining industry was practically at its height. Since that time a great deal has been paid in dividends and many men have been able to retire. Many men have also lost their lives in assisting to make the dividends for those who were able to retire. Children have gone fatherless in this State and have had to battle for a crust after the death of the breadwinner. Now we hear it said, in lowered tone, that the time is ripe for the introduction of such a measure as this.

Hon. G. W. Miles: There are only four members here to-day who were here 12 years ago, and therefore you should not lecture the lot.

Hon. T. MOORE: This House has been the stumbling block; it defeated one of the best measures ever introduced by Mr. Dodd. It is unfortunate that we have to deal with the mining industry at this stage, and it is unfortunate that a Bill such as this is so long overdue. It is a crying disgrace that it has been permitted to remain so long overdue. The voice of the people does not seem to have been heard in the past.

Hon. J. Cornell: I have done my best.

Hon. T. MOORE: The hon. member is taking credit for having been a member of a House that did something to kill the previous Bill. I hope at this stage we will allow it to be said that what was done twelve years ago was a discredit to whoever voted against that Bill. Let us now view the circumstances as we find them. I have recently been amongst a section of those people who have got away from the mines. They have been placed on the land under the group system, and I am pleased to think that their lot is much better and brighter and that the health of these people has been much improved by the change. If the mining industry went down to-morrow we could find room in this country in a healthy occupation for all those engaged in that industry. That I hope will do away with the argument that it is intended to do something drastic. Every hon. member who visits Wooroloo leaves that institution with a sorrowful feeling. I hope there is not a member in this House who has not been to Wooroloo; it is the duty of all members to visit the sanatorium to see the condition of many of those men who have helped to make this State what it is, men who are pining away day by day. A more horrifying spectacle cannot be seen anywhere.

Hon. J. Cornell: If the Bill passes as it is, will it carry out what is proposed?

Hon. T. MOORE: Did the hon. member ask for such an assurance from Mr. Dodd? We know that everything possible will be done. If the Government find it impossible to put the Bill into effect it will then be for the hon. member to say, "You did not do it." Give the Government the power to undo the wrongs that have been done in the past.

Hon. J. Cornell: I will give them that power.

Hon. T. MOORE: I hope the House will give it to them. I am pleased to think that those members who have spoken believe in compensation. So far as the employers are concerned, provided they cover their men by insurance they will be protected. They do not pay for the individual, they pay only on the amount of wages earned. The employers take out a policy, and according to the industry in which a worker is engaged, so will the rate be paid. The rates vary according to the industry. For instance, in connection with sawmilling, the highest rate is imposed. Accidents are numerous in that industry, but in other callings the rates are less. The employee does not enter into the argument. Mr. Miles knows that the employer pays on the amount of money he disburses in wages. Therefore the point about which members have been beating the air, does not exist. I hope members will not continue to mislead the House in this respect. I repeat that the individual is not concerned. The funeral is that of the insurance companies.

Hon. J. Nicholson: What is it going to cost?

Hon. T. MOORE: I hope the House will do as Mr. Cornell has said, not go into the question of cost, but that members will regard the Bill as dealing with human beings and not with sordid cash. It is entirely a question of providing for a man who may be incapacitated. It is absolutely necessary that no loophole should exist which will permit an employer to escape the liability that rests with him. All that an employer has to do is to pay wages to those who are working for him. I want to prove that no harm can come to the employer. A question that has been raised relates to the contractor who employs a certain number of men. Let us see what happens in that respect. We have heard it said that a lot of contractors are men of straw. In connection with the agricultural industry no one will say that the employees engaged in it are getting too much. We must make provision for the men working in the agricultural industry who may meet with an accident. It is not an uncommon thing for a man when clearing land, to injure his leg with an axe. In such circumstances the employee is deserving of compensation.

Hon. J. J. Holmes: He is using the axe for the other fellow.

Hon. T. MOORE: For the employer, and the hon. member knows that the contract prices for clearing are very low; they are nothing to our credit. It is this contractor who is sometimes a man of straw. I can prove to Mr. Holmes that some of these men have not £10 in the world, and yet they are employers of labour. Would the House have us believe that those men who work in the building up of farms do not want to be covered by insurance? We must make it possible for those men who are incapacitated to get sufficient compensation. To cut that provision out of the Bill will work an injustice.

Hon. J. J. Holmes: Let the contractor first insure his men.

Hon. T. MOORE: It will have the same effect, because the contractor will have so much more for his contract. He will be in the same position; the employer will have to pay. I hope members will look at the position from the point of view of the men employed. That is what compensation means, compensation for the injured; it means nothing less.

Hon. J. J. Holmes: Compensation to be paid by the employer; is that it?

Hon. T. MOORE: Yes, whichever way it goes, it must be paid by the employer. He may as well cover the contractor who is a man of straw. We say that we are always prepared to look at the point of view of the employer.

Hon. J. J. Holmes: It is the industry we are looking to.

Hon. T. MOORE: Human beings count with me first. The country has gone ahead in spite of the arguments that have been

advanced time after time. When I began to read, I read what we have heard in this House. Take the position of wives and families. I do not desire to quote an extreme case such as that outlined by Mr. Holmes. I believe such cases are rare. I believe we are a pretty moral community, and, as one hon. member stated, it is good to be British. The point is that in practice it has been found that a man may have a boy or a girl 16 or 17 years of age who happens to be employed by someone at a low rate of wages. The father may die. The insurance company will say that that boy or girl was not dependent upon his or her father. Will hon. members say that that is right? Do hon. members realise what the loss of a father means to young people in such circumstances? That is what actually happened under the existing Act and the clause is inserted to overcome the difficulty. Then again, a wife may have a little money of her own. The same position arises in the event of the husband dying. The insurance companies say that she was not a dependant. I have referred to cases that have happened time and again. Would Mr. Duffell contend that the child or the widow should receive no compensation for the loss of the bread-winner in such circumstances? If hon. members desire to perpetuate that sort of thing let them vote against the clause. After all it is merely a question of an employer insuring his men.

Hon. G. W. Miles: Nonsense.

Hon. J. J. Holmes: The greater the risk, the greater the insurance premium.

Hon. T. MOORE: Then the hon. member contends that the insurance companies profit by the immorality that takes place. Is that what we are to understand from him? Having had experience with insurance companies when men have been injured—Dr. Saw will know what I state is a fact—I know that the man has to prove his incapacity, not to the employer, but to the company paid to cover the insurance. Those insurance companies take the finest of points. Notwithstanding that the employer has paid the company in order to cover his employee, when the time comes for the company to accept their responsibilities they refuse to pay as much as the man is entitled to and has been cover for. In these instances the money paid to the employee would not cost the employer another shilling; the payment would be made by the insurance companies who are paid to take the risk. Is it the intention of hon. members to allow the insurance companies to evade their responsibilities.

Hon. J. J. Holmes: The insurance companies cannot get behind the Act.

Hon. T. MOORE: I can give the House instances. The Act says that for the loss of a limb the worker shall receive so much. If a man's arm is paralysed but is still attached to his body, he cannot get full compensation, but merely half pay. That is a fine point to take.

Hon. A. J. H. Saw: I do not think the hon. member is quite correct in that statement.

Hon. T. MOORE: I give that as an illustration of what the companies have done.

Hon. A. J. H. Saw: The employee could get a lump sum under those circumstances.

Hon. T. MOORE: I have had more to do with the position of workers under the Compensation Act than the hon. member, and I know how difficult it is for the worker to establish his claim with the insurance companies.

Hon. J. Cornell: I have had to argue with the companies, and it is like drawing teeth out of them.

Hon. T. MOORE: That is so. It is not the employer with whom we have to argue.

Hon. J. Cornell: The employer would not argue the case for a minute.

Hon. T. MOORE: We know that employers would not argue about them, but we have to fight the insurance companies.

Hon. J. Duffell: Have you a single case to quote in which you argued with the insurance companies?

Hon. T. MOORE: Plenty of them. I hope the hon. member does not think I am telling tales.

Hon. J. Duffell: I do not know of such instances.

Hon. T. MOORE: You are like Mr. Holmes. You mix with other sections of the community and do not know.

Hon. J. Duffell: You do not give us instances to prove what you say.

Hon. T. MOORE: I am speaking of cases that have happened. If a man suffers an injury to his eye it has been argued that if he can distinguish night from day and darkness from light, the worker so injured has not lost his sight. Such a fine point would not be taken by an employer, but it has been taken by insurance companies, although they have been paid in order to make the compensation available to the worker.

Hon. J. J. Holmes: The employer does not come into it at all; he has transferred his liability to the insurance company.

Hon. T. MOORE: Whether the hon. member believes it or not, I am certain there are many employers who desire their workers to be treated fairly and justly. They desire to have them adequately covered. In the instances I have referred to the insurance companies have tried to dodge their responsibilities.

Hon. A. J. H. Saw: You desire to force everyone on to the insurance companies, for you are making insurance compulsory under the Bill.

Hon. T. MOORE: There is no more conservative State than Victoria, and this provision has been on the statute-book there for a long time, but no outcry has been raised by the people. They realise that it is necessary and that the employer can take out an insurance policy to cover his worker.

Hon. J. J. Holmes: I had a man who was injured. The insurance company offered him so much a week. He asked for a lump sum which was paid to him, and he lost it on one day at the races and the trots. He was back on the job on the following Monday.

Hon. T. MOORE: I do not think it is news to the House that Mr. Holmes always states extreme cases and makes extravagant statements.

Hon. J. Duffell: That is what you are doing and you expect us to accept your statement.

Hon. T. MOORE: I do not desire to mention names, but the instances I have referred to have actually occurred. I commend the measure to the sympathetic attention of members, and I hope the House will undo something that was done by this Chamber 12 years ago and thus place an equitable measure on our statute-book.

Hon. H. STEWART (South-East) [9.39]: This is essentially a Bill for consideration in Committee, and consequently my remarks at this stage will be brief. It is a pity that the Government have sought to limit the scope of the Bill and provide a new court to deal with matters that will arise. The Minister will agree that if the appeal to the Arbitration Court from the decision of an industrial magistrate is adopted, there is still reserved the right of appeal to the High Court. If that is so I do not see anything to be gained by denying our people the right of appeal to the Supreme Court. Under the present Bill we have a definition of worker that is more comprehensive than that provided in the Industrial Arbitration Act Amendment Bill. The Bill before us includes practically every person earning less than £520 per annum. I think that has come about because the sponsors for the Bill have dealt with the term "employer" in the conventional acceptance of the name. If consideration were given to the people who will have to provide compensation for those who are described as workers, it would be found that probably more than 50 per cent. of those regarded as employees are not making £520 a year, and yet they will have to provide compensation for those who may be earning more than themselves. Those employers in receipt of incomes of more than £1,000 are the exceptions. The great majority have incomes of less than £520 a year.

Hon. E. H. Gray: I think you are wrong.

Hon. H. STEWART: The hon. member has had some experience in the Great Southern and if investigations were made he would probably find that the percentage of employers in that part of the State who earn less than £520 a year would be more than 50 per cent. In providing that the responsibility for insuring an employee when going to and coming from work shall be cast upon the employer, the Bill goes to an extent that is not justifiable. Then con-

We might have in a country town an agent conducting his agency in his own name. He is agent for half a dozen reputable firms, yet because he is conducting his business in his own name he is not insured by any of those firms; indeed, he has to insure any staff he may have in his office. Nevertheless in the head office of any of those reputable firms travellers drawing higher salaries than the income of the agent in the country town are all insured by the firm provided their incomes do not exceed £520. That is distinctly unfair. The position arises from the endeavour to make the Bill apply to people who really are working for themselves as contractors and canvassers. The Minister for Works, when moving the second reading in another place, was asked if the Bill covered commercial travellers. He said it did, so long as their income was not above £520 per annum. It is very difficult to justify compulsory insurance by employers of those who are drawing their remuneration in an indirect way, and over whom the employer has no direct control. I cannot regard canvassers as suitable people to come under a provision of this sort. I have gone carefully through the Bill with the utmost sympathy, but I cannot forget that there are certain principles to be laid down in legislation, and that all legislation should be capable of being fairly administered. In the Bill we are undermining the initiative and character of the people by putting a discount on individual effort and responsibility. I do not know how the Bill will affect Government employees, whether they will come under it, or whether the Government have their own insurance for their own employees. It is as well that we should know the position. Mr. Holmes instanced a wife clearing off with a handsome man. The husband, he said, might subsequently be killed, whereupon the insurance company would have to pay. Then we had the other extreme presented by Mr. Moore. However, it was significant that Mr. Moore did not give a concrete instance. When a member contributes to a debate, the Chamber judges the strength of his argument by the proof or lack of proof of his statements.

Hon. E. H. Gray: You can get concrete cases from the union secretaries.

Hon. A. J. H. Saw: They are not infallible.

Hon. H. STEWART: Certainly they are not. We may yet have union secretaries coming in here to see whether we are working a 44-hour week. If the measure we have before us is put into operation, such things will be quite possible. Mr. Cornell, speaking of insurance companies' avoidance of liability, said that when there are no legal dependants those companies ought to pay into some fund and incur liability when a man is killed. If the Bill before us be passed in its present shape, there will be very high rates of insurance to meet. The

sider the position of canvassers and others. Minister for Works, on the second reading, indicated that he would seek a conference with the insurance companies in order to learn what the rates would be. I have been awaiting the result of that conference, but so far I have not heard that it has taken place. The Colonial Secretary might give us some information on the point. Although undoubtedly the rates in the first instance will be very heavy, yet, after all, insurance rates are based on statistics relating to what has been paid out over a number of years; and as soon as such statistics are available, no doubt the original rates will be adjusted one way or the other. If the provisions in the Bill respecting dependants remain as they are, it is certain that the premiums will be increased. In Committee we might well amend some of the provisions without in any way impairing the value of the Bill; indeed, with such amendments as I have in mind, the Bill will be more effective in its intended protection of the worker. I will support the second reading.

On motion by Hon. E. H. Harris, debate adjourned.

*House adjourned at 10 p.m.*

## Legislative Assembly,

*Tuesday, 11th November, 1934.*

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

### QUESTION—RAILWAYS, STRONACH DUTTON SYSTEM.

Mr. GRIFFITHS asked the Minister for Works: 1, In view of the large number of outback areas requiring transport facilities, will he, when the Government are con-