

## BILLS (2)—RETURNED FROM THE COUNCIL.

1, High School Act Amendment (without amendment).

2, Fremantle Harbour Trust Amendment (with amendments).

*House adjourned at 7.29 a.m. (Thursday).*

## Legislative Council,

*Thursday, 21st November, 1912.*

	PAGE
Papers presented	3711
Bills: Workers' Compensation, 2a. ....	3711
Pearlman, Assembly's Message ...	3726
District Fire Brigades Act Amendment, Assembly's Message ...	3726
Norseman-Esperance Railway, 1a. ....	3726
Timber Lines Traffic, 2a. ....	3726
Government Tramways, 2a. ....	3735
Municipal Corporations Act Amendment, 2a. ....	3733

The PRESIDENT took the Chair at 3.0 p.m., and read prayers.

### PAPERS PRESENTED.

By the Colonial Secretary: Roads Act, 1911.—By-laws of the following Road Boards:—a, West Kimberley; b, Wickepin District; c, Wiluna.

### BILL—WORKERS' COMPENSATION.

#### *Second Reading.*

Debate resumed from the previous day.

Hon. C. A. PIESSE (South-East): This Bill in its present form appears to me to be an utterly impossible one, and before it can be made workable it will require to be considerably amended. I believe in compensation to either party when injury is due to the carelessness or wilful neglect of the other party. Each party should manfully shoulder the penalty attach-

able to his own neglect or carelessness. It appears to me that there is no other way of going along in the world and being fair to one's fellow man unless that principle is recognised. Under this Bill there is no fairness whatever and no prospect of any fairness being extended to the employer. Fair play and the encouragement of self-reliance should be the foundation of all legislation, but the measure is sadly wanting in that respect. The tendency to take away the self-reliance and the sense of responsibility which a workman should possess is deplorable in the extreme. Under this Bill we will be taking away that sense of responsibility so far as the employee is concerned. The legislation which has been coming before us in late years will if persisted in have a tendency to lower the standard of manhood, and I for one decidedly object to that tendency. I believe in every man carrying his own share of the responsibilities that arise in life. Again this measure makes no attempt to compel the workman to bear a portion of the cost of his insurance. Much has been said with regard to the simplicity of the thing, and one would imagine from the remarks that it is a very simple thing. Mr. Davis said that no man of common sense would employ a workman without taking care to see that he was insured. Unfortunately common sense is governed by want of cash. I know a lot of small employers, hundreds I might say, and these men have not even £1 to spare to cover the cost of insurance. They take the risk; they cannot afford to keep a man going all the year round, and they employ a man for perhaps a couple of months and during that time they take their chance. In the case of such men this Bill sets up a very unfair position. Even the present Act places the employer in that position, but under the Bill goodness knows what the position will be. The Minister has not given us a word with regard to the probable cost of insurance. At the present time, to insure a farmhand represents 15s. per cent. on the wages likely to be paid. If the employer is likely to pay £800 or £900 in wages during the year he can, by paying a premium of

15 per cent. on the wages, get the insurance companies to grant an open policy and take the responsibilities to which he would otherwise be liable under the Workers' Compensation Act. Under the Bill before the House the compensation is increased to such an extent that it is reasonable to anticipate that the rates will be quite 50 per cent. more than they are at present. I do not think the Government have considered what that really means to the State. They have not only increased the compensation by 50 per cent. but have brought many other persons under the Bill. The scope of the measure is so much wider that I have no hesitation in saying, where at present it is necessary to insure one man it will be necessary, under this measure, to insure four men, and an insurance man stated that the cost to the country would be anything from £100,000 to £150,000 per annum. Mr. Davis treated the Bill in that light manner referred to by Mr. Sanderson and looked upon it as absolutely necessary for the protection of the worker, without giving one bit of consideration to the employer. I do not know what the Federal Government are doing, but I think that instead of giving the baby bonus they might have done some good by insuring workmen, and I daresay that it could be done for the same money. Generally a father is in a position to support his child, and under such a scheme if anything happened he would be covered by insurance. I am not altogether in favour of State insurance as a whole, but a scheme of that kind might have been established and the sum of money which we are in some cases actually wasting to-day could have been devoted to that purpose. It seems to me that the Bill is one bristling with many impossible conditions, and I at first felt inclined to move an amendment that it be read this day six months. I can promise the Minister that if the provisions are not amended in such a way as to make them acceptable to those who have to carry the burden, steps will be taken as far as I am concerned to prevent the Bill from getting on to the statute-book. I am desirous of giving

fair play to the workmen and always have been, but I want to see the conditions made reasonable. The employer who puts on a worker without protecting himself by insurance might just as well fill his breast pocket with plugs of dynamite, with detonators and long trailing fuse attached to each plug and try to feel safe and happy. It seems the height of folly to place the workman in such a position that he will be liable to be treated by the employer as if he was constantly in fear that something would happen. If the Bill is passed in anything like its present form I will feel compelled to move for the insertion of a new clause making it necessary for every workman to carry a copy of the Act in pamphlet form with him and hand it for perusal to every employer to whom he seeks to engage himself. Why should any man engage himself to an employer in ignorance of such a law? I trust, however, that better counsels will prevail and that we shall make the measure one that will be acceptable to all parties. Mr. Sanderson spoke truly when he said that if we did nothing else this session but pass a Workers' Compensation Bill which would be acceptable to all, we should have justified our existence. This is a very important matter and a very far-reaching matter. As the Bill stands a man can get the benefit of compensation by one act of carelessness. Only the other day in the Wagon district an instance occurred which shows how the responsibility is cast on the employer even in the case of negligence. A young man drove to water a horse attached to a spring cart. He took the bit out of the animal's mouth and omitted to replace it and the consequence was that when he started off again the horse bolted and he was thrown out and had his arm broken. That young man will be in the hospital for five or six weeks and at the expense of a young struggling farmer who has not one shilling to spare. That farmer has not only to do without the young man's labour but has to pay him and pay his hospital expenses. In such a case the penalty should be visited on the negligent employee and not upon the innocent

employer. Yet this is the sort of thing we are piling up by legislation of this description. It is putting a premium on carelessness. Strong speeches have been delivered on this measure by Mr. Cullen, Mr. Moss, and Mr. Gawler, and very common sense and clear speeches by Mr. Colebatch, and other speakers, and even Mr. Davis was pretty candid about it. I say that this Bill should never have been brought down in the first instance and I trust that, after hearing the remarks of those gentlemen who have given so much time and thought to it, the proposals to make it workable and acceptable will be agreed to. There is not much more to be said. The Bill will be adding expense. Few Bills have come down this session that have not done so. This will undoubtedly put on the shoulders of the employers more expense. I am chiefly concerned about the small farmer and the small employer in the country districts. I know that the great companies like the mining companies have a better opportunity of looking after themselves, and on the other hand men working on the mines in great numbers have a better opportunity of protecting themselves, because they can form their benefit societies and such like which the men in the country cannot do. But even in regard to the mines we have to take great care that we do not close them. I would not be surprised to see some mines close if this Bill went through in its present form. We must also take into consideration the men moving from the goldfields to the farming districts. There are hundreds of them taking up land and leaving the mining districts on account of their health or because the life does not suit them. If a man is suffering from ill-health from a mining occupation, naturally he looks around for another field, and so he goes into a country place. Probably he gets put on by a farmer, and a few months afterwards he may develop a disease, and that farmer has to go to all the expense of proving where the man contracted that disease, or else pay compensation. That is a monstrous state of affairs. It means that once a man says he has come from the fields,

we may mark him off from getting work in the country districts. There is only one disease mentioned which is likely to originate in the country districts, and that is anthrax. Outside that all are goldfields troubles. I am going to do my level best to help to amend the Bill, and if we are not able to do that, I hope it will meet with the same fate as if we moved that the Bill be read this day six months.

Hon. T. H. WILDING (East): This is one of the most one-sided measures ever introduced. We give the Ministers in this Chamber the credit of bringing to bear on all measures a fair mind, but I cannot believe that these gentlemen could have had any sway when this measure was prepared. If it is amended, I hope the agricultural and pastoral industries will be cut out of it, because no doubt the Bill should not be made to apply to them. In South Australia a similar measure was passed not long since, and there they realised that they could not bring these industries under it. Mr. Davis says that we should control our employees, but it all goes to show that he cannot realise the way men have to work on farms, as if it were possible for us to control men while they are working where they are not in sight. They are in the fields by themselves, and consequently away from the employer. An employer may not see his man for a week or a month, yet under this measure he is to be responsible for him. Hon. members will say—why not insure against accidents or death? But I cannot see why the employer should be called upon to pay the premiums and make the insurance. At the very least the employee should pay a portion, if not the whole. The Act in England has been referred to, but as pointed out by Mr. Colebatch, the conditions are very different in England; families there live with the employers for years, and for generation after generation, the wages are low there and the employers provide for the employees in their old age. Here, it is different; an employee gets all he can out of the employer because he wants to live in reasonable comfort and provide for his old age, and the employer is asked

to bear the whole of the cost of insurance. I hope the measure is amended, if it is not thrown out altogether, so that these industries will be put out of the Bill as in South Australia. I cannot see why the employer should be all the while responsible. Here is an instance of how it is likely to affect one on the land. This occurred at my place last week: A man came along looking for work, and as I thought he was hard-up I gave him a job to clean up. There was another man breaking-in a horse. This man deliberately left his work and went to the man breaking-in the horse and wanted to hold the horse. The man breaking-in the horse said, "Get away, you do not know anything about horses, get out of the way." But the man did not do it and deliberately took hold of the halter. As a result the horse jumped about and kicked him. Now he is in the hospital. If he had been seriously injured I would be responsible up to £600. That would be most unfair. If a man in charge of a team of horses goes into the town to deliver a load and takes drink, not only in the town, but probably on the road also, and gets helplessly drunk and falls off and gets killed, I am responsible again; but if the team runs away and gets smashed up through this man being drunk I can get nothing; there is no redress for me. This is going to apply to the small men, men not in a position to afford it, men who all have liabilities, who are endeavouring to develop their land and who are borrowing all the money they can to bring about that development and push the country ahead, as well as their own interests. Perhaps a man's team of horses is all he has, and he has no redress if they are all smashed up through the carelessness of the driver or through the driver getting drunk. It is just as proper for the employee to insure the owner's property as it is for the employer to insure the man against accident or death. Why should we be forced into the position to find money to pay for accident or death to a man in these circumstances? If I want a blacksmith or a carpenter from Northam and if, when he is driving out to my place, he happens to meet

with an accident I am responsible. He may stay on the wayside and perhaps get drunk and get hurt, but I am responsible; his employer is not responsible, I am responsible. A man is lent to me for a day to come and do a job, probably a little plumbing or a little carpentering, and what control have I? Absolutely none. As I have said, this is a most one-sided measure and I hope it will be amended to be a reasonable one. For the past four months we have been sitting here dealing with industrial legislation. There are few measures brought forward in the interests of the State as a whole, there is no desire to do anything for the development that we all look to see; it is all an endeavour to drive capital out of the country and to harass in every possible way those who are endeavouring to develop the country. This measure can only have one possible result, and that is a bad one for the State. I hope to see the Bill amended or thrown out altogether.

Hon. W. KINGSMILL (Metropolitan): It strikes me in listening to this debate that the arguments used by those gentlemen in favour of the Bill are almost on the supposition that no legislation exists on this subject at all. The Bill is being treated as if it were the only means of compensation to the worker that has ever been heard of in Western Australia.

Hon. J. E. Dodd (Honorary Minister): That is the assumption of the argument, that there was never such a thing as workers' compensation.

Hon. W. KINGSMILL: Quite so, but I was referring to the argument of the hon. member. Under the existing legislation the worker receives a very fair meed indeed of consideration, and the compensation he may get for injury or death is adequate for the services which the worker is performing.

Hon. Sir E. H. Wittenoom: That is what I said, and that is why I said we do not want the Bill.

Hon. W. KINGSMILL: But the hon. member who introduced the Bill did not say so.

Hon. R. G. Ardagh: Throw out the Bill and do not waste so much time. Let us get on with something else.

Hon. W. KINGSMILL: I do not propose to listen to the argument of the excited gentleman who wishes to take this precipitate action.

Hon. R. G. Ardagh: If you do not get any more excited than I do you will do.

Hon. W. KINGSMILL: The hon. member is a most consummate actor, because he simulates coolness so much. I congratulate him on his mimetic powers. I was about to remark, when I was interrupted in this ferocious manner, that the Bill will require a great deal of amendment, so much so that, speaking even without the suggestion or invitation of the hon. member, I doubt whether it is not better to end it than to amend it. I think hon. members sometimes are somewhat ungenerous in the way they speak of the industrial legislation which already exists on the statute-book. When I was listening to Mr. Davis last night it struck me that his speech was enough to move any tender-hearted person to tears, when one considered the down-trodden worker. I would like him to remember that in this State our industrial legislation is at least as much in favour of the worker as the legislation in the other States, and that the whole of that industrial legislation was placed on the statute-book by Governments who did not claim to represent one class of the community, the labour class, but Governments who called themselves Liberal. I have no objection to the principle. I showed that years ago, when I supported the Workers' Compensation Act, but a principle may be ridden to death. If the hon. gentleman and his colleagues persist in riding this and other pet hobbies of theirs to death, it is not so much the hobbies that will die, but the industries with which the hobbies are connected, and unfortunately with the industries the employment of the workers engaged in them. There is another thing upon which I am afraid a good deal of nonsense is talked, and that is the creation of wealth, the phrase used last night by Mr. Davis. He claims for the workers that they are responsible for the whole creation of wealth. That is not a fair argument neither is it an accurate statement. The

worker may be taken as a man who works for wages and who sees personally, and his representatives in Parliament see, and last of all the legislation existing on the statute-book is there to take care that the wages he receives shall be adequate for the work he does. I take it there is no compliment on either side when the bargain is complete. On the other hand a good deal of nonsense is talked also. Cases are often quoted where men who by private enterprise amass fortunes and who are well paid for the patriotism they display, unwittingly sometimes, in developing the country, whereas, as a matter of fact, they were thinking more of themselves than the country. I am willing to admit that a good deal of nonsense is talked on both sides. I would remind hon. members that there is a tendency to look upon wealth as being created by labour alone. That is not so. Wealth in the progress of a country is contributed to not only by work and wages, but by enterprise, thought, originality, and daring sometimes, and by those who find the money or who render possible the field for the employment of men in the industry.

Hon. F. Davis: And if there were no workers?

Hon. W. KINGSMILL: It is very hard to think then what the state of society would be. I cannot imagine such a thing ever happening outside the realms of savagery or socialism. Perhaps the hon. gentleman opposite looks upon savagery and socialism as being at the opposite ends of the scale. I have heard some people say that they are at the same end of the scale. However, I leave that to the hon. gentleman to cogitate over when he has time. The question of insurance has been raised in connection with this measure and more particularly in connection with those parts of this measure which deal with the payment of compensation for injuries to the worker which are not caused by accident but are caused by what are classed in this Bill as industrial diseases. I am quite of the opinion of Mr. Moss that it may be that this socialistic stir is moving in me, slowly it may be, but still I have no

doubt surely. I think such circumstances as these would best be met by a system of State industrial insurance and for this reason, because I fear if this workers' compensation is amplified much more in the direction the Bill indicates, it will be absolutely impossible to gain insurance by any other end. I have heard on undoubted authority that some of the insurance companies have already expressed their opinion that it will be impossible for them to insure under this Bill if it becomes law. That may or may not be so.

Hon. F. Davis: It may be a blessing in disguise.

Hon. W. KINGSMILL: Whether it is or not, if that is likely to come about, it would influence the feeling of hon. members very materially as to the way in which they regard this Bill. Again I would suggest to the Government that there is another way out of the difficulty of dealing with industrial diseases, and owing to the undoubted difficulty of tracing the method of the contraction of the disease, the difficulty of tracing the place of its inception, it would be a much more practical way of dealing with it if the Government were to erect and maintain State hospitals for the treatment of those unfortunate persons who contract disease, in the district where the disease is prevalent. That would not demand a great outlay. This hospital for the treatment of miners' phthisis—which is after all only a disease with a little variation in species, practically the only industrial disease existing in our midst now—would do a greater work and a more efficient work than rendering the unfortunate employer liable for a state of affairs to which he has not contributed at all.

Hon. J. E. Dodd (Honorary Minister): We are taking steps in that direction already.

Hon. W. KINGSMILL: I am glad to hear it. Then I suggest that they should leave these industrial disease clauses out of the Bill. After all most of the cases relating to industrial diseases have practically no application to this State with perhaps one or two exceptions. There is anthrax, but we

have never known an instance of it here. There is lead poisoning, and I have never heard of it here, mercury poisoning the same, phosphorous poisoning also arsenical poisoning, cyanide poisoning and ankylostomiasis—none of these have been heard of here, though, in regard to the last, if anyone did contract it, the name itself ought to be sufficient to kill it. Then we have pneumoconiosis which might be divided into fibrosis and silicosis, and which after all is the most prevalent in the State and the most dangerous, and the most dreaded disease we have to cope with, and I venture to say that if a special ward were erected for the treatment of this disease at Kalgoorlie, it would cope with the evil more than the inclusion of the disease as an industrial disease in the Bill. I am not surprised nor do I blame the Government for trying to amplify the provisions of this Bill. It is natural that they should. It is natural perhaps, out of a sense of gratitude to the people who gave them that high position they now occupy, that they should be entitled to make the lot of these people as comfortable as possible, but I would advise them, while recognising that they are fulfilling their obligations to that class who sent them here, they should not lose sight of what is after all a very important class in this country, the employers. I admit that the employers are perhaps not likely to get as much consideration as the other class, but I ask the Government not to leave them out of consideration altogether, but to give them at all events their proper economic position in the state of affairs which exists in our community. The inclusion of the tributer in this Bill has been before this Chamber on at least one other occasion and the Chamber spoke in no uncertain voice. I do not see how by any stretch of imagination the tributer can be classed as a worker. It is absolutely impossible to do this. The worker is a wages man. The tributer is an independent worker. He is, as I have said, more in the nature of a lessee, and to class him in the same category as an employee is absurd.

There is another class that this Bill will work harm to should they be unfortunate enough to come under its provisions, and that is the small class of agricultural employer. I most certainly think that in their case, at all events, there is absolutely no reason for the raising of the payment for total incapacity or death from £400 to £600. I do not see the reason for that and it has never been explained. I am afraid that the provisions of the Bill in connection with these small employers will prove a deterrent to the employment of that class of labour which agriculturists must have to carry on the industry which is doing so much for the State. It is a matter of uncertainty to me, as I have already said, whether it would be better to end this Bill or to amend it. I do not like to take up the position of wishing to destroy any necessary measure of workers' compensation, but there is so much in this Bill that is unnecessary that one is almost inclined to vote against the second reading. However, I will not do that, but if the Bill is not amended satisfactorily in Committee, there will be no alternative for me but to vote against the third reading when that stage is reached.

Hon. J. E. DODD (Honorary Minister), in reply: I wish to reply briefly to a few points that have been raised in this debate. As I said by interjection to Mr. Kingsmill the principle of the Bill seems to have been most discussed. Let me point out that the principle has already been adopted by this House and has been in operation during the last 10 years, so that members are somewhat late in the day in opposing the principle of workers' compensation.

Hon. J. F. Cullen: They are not.

Hon. J. E. DODD (Honorary Minister): The whole trend of argument has been against the principle of workers' compensation. So far as the principle is concerned there is very little difference between the Bill and the present Act. The only real difference is in connection with the abolition of the "serious and wilful misconduct" defence, and that is only a very

small and trifling difference which would probably mean less than £1,000 a year to the whole of the State. The other points in which there is a divergence from the present Act are simply an extension of the existing legislation, and I say once again, that the whole trend of the arguments seems to be against the principle of workers' compensation altogether. As Mr. Kingsmill pointed out, it was not the Labour party who introduced this measure in the first place. The Labour party may have done something by agitation to bring about the introduction of the principle, but it was adopted in England in 1897 and an Amending Bill was passed in 1906. So that we cannot be accused of anything very novel in seeking to graft this system on the laws of the country. It has been said that accidents and occupational diseases should not be part of the risk of the employer, but I consider that any industry should bear the burden of looking after those who may be maimed or injured in the course of their work. I would like to read to the House the references of Mr. Asquith, the Prime Minister of England, to this matter when introducing his Bill in 1906. Mr. Asquith is not a Labour man by any means, but on that occasion he said that when a person on his own responsibility and for his own profit sets in operation those agencies which create risk for others he ought to be held similarly responsible for what he does. That is a principle with which I entirely agree, and that is all we are asking for in this measure. Sir Edward Wittenoom said that the measure had not been asked for by anyone. I would simply refer the hon. member to the fact that on two occasions Bills have been introduced in another place to amend the Workers' Compensation Act, and undoubtedly this measure was one of the chief issues at the last election.

Hon. M. L. Moss: You say that every time you want to get a Bill through.

Hon. J. E. DODD (Honorary Minister): No, I do not. It is a fact that Bills have been before another place, one introduced by Mr. Hudson and the

other, I believe, introduced by Mr. Keenan.

Hon. J. D. Connolly: I introduced an Amending Bill and sent it to the Legislative Assembly but it was a Bill very different from this.

Hon. J. E. DODD (Honorary Minister): At any rate Mr. Keenan promised to introduce a Bill which would limit the compensation to those living in the Commonwealth.

Hon. M. L. Moss: I do not think he promised you anything like the Bill on the Table now.

Hon. J. E. DODD (Honorary Minister): I do not say that he did. This question has been before the country for a very long time. A select committee sat in 1910 and a Royal Commission sat last year to deal with the same matter, and to say that the proposal has not been before the country is altogether beside the mark, because it has been a live question for many years past. So far as the inclusion of industrial diseases is concerned, I wish to say that the increased use of machinery in our mines during the last few years has made all the difference in connection with this matter. In the old days when we had hammer and drill work very little was heard of miners' complaint. Certainly in Bendigo and other parts of the Commonwealth where they are boring in quartz the disease has been prevalent but never to such an extent as at the present time. The use of machine drills has increased the tendency to pneumoconiosis tenfold on what it was in the old days of hammer and drill work. Doctor Cumpston's report in 1910 showed that 33 per cent. of the drill men were suffering from lung complaint and that was brought about by the use of the machine drill. Throughout the industry the tendency is to increase the use of machinery.

Hon. J. D. Connolly: How are you to prove that the worker contracted the disease within the State?

Hon. J. E. DODD (Honorary Minister): It can easily be proved after the first few years. Undoubtedly there may be some little hardship in the first instance, and I would like to deal with the remarks of

Mr. Gawler in reference to the retrospective nature of this industrial disease. Mr. Gawler asked how we are going to deal with a disease such as tuberculosis, and he said that the mine owners might have to pay compensation for a disease contracted previous to the individual coming into their employ. There are very few men working in the mines to-day who are not able-bodied men. The mine owners are not so kind in allowing men to work who are not fully competent, and we may depend upon it that any man working in the mines to-day is able to do his work. Therefore, if there is any hardship in regard to the retrospective nature of the disease it will be very little indeed. Much has been said in reference to tributers. Hon. members have said that a tributer is an independent contractor and should not be brought under the operations of this measure. To my mind, if there is any one class of men in this community that deserve our recognition and some sympathy they are the tributers. The tributer has been responsible for the resurrection of quite a number of mines; indeed, he has practically made many of the mining properties. For instance the Oroya Brown Hill has been resurrected during the last few years, mainly through the work of tributers. There was certainly some Hannan-street tributers amongst the partners, but that does not alter the fact that these men gave this mine a new lease of life. That is also the case with the North Kalgoorlie leases which have been absolutely revived by the work of tributers. The company have now determined to turn the tributers out and work the mine themselves because of the discoveries made on the leases. In to-day's paper hon. members will see an account of a discovery on the Golden Mile at the Central and West Boulder. That is a mine on which up to the present the company have been able to do very little. Former tributers however took out of the mine over £28,000 of which the company received something over £4,000. During the last 12 months another party of tributers went into the mine and did a considerable



amount of development work for nothing. Then still another party of tributers came along and they have struck what is looked upon as a very good lode indeed, giving 24dwts. over the plates, 16dwts. in the sands, and 6dwts. in the slimes. This is the result of the work of tributers and yet we are told that it would be an injustice to the lessee to include a tributer under the provisions of this Bill. I venture to say that not seven out of ten tributers at Kalgoorlie make wages. An extension of the tributing system is taking place right throughout the mines of the State. It is not limited to the Golden Mile.

Hon. Sir J. W. Hackett: Why is it that it does not pay the tributer?

Hon. J. E. DODD (Honorary Minister): It does not pay the tributer for the reason that the owner of the lease may hang up the mine and cease all operations, and it is better for the worker to try to earn something by tributing than to be idle. Another aspect of this question is that the tributer is manning the lease for the company and when he is doing that he should be looked upon as a worker.

Hon. J. F. Cullen: Why does he do it if it does not pay?

Hon. J. E. DODD (Honorary Minister): In the nature of every man, especially those engaged in goldmining, there is a desire at all times to do a little better for himself than he can do on wages.

Hon. J. F. Cullen: He looks on it as his best chance at the time.

Hon. J. E. DODD (Honorary Minister): Very often it is his only chance of getting a living at all, and such is the stress under which men work in the mines to-day, that it is only the strong, young, able-bodied man that can possibly work on wages. Often it is those not so well able to work on wages who take on tributing. It is said that there is no responsibility on the part of the lessee because he has no control over the tributers, but to a large extent he has control. He is subject to the Mines Regulation Act and to the Mining Act, so that the responsibility of the lessee in regard to the tributer as a worker is not taken away. I can see

no reason why tributers should be debarred from the provisions of such an Act as this. If the tributer is not brought within the purview of the Act there is a possibility of the mine owner seeking to dodge his responsibility by letting his mine on tribute. He will not do that if the mine is a rich one and the lodes are valuable. When he gets down and cannot work the mine profitably on wages he will hand it over to a party of tributers to see what they can do. As I have said before, a large number of the mines at Kalgoorlie have been made by the tributers.

Hon. A. Sanderson: He will stop altogether if you pass this Bill.

Hon. J. E. DODD (Honorary Minister): I do not think one mine will stop by adding the small liability which this Bill provides. Furthermore, I wish to direct attention to another matter. It is said the tributer can insure himself. To the credit of the companies in Kalgoorlie and Boulder, I will say they insist to a large extent on tributers being insured, but despite this fact they are at the mercy of the insurance companies. They have no redress in a court of law. I know of a case that occurred on the fields. A man was killed there. Four tributers had paid the insurance fees but it took a large amount of persuasion to get the company to pay to the widow compensation and she had to accept £100 less than the amount for which the man was insured. The only thing that brought the insurance company up to the mark was that if the case had been taken into court the company would have lost all the premiums. I have had a great deal of experience on the mines and I have seen as fair a settlement as can possibly be made there, but there are one or two companies to whom Shylock would appear to be a very benevolent man. One case I have referred to already. Despite the fact that premiums were being paid the parties had no redress at law. I hope the House will not delete from this Bill the provision in regard to tributers.

Hon. H. P. Colebatch: Why do you exclude fishermen under similar conditions?

Hon. J. E. DODD (Honorary Minister): I am not prepared to say just now. If I had a chance of looking into the matter I may be able to give an answer. When in Committee I shall endeavour to do so. But I do not think there is any analogy between tribute and fishing. Mr. Moss raised the point when speaking that compensation should only be paid to relatives and dependents who may be living in the State, and Mr. Cornell, I think, pointed out where the trouble would come in if that was adopted. If such a provision was inserted in the Bill it would be a direct incentive to the employer of labour, especially on the mines, to employ only foreign labour. Unfortunately, to-day this State is suffering severely from the employment of foreign labour. On the Kurrawang wood line there are hundreds of foreigners employed, and in the mines in the back country there are numbers of foreigners employed, while in Kalgoorlie, the number is increasing. This state of affairs is not only detrimental to the worker but to the business men in the centres where the men are employed, and to the whole State. As a rule, the foreigner does not bring his wife and family here and he is not as desirable a citizen as the Britisher. From a percentage point of view, I venture to say that it costs three times as much to keep a foreigner in order as it does a Britisher. To insert such a provision would be a direct incentive to the employer to employ aliens. It is not altogether wise for the employer to employ aliens. When I was secretary of the Kalgoorlie and Boulder branch of the Miners' Union, I could quote figures to show that the foreigner drew three times as much in accident pay as the ordinary Britisher did. I have some figures here in reference to the Gwalia Miners' Union bearing on that point. From the 1st May, 1911, to the 30th May, 1912, the number of aliens in the Gwalia Miners' Union was 108 and the amount of accident pay drawn by those aliens in that time was £320. The number of Britishers employed on that mine during the same period was 151, while the accident pay drawn by the Britishers was £149. There was a larger number of Britishers em-

ployed, yet not half the amount of accident pay was drawn. I venture to say that in every union of the State those figures can be borne out, and I know that when I was in Kalgoorlie the same state of things existed. If any other confirmation is needed, members can get it from the various medical men who are practising in Kalgoorlie to-day. I mention this because an amendment may be moved restricting the benefits of the Workers' Compensation Bill to the dependents of those only who may be living in the State. I would like to say a word with regard to serious and wilful misconduct, and why we are seeking to abolish that defence in the case of death or permanent incapacity. I mentioned one instance during my speech on the second reading of where a young fellow on going back to a hole after he had fired unfortunately lost his life. The regulations provide that a miner should not go back to a hole until one hour has elapsed. The defence of wilful misconduct was raised in that case. Had the man not gone back he would certainly have laid himself open if he had an overbearing boss to send him up to the surface on the next shift for sitting down for an hour waiting for the smoke to clear from the holes. But I am not going to say that that is the case in Kalgoorlie. Still it is an incentive to discharge men if they wait such a length of time. There is one case reported in South Africa of a similar nature, and it may interest members if I just read it to them. One witness was speaking of watering the mine. The stuff in the South African mines has to be watered at certain times by regulation, and the trammer refused to handle the stuff without its being watered. The shift boss was fined for discharging the man because he refused to shift the stuff before it was watered, and Mr. Merriman asked the question—

The shift boss was fined?—Yes. The trammer refused to handle the stuff without watering, and the shift boss fired him. He went to complain to the Government Mining Engineer, who prosecuted the shift boss for it and got him fined.

Because the regulations were being observed?—Yes.

Mr. Creswell: In that particular case, did the man who went and laid the information run any risk of being black-listed?—I think so.

That is an example of how strict adherence to regulations may not bring about an accident whilst non-adherence to it may bring about death. In the case I have quoted a young fellow had a widowed mother and sister dependent on him, and these persons should not be debarred from getting compensation. I am glad to say they did not. It is cases of this kind that have induced the authorities to abolish serious and wilful misconduct.

Hon. R. J. Lynn: What about a man who is incapable through drink?

Hon. J. E. DODD (Honorary Minister): If a man meets with an accident in consequence of drunkenness he should not receive compensation. I do not think there can be any reasonable objection to that, and in some parts of the world it is the law. Mr. Colebatch referred to the contractors and principals, and all I wish to say in reply to that is that the aim of the Bill is to see that every working man who is injured should receive compensation. I will not argue behind that. That is the aim and object of the Bill, that every worker should receive compensation and receive it whether from the sub-contractor, the contractor, or the principal.

Hon. H. P. Colebatch: You do not care whom he gets it from so long as he gets it.

Hon. E. J. DODD (Honorary Minister): No. But I hope he will get it from the right party; whether from the sub-contractor, contractor, or principals.

Hon. M. L. Moss: Why not compel him to go to the contractor first?

Hon. J. E. DODD (Honorary Minister): I am not sure that he should go to the contractor first. The principal is the man to see that the responsibilities are looked after, that the men should be insured. The whole object of the Bill is to see that the worker gets compensation. A great deal has been said

about the farmers and the agricultural industry, and on every occasion that legislation is brought forward no matter what it is, whether it is the Arbitration Bill, the Traffic Bill or almost any legislation that affects the general administration of the country, the question of the farmer is raised, and it is said that we should let him alone; that we should not put the responsibility on the farmer in any shape or form. I would like to point this out: the agricultural worker should not be asked to submit to a disadvantage as compared with the worker elsewhere in order to provide a competency for the farmer. In the part of South Australia where I lived 20 years ago the farmers used to take boys from the reformatories and work them on their farms and they used to pay a small rate of wages. They used to pay 15s. or £1 a week to men, and to-day those farmers in South Australia are better off than any other farmers in the Commonwealth. The farmers in the district that I came from in South Australia are the wealthiest in the State. To-day the farmers that I knew in South Australia have made a competence and almost all of them have retired and their sons are now taking on the work.

Hon. T. H. Wilding: Do you not know any farmers who have failed?

Hon. J. E. DODD (Honorary Minister): Yes. A good many have failed, but why should men to-day put up with a disadvantage because they work for farmers when workers in other walks of life are enabled to obtain compensation. Is it to give the farmers a competency? Then when the farmer does come into his own as it were, he is just as bitter and just as much opposed to any of this legislation as when he was a poor struggling settler. If the compensation is good for one it is good for another. I am not here to say we should saddle the mining industry with the whole of our industrial legislation. In my opinion it should apply all round among all the industries. We must bear in mind that the risk of having to pay compensation in connection with the farming industry is not nearly so great as it is in the mining industry.

Mr. Piesse has pointed out that the rate in the agricultural industry is 15s. per hundred. In the mining industry, I think, it is 30s. per hundred. and sometimes a mine owner takes as much risk with his capital as the farmer takes with his. Mr. Colebatch had a good deal to say about the report of the 1911 commission, and desired to know why that commission's recommendations had been ignored. That commission may have done its work in a thoroughly good and impartial manner. I do not mean to say one word against the work of the commission or its report. The miners' union had a representative upon it, and that gentleman gave his best work to it. No doubt they devoted an immense amount of time, trouble and patience to the report. In regard to that Commission, however, there were men particularly well qualified to have a seat upon it, but owing to some disagreement with the Government they refused to sit; such men as Mr. Montgomery, the State Mining Engineer, Mr. Mann, the Government Analyst, and certain well qualified members of the Labour party who were offered seats on the Commission, but who refused to sit. I was offered a seat myself but, unfortunately, through illness I could not accept it. The ultimate personnel of the Commission was not satisfactory by any means.

Hon. J. D. Connolly: Why did the Labour representatives refuse to sit?

Hon. J. E. DODD (Honorary Minister): I cannot say now. I was too ill at the time to know really what there was behind the Labour opposition. For my part, on the ground of ill-health, I had to decline to sit.

Hon. J. D. Connolly: The civil servants on the Commission demanded pay in addition to their salaries, and did not get it. That is why they refused to sit.

Hon. J. E. DODD (Honorary Minister): I believe that is right, but of course that does not apply to the representatives of the Labour party. I say the personnel of the commission was not a satisfactory one by any means, although I do not wish to cast any slight whatever upon their report. The commission of 1904

was appointed to deal with the ventilation of mines, and to go into the whole question. That commission sat something like eleven months, and gave infinitely more time and trouble to their report and to the evidence placed before them than did this commission of 1911, and I think their report was one of the most valuable ever presented. Mr. Colebatch has asked why we chose to ignore the recommendations of 1911 commission, I am pointing to the 1904 commission. In those days the Government that appointed the commission had the dealing with the report of that commission, and I venture to say that had those recommendations been adopted we would not have had nearly so much miner's phthisis as we have to-day. A member of that earlier commission was called before the 1911 commission, and answered one or two questions. This was Mr. John Carr, and he was asked by the chairman of the 1911 commission, "Is it a fact that most of the recommendations of your commission were embodied in the Mine's Regulation Bill?" And the witness replied, "Most of them were embodied, but the most important ones were either amended or left out." He referred to the fact that almost all the important recommendations were left out of the Mines Regulation Act Amendment Bill introduced to give effect to the recommendations of that commission, which included the establishment of a mines regulation board, the appointment of check inspectors, and several other recommendations which were absolutely ignored by the very Government that had appointed the commission. That is not a record of which a Government might be proud. They appointed the commission, which in the end cost £11,000, and spent nearly 12 months going about the country examining witnesses and devoting almost all their time to the work. The chairman of the commission was Mr. Montgomery, the State Mining Engineer, and among the members were Mr. Mann, the Government Analyst, Dr. Black, and a couple of other medical men. Yet, despite the fact that the Government had their own commission

inquiring into the question of what should be done to limit the possibilities of disease, they ignored the most important of that commission's recommendations; and now we have Mr. Colebatch referring to the fact that we have not embodied the report of the Royal Commission on Miner's Lung Diseases, which was appointed, not by us, but by the late Government. I also want to say that the inclusion of industrial diseases in the Bill means cleaner mines. The very fact that the commission sat in 1904 had a most wonderful effect upon the various mines of the State in bringing about improved condition of cleanliness. The mines became much cleaner than they had been. The mine owners were awakened to their responsibility and the miners were also brought to a sense of their responsibility—in a limited degree I must admit—to see that the mines were kept clean. If any hon. member will read the evidence of the miners' representatives in this connection he will see that not one of them endeavoured to hide the fact that the miners themselves must be a little more careful and give a little more time and thought to keeping the mines clean. If the commission of 1904 did nothing else it effected a wonderful improvement in the hygienic condition of the mines, and it will have the effect of stamping out a good many of the diseases common in the past. In South Africa the mines have been revolutionised by the recommendations of two or three commissions on the same subject. I cannot see that industrial diseases should not be looked upon as accidents. I have heard no legitimate arguments against this proposal. Fibrosis is brought about by the accumulation of dust on the lungs, and when, as often happens, the disease degenerates into tuberculosis, it is traceable distinctly to the fact that the lungs were affected by the dust. Now if a lung becomes cut by rock dust particles surely it is just as much an accident as if an arm or a leg is cut by a larger particle of rock falling on it. It is just as much an accident whether the injury is inside or outside the body. The same may be said of the choking up of the bronchial tubes. When

a man is working in a mine and his bronchial tubes become choked up with cyanide dust or any other deposit it is incidental to the industry, and should be classed as an accident. The only argument brought against this thesis is that urged by Mr. Sanderson, namely, the question as to whether or not the industry can stand the financial strain.

Hon. R. J. LYNN: You will have a miner insured against all things.

Hon. J. E. DODD (Honorary Minister): I would certainly have him insured against industrial disease. One aspect of this question has been forgotten, namely that the large increase in the amount of insurance to be done will have a tendency to reduce the premiums. The increased value of business must have this effect. Mr. Sommers has said that we are pauperising the worker by this system of worker's compensation. If we are doing that we are in very good company, because the House of Lords has just passed the Act upon which we are following to the same effect; and other Australian States have passed similar Acts. But if we are pauperising the workers by giving them worker's compensation legislation, the suggestion Mr. Cullen made, of having unemployed insurance, is a form of pauperising I for one could not support.

Hon. J. F. CULLEN: That would be a contributory claim.

Hon. J. E. DODD (Honorary Minister): I think if there is one thing that will tend to make paupers of men it is the providing of unemployed insurance for them. I have never yet been convinced that this State industrial insurance is a good thing. It seems atrocious that in a country like this we should have to pay for unemployment. That we should be asked to pay for able-bodied men walking about out of work is an absolute libel upon our scheme of things. I have never yet been convinced that this great question of national insurance should be taken up. I may yet be called upon to give adherence to some scheme of national insurance, but it will require very great thought from me and I shall have to look into every aspect of it before I

give my adherence to any such scheme. The fact that in a young country such as this we must provide able-bodied men with charity—

Hon. J. F. Cullen: You are doing it now; whenever you make work for men, it is charity.

Hon. J. E. DODD (Honorary Minister): We are doing it now because, unfortunately, it is necessary; but if we remain long enough in office to fully develop our policy there will be no need for industrial insurance, because you will find that everybody has work.

Hon. J. F. Cullen: All will be unemployed by that time.

Hon. J. E. DODD (Honorary Minister): No, there will not be any unemployed then. By interjection I stated that this House is gradually becoming socialistic and later on no doubt I shall have an opportunity of going to Fremantle and assisting Mr. Moss in his campaign as a Labour candidate.

Hon. M. L. Moss: Why this?

Hon. J. E. DODD (Honorary Minister): The hon. member is advocating State insurance.

Hon. M. L. Moss: I know what is going to happen, the whole of the Labour party will come down, but on a different tack.

Hon. J. E. DODD (Honorary Minister): The hon. member is a good man where he is and I trust some of his views will alter so that we can accept him. Mr. Moss is willing to have State insurance for the other fellow to break the insurance ring. Mr. Hamersley is willing to have socialism to wipe out the shipping ring and other members are in favour of State agricultural implement factories.

Hon. J. F. Cullen: No fear.

Hon. J. E. DODD (Honorary Minister): It has been advocated strongly and the Chamber is certainly becoming socialistic.

Hon. M. L. Moss: As long as you come to our socialistic ideas we shall be quite satisfied.

Hon. J. E. DODD (Honorary Minister): Mr. Scmmers drew attention to a paragraph in the *West Aus-*

*tralian* relating to the limitation of work. I want to say in reference to that that it is looked upon as a horrible thing that employees should seek to limit their work. To some extent it seems a monstrous proposal that such should be done, but on a little closer investigation there are many workers who may be pardoned for seeking to limit their output to some extent. I know many members have read *The Jungle* by Upton Sinclair and there are others who have read Foster Fraser's works, and Foster Fraser cannot be looked upon as a Labourite by any means; he is a Conservative of Conservatives and we have only to read his book *America at Work* to realise what the speeding up system is doing in America. When Foster Fraser asked at the factories where the old men were, he was taken to the cemetery and told that was where they were.

Hon. J. D. Connolly: Perhaps Foster Fraser wrote *America at Work* as he wrote about the Kalgoorlie mines, without leaving Perth.

Hon. J. E. DODD (Honorary Minister): If that is how Conservatives write, we cannot place much reliance on their arguments. Sinclair made astounding and horrible statements and they were backed up by a royal commission appointed by the President of the United States. In fact the findings of the royal commission showed that the statements were under-estimated in connection with the speeding up system. That system does not take place in America only, but here and right through Australia and in almost every industry.

Hon. M. L. Moss: What is the speeding up system?

Hon. J. E. DODD (Honorary Minister): Working at such a pressure that men have to give up at the age of something like 40 or perhaps even 35.

Hon. M. L. Moss: Did not they put a man out of the union the other day for over working himself?

Hon. J. E. DODD (Honorary Minister): That is what I am trying to get at. Although it cannot be excused in some cases, on closer

investigation we find there is something behind it and that is what I am trying to point out. If we read this report we will find a tabulated list of the number of men who die in Kalgoorlie from pulmonary diseases, and I think the average age is something like 40. I venture to say that the average age of the men working underground to-day is not more than 40.

Hon. M. L. Moss: That is not the reason of it. Your Labour laws are such that people will only employ the very best men, the youngest men.

The PRESIDENT: Order! The Honorary Minister has the floor. Mr. Moss will have an opportunity afterwards.

Hon. J. E. DODD (Honorary Minister): The offer of bonuses to one man in order to induce him to do better than another will bring about a state of affairs which the systems of men cannot stand after the age of 40. We can understand why some unions are seeking to limit the output of their members.

Hon. J. Cornell: That is why I took on politics.

Hon. J. E. DODD (Honorary Minister): Mr. Sanderson referred to Mr. Davis's speech on this Bill as being light and airy. I do not think we shall ever accuse Mr. Sanderson of dealing with any question in a light and airy fashion.

Hon. A. Sanderson: This Bill is a joke then?

Hon. J. E. DODD (Honorary Minister): No, but no member of the House will accuse Mr. Sanderson of dealing with anything in a light and airy fashion.

Hon. A. Sanderson: I am very glad to hear it.

Hon. J. E. DODD (Honorary Minister): It does not matter what Bills he deals with, he always treats it in such a pessimistic way that, even to hear something of a light and airy fashion from other members materially assists us.

Hon. C. Sommers: So long as we know what Mr. Davis is here for, it is all right.

Hon. J. E. DODD (Honorary Minister): It is as well to have someone who is light and airy in debate at times. There is one further remark I want to make and that is with regard to the attitude of the mine owners of this State towards this subject and the attitude adopted in some other parts of the world. In Western Australia there has been paid in dividends by the various gold mines £22,838,420. I would ask members when dealing with the question of tributaries and other matters to consider what the mines have done with the 22 million odd. Is there one public institution that these mines have assisted in any way? Can members go to Kalgoorlie and find where the mine owners have in any way at all assisted to do anything to mitigate the effects of this disease?

Hon. J. Cornell: They have erected a drinking fountain in Victoria Square.

Hon. J. E. DODD (Honorary Minister): Yes. I do not know the cost of it, but that represents the only expenditure I know of which has been made out of the 22 millions odd for a public purpose. In South Africa the mine owners erected a sanatorium costing £50,000 in order to mitigate the effects of this disease. I am not blaming the managers at Kalgoorlie. From a long experience with them I realise that they are actuated by just as humanitarian motives as we are, and if many of us were in the positions of the mine managers we might not be as liberal. But the very fact of 22 million pounds having been won in 20 years from gold mines and not one solitary thing having been done to mitigate the disease contracted in the mines should have some influence upon members in this Chamber in the direction of seeing that something at least should now be done for the men. I do not think there is any other part of the world where such enormous dividends have been made by mining companies and where less has been done. I hope every consideration will be given to the Bill, which is only an extension of the provisions of the existing Act, and I trust that those

who are seeking to get slightly better benefits, will be able to get them after the Bill is passed.

Question put and passed.

Bill read a second time.

#### BILL—PEARLING.

##### *Assembly's Message.*

Message from the Assembly received notifying that the amendments requested by the Council had been made.

#### BILL—DISTRICT FIRE BRIGADES ACT AMENDMENT.

##### *Assembly's Message.*

Message received from the Assembly notifying that the amendments requested by the Council had been made.

#### BILL—NORSEMAN-ESPERANCE RAILWAY.

Received from the Legislative Assembly and read a first time.

#### BILL—TIMBER LINES TRAFFIC.

##### *Second Reading.*

Debate resumed from the 14th November.

Hon. Sir E. H. WITTENOOM (North): Before addressing myself to the Bill I would like to apologise for what seemed to delay the work of the House last evening unwittingly to myself. I came here at some inconvenience owing to an indisposition, and at a late hour I asked the hon. member in charge of the Bill whether it would be brought on during the evening, and he gave me the distinct assurance that it would not. I am told to-day that it was called on by the President and the adjournment moved by another member. I cannot help thinking, without the hon. member's explanation, that it was a breach of political etiquette. I would not have absented myself except on the assurance that the Bill would not be before the House last evening. In draw-

ing attention to this small, innocent-looking Bill, I would say that it has been brought forward, not by the Government of the day, not by the responsible Ministers, but by a private member; and most of those concerned are his constituents. I do not say that to in any way blame the member who has brought the measure forward, but merely to show that it cannot be of such urgent importance, or the Government of the day would have associated themselves with it. This Bill seeks to compel lessees of timber concessions and firewood concessions on Crown Lands to haul goods and passengers over the lines they have constructed, and to give reasonable facilities on these lines to the satisfaction of the Minister for Lands. The Bill seeks to compel lessees of timber and firewood leases to carry passengers practically on the same conditions as exist on the Government railways, and it naturally occurs to anyone reading it superficially that this is a reasonable demand. Here is a railway going along and why should not people make use of it. It seems to be reasonable to the superficial observer, but there are many grave obstacles and risks in the carrying out of this idea. In the first place these lines were never built to carry passenger traffic. They were laid down simply to develop the leases for timber or firewood, and the machinery and roads are built and laid for that special purpose only. The lessees will require staffs and booking conveniences and they will need shelter conveniences and covered vans, all these leading to a great deal of expense, and yet it is to be done at the same price for passengers as is charged for second-class passengers on the Government railways and at the same price for goods as goods sent on the owner's-risk arrangement on the Government railways. Is it possible to think that any ordinary company can carry goods and passengers at the same price as the Government charge where they have large quantities to deal with and where they have all the facilities provided by a large expenditure of money? It is impossible to do it; at any rate it will not be remunerative to do it. I do not think Mr. Davis made



at a strong case in introducing the Bill. I do not know whether he has ever been on a timber mill; he made a very fair speech I admit, but I do not think he made out a strong case. He stated that the people in connection with these mills were labouring under a number of disabilities, but I failed to find out what the disabilities were. I shall quote one or two of the remarks Mr. Davis made just to show what he considered were the disabilities. I do not think they are very live ones. He said—

It is sought to have the traffic conducted over the lines, both in goods and passengers, so that the people living on the bush landings may obtain, if they so wish, goods at Perth rates, or as near thereto as possible, that is at the price ordinary goods are bought in bulk, and have them sent over the lines at the ordinary rates, and thereby effect economies.

That I take it means that they can get goods from Perth, Bunbury, or anywhere they like at wholesale rates or bulk rates and have them carried over the timber lines and delivered to them wherever they like. Then he comes to another point—

Unfortunately at present, the rates charged on the timber lines are not on a par with those charged on the Government railways?

I do not suppose anyone would imagine that they should be done at the same rate. Again he says—

The Bill also asks for shelter vans for passengers so that travellers may travel with some degree of comfort.

Now to take these points separately. I do not think it would be of much advantage to have these goods going up at bulk rates. I do not know whether members are aware that under an agreement arrived at between the workers and the proprietors of various mills and firewood lines a price list was arranged, and one of the conditions was that stores had to be kept on these mills and that the prices were not to exceed 10 per cent. on the prices in Perth. There is always a little difference of opinion as to whether the prices are 10 per cent. over those in Perth or not, and my friend felt sure

that where there was a difference it was in favour of the stores. That is quite possible, because there is great difficulty in ascertaining what are the prices of commodities in Perth. Anyone who understands the commercial arrangements of the stores about Perth will know that in nearly every store there is one line known as the draw line, which is practically given away to attract purchasers, so that they will make up for it on other lines. For instance, Foy & Gibson practically give away eggs for the sake of attracting custom for other commodities. We may go to another store where kerosene is supposed to be the cheapest article, and we may go another place, where some other article is cheap; but if we go to these places and take the cheapest article and base our ten per cent. on that, we can hardly call it a fair average. However, that is done at times. No doubt there will always be a difference of opinion to a small extent with regard to the 10 per cent. But there would be little saving by the carriage of these bulk goods, for the simple reason that under the conditions of the agreement made between the workers and the proprietors the latter are compelled to keep stores, and these stores have to be sold at a certain price. If the purchasers of these stores, for whom they are kept, are to get their goods in some other way and go to the stores only for the odds and ends, it would not pay the proprietors to keep the stores going; it would be better to do away with them altogether. Then there would be the responsibility of delivering these stores and all sorts of things for which these lines were never intended. My opinion is that this little Bill is brought forward in the interests of the tradespeople who wish to trade and also in the interest of people who wish to develop the sly-grog business. We all know the sly-grog business has been one of the greatest troubles throughout all these industries. I believe a telegram came over the other day from Mr. Hedges, who has a very large interest in the firewood business at Kalgoorlie, and it said that if the Bill was carried it would do away with what they had

been fighting against for years, namely the sly-grog business. Everyone must admit that sly-grog selling among men in the bush leads to doing away with good sound work and business, and it should be stopped at any cost. In these circumstances no facilities should be given for it. Of course the arguments will be that we can put an amendment in the Bill that in no circumstances shall liquor be carried or demanded to be carried on these lines? But how are we to know what is in the packages?

Hon. J. D. CONNOLLY: Cannot they carry it out by team? How can you prevent that?

Hon. Sir E. H. WITTENOOM: We cannot prevent it; and if a man sends to Perth for a few bags of oatmeal and a few pounds of soda, he can say "Put a few bottles of whisky in the middle of it." Who can know the difference? The proprietors cannot open every case and package. That is the difficulty. I would not be opposed to this were it not that they have the alternative of being able to get their goods at prices that are scheduled and at stores which are kept for their convenience. If all these conditions are imposed on these railways or tramways for carrying timber it will put up costs to a large extent and put up the cost of the article that is being produced, whether firewood or timber. The timber has to be exported, and very often contracts are made for a great number of months ahead. All this will make the cost go up; and as the timber companies have to compete with the whole world, it will be another disadvantage and another expense put upon the production of the article. The only large company that I know anything about have all the service that this Bill asks for between the mills and the Government railways. They carry parcels and there are covered vans and every facility is given. But when it comes to log trains it is a very different thing. For the information of members I may explain there are two distinct services. There is a line running between the mill and the railway which is regular and which can be carried out under the conditions which are pro-

posed, but there is another line that runs from the mill into the forest or out from the camps into the thickets. In these there are no shunting facilities, and indeed I do not think you could take a carriage or a car on them, they are purely for log trains, and to make them carry passengers would be to run the greatest danger. I do not think a manager would be justified, if the Bill became law, in carrying out the conditions; it would be too dangerous to do so. Whenever the Governor, or any distinguished visitor, goes out to see the logs being felled and hauled, they go out on log trains because it would be impossible to get a car out. The other day Mr. Justice Higgins went to the mills, and in that case they had an engine and a car to take him up. I know of cases quite recently where a car was sent up, but by no means were they able to get this car to the end of the line. I repeat this is a very undesirable Bill in connection with the firewood and timber industries. Everything reasonable that can be done is being done. The employees get all possible facilities that they require. Anything they want is taken out to them, and they are always conveyed on the log trains wherever they want to go, and whatever is required in the way of provisions is taken to them, in fact every facility is given to them. It would be objectionable to provide that anyone who wished to go on these lines could do so. Then of course it will be necessary to provide stations, carriages, goods trains, and also shunting provisions. All this would be impracticable. If this had been a serious matter, the Bill would have been brought in by the Government long ago, but it is practically unnecessary. Under these circumstances, I move an amendment—

*That the word "now" be struck out, and "this day six months" added.*

Hon. J. D. CONNOLLY (North-East): I desire to say straight away that I do not intend to support the amendment moved by Sir Edward Wittenoom. I have read the Bill and as Sir Edward Wittenoom stated, it appears to me to be harmless and one that, from my

knowledge of the different timber lines, both the firewood and saw milling lines, no serious exception can be taken to. Indeed it may be necessary to provide for some safeguards when the Bill is in Committee. But I think the principle of the Bill, as Sir Edward Wittenoom himself admitted, is one that the House might readily agree to.

Hon. Sir E. H. Wittenoom: I did not say that.

Hon. J. D. CONNOLLY: Then I say it, that the principle is one that serious exception cannot be taken to. It is pointed out in the Bill that the stores and goods are to be carried at owners' risk.

Hon. J. F. Cullen: So it is on the railways.

Hon. J. D. CONNOLLY: Then what is the objection to the Bill? We have been told about a wire from Mr. Hedges, and about the encouragement of sly grog selling. I have heard a good deal about the sly grog selling that is taking place on the goldfields lines, and unfortunately it does exist, but that is no argument why this Bill should not go through. As far as the goldfields lines are concerned, this Bill will not make one iota of difference in the direction of lessening the sly grog selling along these lines.

Hon. Sir E. H. Wittenoom: It will facilitate it.

Hon. J. D. CONNOLLY: It will not, because the sly grog sellers will not make use of the line.

Hon. J. F. Cullen: Is the goldfields the only place where this sly grog selling is carried on?

Hon. J. D. CONNOLLY: I never heard of complaints at the timber mills because there are hotels there, but there were grave complaints about the practice on the goldfields timber lines. So far as those lines are concerned the men are camped all along the line and the sly grog man goes out with his case of liquor and delivers it where it is wanted. He would not be able to do that if he had to send it out by train, because he could not afford to run the greater risk. As it is at the present time if a policeman comes along

the sly grog seller will simply leave the liquor at a camp and say that he is delivering an order. That kind of thing could not be done by means of the railway. The timber companies and the firewood companies have a big concession in this State and they are something like the goldfields mining companies, inasmuch as they are extracting the wealth from the State and by and by there will be nothing left.

Hon. Sir E. H. Wittenoom: Look at the capital they put into it.

Hon. J. D. CONNOLLY: All the State gets out of it is the wages paid to the men employed in the industries. It is a big concession to allow these people to put down private lines, and they put them down for the purpose of carrying timber, and it is not asking a great deal to say that they shall carry at Government rates and at owners' risk, the people and their goods. What right have these companies to have a monopoly of the stores? Why should a person who desires to erect a store on these lines be prevented from doing so? I am as strongly opposed to trusts and combines of trading concerns established by employers, as I am to trusts and combines of workers, and to permit trading concerns to develop into monopolies is just as dangerous to the country as to permit a monopoly of trades unions. What is the position? Take the timber company which is really the only one operating in the State at the present time. That particular concern is becoming a grave danger to the State. We know that it has become a huge monopoly. Mr. Moss two years ago moved a resolution in this House and gave some startling information as to the company's operations.

Hon. Sir E. H. Wittenoom: It was all contradicted.

Hon. J. D. CONNOLLY: The arguments of Mr. Moss were right, and they stand to-day. The company are seeking to monopolise the whole of the timber trade, and now they are even trying to extend their monopoly. What is the position to-day so far as this State is concerned? These people are getting

out the timbers of the State and they are not satisfied with merely doing that but they have control of the whole of the timber business to the detriment of the people in Western Australia.

Hon. Sir E. H. Wittenoom: That is not a fact, and what has it to do with the Bill?

Hon. J. D. CONNOLLY: It has everything to do with the Bill. Let me explain something of the operations of this company in the State. At the present time oregon timber is being sold in Melbourne at 15s. a hundred.

Hon. J. F. Cullen: May I draw your attention Mr. President to the fact that there is a good deal of business in this House to be attended to and that surely the hon. member is not in order?

The PRESIDENT: Are you asking a question?

Hon. J. F. Cullen: I am submitting a point of order and it is that the hon. member is not in order in discussing the position of this timber company with regard to their operations and the timber they are cutting. The question is, is it practicable to carry passengers and goods on these timber lines and should the owners of the lines be compelled to do so? I submit that the hon. member is going miles afield.

The PRESIDENT: The hon. member is in order. I think his remarks are relevant to the subject.

Hon. J. D. CONNOLLY: I did not expect for one moment, Mr. President, you would have thought otherwise. I was referring to the price of oregon timber which I said was quoted in Melbourne at 15s. a hundred. I take the figures from the printed list of James Moore & Co., a big firm of timber merchants in Melbourne. In this State oregon for a corresponding length is selling at 22s. I have had a good deal of experience in the timber business and I contend that oregon can be landed as cheaply in Perth as in Melbourne. We have timber ships taking away cargoes of jarrah, and they could bring oregon to the State, and I say that the freights at least ought to be as good to Western Australia at the present time as they are to Melbourne; yet there is a differ-

ence of 7s., about 30 per cent. Another size of oregon in Melbourne is 17s., and over here it is 24s., again a difference of 7s. It is rather a coincidence that in both cases the difference should be 7s. Let us now take the case of jarrah. It is quoted in Melbourne at from 3s. to 4s. a cwt. more than in Perth, and it must be remembered that jarrah is double the weight of oregon and yet there is only that small difference in the price as compared with 7s. in the case of oregon. A more striking instance is that jarrah flooring in Melbourne, 4½ by 1½ inches is 12s. a hundred, and 4½ by 1 inch is 11s. 6d. in Perth, that is 6d. a hundred difference, and then it is an eighth of an inch thicker in Melbourne. It might therefore be said that it is practically the same price as in Perth. You can buy jarrah flooring in Melbourne practically as cheaply as in Perth. That is the benefit this company has given to Perth, where it derives its wealth.

Hon. Sir E. H. Wittenoom: Try Whittaker Bros.

Hon. J. D. CONNOLLY: If I was Whittaker Bros. I would belong to the ring too, but I am not a timber merchant.

The PRESIDENT: The hon. member will connect these facts with the Bill I hope.

Hon. J. F. Cullen: Oh, never.

Hon. J. D. CONNOLLY: I am endeavouring to show that it will be in the interests of the country to compel these companies to carry passengers and certain goods. I want to point out that if one goes into the country to buy jarrah 200 miles from Perth he is charged exactly the same as they charge in Perth. Certain prices must be kept up, although, as I have pointed out, one can go to Melbourne and buy flooring of our own timber at the same prices as it can be obtained locally. The position is practically the same in regard to Baltic pine flooring.

Hon. J. F. Cullen: You are getting to the Baltic now.

Hon. J. D. CONNOLLY: If the hon. member will have a little patience he will derive some information. Baltic flooring, 7 x 8 can be bought in Melbourne for 9s.

3d., whereas in Perth the price is 12s. 6d., a difference again of about 30 per cent. Baltic timber can be landed just as cheaply in Perth as in Melbourne, and these prices go to show that the combine is keeping up the market. It is the same with doors. All doors that are used are made, I think, in the Baltic or in America, yet the doors that one can buy in Melbourne for 15s. 9d., in Perth cost 19s. 9d. Another class of door costs 21s., in Perth, and 17s. in Melbourne. A great deal could be said on this subject, because I consider that when a huge combine is reaching out such as this one is, for it not only has a monopoly of timber, but is taking in hardware, and I understand has also purchased a lime business so as to be able to have a complete monopoly of the building trade, it is a danger to the country, and it is unfair. Such a combine is as much to be deplored as the amalgamations of unions, which we strongly opposed in the Arbitration Bill.

Hon. J. F. Cullen: Is this Bill to punish the combine?

Hon. J. D. CONNOLLY: Not at all, but Parliament here has an opportunity of protecting the people along these lines so that they may get their goods as cheaply as they ought to get them. When we find that we are forced to pay as much for our own locally grown timber as the people in Melbourne pay, after having to meet all the costs of transport and marketing, it is time we endorsed anything that will give the people of the State protection against combines working within the State. All the Bill does is to say that these companies shall carry goods at Government rates and at the owners risk, and passengers at the company's risk and at Government rates. Sir Edward Wittenoom referred to log trains, but what passengers wish to travel or send goods by log trains to where men are felling logs to send into the mill? They only want to send goods to the settlement. Then, it must be remembered that there are, along these lines settlers who are justly entitled to the conveniences of these lines and to have their goods carried. Why should they be forced to buy their goods from

the company when they should be free to buy them where they choose? Exactly the same arguments apply to the timber lines on the goldfields. We know that a great deal of the friction and trouble that has arisen on the goldfields lines in the past has been over this question of stores. We are told that the stores can be had at town prices, but if that so, why do the companies hold on to the privilege of selling stores?

Hon. Sir E. H. Wittenoom: Because the men put in their agreement that we were bound to place stores there.

Hon. J. D. CONNOLLY: If there is no profit in the stores, would it not pay the companies better to say to the men—"Never mind about the stores, you can buy your goods where you like." The Government have given these companies permission to put down lines, which is a very big concession indeed, and all that is asked in return is that the company shall carry stores at Government rates for the people living along the lines. That is not a very big thing to ask. The Bill is a fair one, and I hope it will pass.

Hon. J. F. CULLEN (South East): I just begin to get a glimmering of the connection between the hon. member's speech and the Bill.

Hon. J. D. Connolly: It took you a long time.

Hon. J. F. CULLEN: Well, it was not very clear. The hon. member is getting at the Bill by getting at one member who has been discussing it. The hon. member has really been replying to a speech delivered in this House some months ago, assuming that he was paying Sir Edward Wittenoom back. Coming to the Bill, I do not know the company from Adam. I once had a ride on one of those timber trains, and I remember signing a death warrant before going on that the company would not be responsible; and quite properly. But is it practicable that a timber line should be run as a Government passenger and goods line? How can the runners of these timber trains carry passengers and goods without practically all the arrangements with the Government have on their trains? They would need to have goods clerks at each end, books kept, arrangements

for checking the passengers, and so on. It would be utterly impracticable on the timber trains. It would be just as rational to expect a waggon to fit itself to carry passengers. The proposal is preposterous and utterly impracticable. Then it is proposed that the company shall handle this traffic at the same rates and on the same terms as the Government, but is it rational to expect such a thing? I do not see how it can be done. Any hon. member who has ever looked at one of these timber trains will know that the thing is utterly impracticable. I have some sympathy with the framer of the Bill. Naturally he wants to do something for his constituents, and I can only console him with this, that if the Legislative Council throws the Bill out as impracticable, he will have a still stronger case with his constituents. He will then be able to tell them how he faced and fought the Upper House, and that it was only in this Chamber that his measure was defeated. The Bill itself is utterly impracticable and no sane House of legislature could possibly pass it.

Hon. J. D. Connolly: I rise on a personal explanation. Mr. Cullen made an assertion that my speech was made on account of something which Sir Edward Wittenoom said some months ago. I do not know what he is talking about, but the statement is altogether unwarranted. Where he derived his information I do not know. I have nothing against Sir Edward Wittenoom at all. I stated clearly why I considered the Bill should not be carried, and I had no other reason for opposing it.

Hon. A. SANDERSON (Metropolitan-Suburban): I am in somewhat of a difficulty over this Bill. I think I have had more experience than anybody in this Chamber in travelling over timber lines.

Hon. Sir E. H. Wittenoom: You are just the man to speak.

Hon. A. SANDERSON: I may be and I am going to speak in that light and airy manner that the Honorary Minister so much desires. If I shall not be called to order I might begin by telling some of my experiences on the

Canning-Jarrah timber line. They bring a smile to my face even now; but perhaps we will have another point of order asking me to connect my remarks with the Bill, so I had better be careful. Certainly it amuses me to listen to an attack such as we have heard from Mr. Connolly. I do not regard it as a personal attack.

Hon. J. D. Connolly: It was never intended as such.

Hon. A. SANDERSON: It did not strike me in that way, but it was a most vicious attack on the combine system from the hon. gentleman and another weapon in the hands of our political opponents. It is certainly most perplexing. People have sometimes said, and the evidence of the Select Committee bears it out, that no parliamentary paper or exposition of mine can be closely followed. That is difficult for me to believe. But here is an hon. member regarded as the champion, and proud to be so regarded, of—what shall we say?—of private enterprise, or of the public as against the socialistic party. I have seldom listened in Parliament to a more ludicrous and vicious attack on a combine than that from the hon. member, and his way of dealing with this combine which is doing so much to injure the public of Western Australia is by this trifling Bill brought in by a private member in another place. His opposition will require more than a personal explanation to satisfy me that his attitude is on good grounds. Now, to come to my own difficulty as to whether I shall support the second reading or the amendment. I think the six months amendment is too sudden. It gave me quite a shock to hear the six months proposed, because I do not think it is fair treatment to a number of people in the country who undoubtedly have got a genuine grievance, in addition to which there is a grievance which exists only in their imagination.

Hon. Sir E. H. Wittenoom: I do not think there is a grievance.

Hon. A. SANDERSON: There is a genuine grievance on the part of the people living near these private lines

who cannot get the facilities when they perceive a railway running past them.

Hon. E. M. Clarke: They have got that against the Government too.

Hon. A. SANDERSON: Certainly they have a genuine grievance against the Government. Those people who live near the railways have grievances although it may not be legitimate it is a grievance. I shall do all I can to help the people who live alongside these timber lines. I lived alongside one of these timber lines for a long time and I know the disadvantages the people labour under. But the Bill as it is—I will not call it preposterous, but it does not meet the case. I regret it was not introduced by the Government.

Hon. Sir E. H. Wittenoom: Throw it out and have a fresh one.

Hon. A. SANDERSON: We might try to knock it into shape in Committee. I hope that time will be given to consider this measure before the Committee stage is entered upon, because we are loading ourselves up with Bills and we have plenty of work before us. One ought to have time to go into this Bill and communicate with the people interested, and we should have time to knock it into shape so as to make it satisfactory, even to Sir Edward Wittenoom. I shall not vote for the six months amendment, but if the Committee stage is fixed a long way ahead to enable members to consider the measure so as to give an opportunity of knocking it into shape, I shall be prepared to let the Bill go through. It would not be fair to the settlers and the public, nor the Government to let the Bill pass in its present shape. Admittedly it is brought in from a local partisan view of the case, and it interferes to a large extent with the affairs of a private concern, and I believe it is likely to be dangerous to the travelling public.

Hon. D. G. Gawler: How would you alter it?

Hon. A. SANDERSON: I cannot tell you off hand. I want time to consider the Bill. It would be foolish on the part of the House to allow people to travel on some of these timber lines. They

ought to be prevented from so travelling. I have seen these rakes, I think they are called, and they are dangerous. According to the Bill everything has to be done to the satisfaction of the Minister for Lands. What does he know about it? It ought to be to the satisfaction of the Commissioner of Railways, if anyone is to interfere at all. Mr. Cullen's objection is a fair one. If we turn these timber lines into passenger railways, then provision ought to be made on business lines. I hope Mr. Davis, who is in charge of the Bill, will give some assurance that the measure will not be rushed through the Committee stage, but that we shall have a fortnight or so to find out what the people in these districts desire. If so, I shall vote for the second reading, but if an attempt is made to rush the Bill through Committee and get it on the statute-book, I shall do what I can to stop it.

On motion by Hon. E. M. Clarke debate adjourned.

## BILL—GOVERNMENT TRAMWAYS.

### *Second Reading.*

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: This is almost entirely a machinery Bill, the necessity for which has been occasioned by the purchase of the tramway system. The trams will be taken over and operated by the Government under the recently completed agreement, as from the 1st July of next year, and this Bill provides the necessary machinery to enable the Government to exercise control in the management and operation of the trams. As in the case of all machinery measures, this Bill requires very little explanation. Under the Bill the control of the trams is proposed to be placed with the Minister for Railways, and the trams will be operated as an adjunct of the present railway system. It has been suggested that a more satisfactory method of control would be by placing the trams under a board, but the Government have given this aspect of the question a great

deal of consideration and have come to the conclusion that the working of the tramway system in the metropolis is so closely interwoven with the railway system that to achieve the best results and ensure satisfactory transport, the control of the trams should be placed under the Commissioner of Railways, subject of course to the Minister. One of the advantages of this proposal is that when it is deemed necessary it would be possible to transfer the servants of the railway system to the tramway system and vice versa. The establishment of one central control over railways and tramways, I think it will be admitted, will tend to more economical working and greater public utility. As the head of the administrative branch of the tramways, it is proposed that the Commissioner for Railways shall have the same powers that he has under the Railways Act of 1904. With regard to Clause 3 this empowers the Minister, following on the Order-in-Council, to construct, maintain, improve or extend the tramway system, and for those purposes the right of entry on roads and lands and of compulsory purchase under the Public Works Act of 1902 of required lands and buildings is given. Clause 4 vests the management and control in the hands of the Commissioner of Railways, as I have already explained, and the succeeding clause empowers the Commissioner to prescribe the tolls, fares, and charges, and make necessary regulations for the control generally of the tramway service. Clauses 5, 6, 7, and 8 provide penalties for specific acts of obstruction, and for various offences relating to interference with the works and to fares. In Clauses 10, 11, 12, 13, 14, and 15 provision is made similar to that contained in the Railways Act whereby the Commissioner may sue or be sued: the limit of liability of the Commissioner in respect of any action, in respect of any loss of life or injury to the person being fixed at £2,000. The maximum amount which may be recovered by an injured workman under the Workers' Compensation Act is £400.

Hon. M. L. Moss: But this is liability or negligence.

The COLONIAL SECRETARY: I understand that, but what I am stating is practically correct. It must be conceded that the Government are not seeking an opportunity of evading their obligations in fixing the maximum sum recoverable at £2,000. It is bringing the provisions of the Bill into line with the provisions of the Railways Act. The limit in any case is a very generous one. When a person is travelling in a ship and the ship is lost the shipowner is not liable for damages. Clause 19 is the only other provision in the Bill calling for special attention at this stage. It deals with the employees. Under this clause, as I have already explained, the employees of the tramways will in all respects be officers and servants of the Railway Department. In this connection the opportunity is taken of giving legal authority to a procedure which has been followed for years past in the railway service. Under the Railways Act the Commissioner is empowered to appoint or dismiss or otherwise deal with members of the staff, but no power is given to the Commissioner under the Railways Act to delegate his authority in that connection. As a matter of fact it has been the custom for the Commissioner to delegate his powers. He has done so without legislative authority, and according to the Bill, Section 68 of the Railways Act is amended to make clear that the authority to deal with staff matters may be delegated by the Commissioner to a subhead.

Hon. M. L. Moss: Will Clause 19, altering Section 68 of the Government Railways Act, apply to railway servants as well?

The COLONIAL SECRETARY: Section 68 of the Government Railways Act is amended by adding a paragraph. That is an amendment to the Government Railways Act. I think it is permissible and I think this has been done before. Clause 21 empowers the Commissioner with the approval of the Minister, to introduce motor bus services in districts where the establishment of trams is not warranted. It is thought advisable that where such services are considered necessary they should be controlled by



the department rather than pass into private hands. The measure is simply of a machinery character. I move—

*That the Bill be now read a second time.*

Hon. J. CORNELL (South): I am in favour of the Bill, with the exception of Subclause 3 of Clause 19, and when in Committee I hope to get a full explanation of this clause, failing which I shall vote against it. As it is now, under the Government Railways Act I am led to believe only the Commissioner has these powers, which hon. members will admit are autocratic. They are vested in the one man. While I am prepared to allow them to be vested in the one man, I am not prepared to approve of allowing him to delegate those autocratic powers to sub-heads in the various branch departments. When the Commissioner alone has the right to dismiss, the appeal lies, of course through the Commissioner; but if we give this power to delegate the responsibility to a sub-head it will be a very different matter.

Hon. M. L. Moss: You hold that any labourer on the road should have the right to have his case investigated by the Minister himself?

Hon. J. CORNELL: It has been the practice for a considerable number of years, and though it is never observed, I have the authority of a good many railway workers and some of the officials when I say that they are prepared to allow things to go on as they are, but that they do not approve of its being made statute law.

Hon. W. Kingsmill: It is as broad as it is long.

Hon. J. CORNELL: They are of opinion that it is not as broad as it is long. I speak on behalf of those men, and in consequence I think I am perfectly entitled to the course I propose to follow. I am not bound by the Bill or any of its features, and I reserve the right to speak on behalf of these men, as I have been asked to do, and to vote in the direction they desire. I simply give the Minister to understand that I am not satisfied with that clause.

The Colonial Secretary: They have the right of appeal.

Hon. J. CORNELL: Yes, but there is no question the Railways Act makes the Commissioner an autocrat. He has more power than any other official head in the State, and if you propose to allow him to delegate that power I am going to vote against it.

On motion by Hon. W. Kingsmill debate adjourned.

## BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT.

### *Second Reading.*

Debate resumed from the previous day.

Hon. D. G. GAWLER (Metropolitan-Suburban): I do not like to let this Bill pass without a certain amount of discussion. It seems to me that although it is an innocent-looking Bill, it goes very far in certain directions. Clause 3 will place land-dealing almost entirely in the control of municipal councils, and perhaps even a majority of such a council at that. It is very wide, dealing with transfers, conveyances and leases of any land. One can understand that land when subdivided should be submitted to the council so that they may see that the blocks are not so small, but when it is required that all subsequent transactions should go before the council, it will be seen that this will have the effect of hampering land dealings in municipalities. Taking the city of Perth, largely built upon, a lease of any room in the building will have to go before the council for its approval, because the word "lease" is not in any way restricted, and it may include a tenancy of any sort. As far as the Transfer of Land Act is concerned, this, apparently, would not apply to any lease under three years, but under the registration of deeds system it will apply to a lease of any period whatsoever when it is dealing with a single portion of a subdivisional lot.

Hon. A. G. Jenkins: It must be a lease which has to be registered.

Hon. D. G. GAWLER: Yes, but you can register any lease. Take a lease of

over three years, a lease of a shop for instance, on portion of one of those lots; before you can go through with it it will have to be submitted to the municipal council for approval. If it is under the registration of deeds system, then no matter what its period it will have to go before the council. Think of the delay, of the possibilities of the transaction being refused.

Hon. F. Davis : It has only to go before the council once.

Hon. D. G. GAWLER : Yes, but the council only meets once a fortnight, and it may throw the deal out. We must remember, too, that the size of buildings and the sanitary requirements of buildings are already attended to under the Health Act, so what the object may be of putting in a provision like this I cannot see. Again, it must be remembered that, inasmuch as under a mortgage the mortgagee has power to sell, and when he sells, has to sign a transfer of his land, it will be seen that this also is a transfer which will have to go before the council. Again, so far as I can see, this is retrospective, and will apply to existing mortgages. Apart from that fact, it will hamper a mortgagee's dealings very much. Suppose he has to take steps under his mortgage to sell and transfer to a purchaser, that transfer will have to go before the council before it is registered. I think under the circumstances the Bill requires careful consideration, and for my own part I would like to hear what the authorities of the Titles Office have to say about it. However, I do not propose to object to the second reading although I shall certainly endeavour to safeguard the rights of parties when in Committee.

Hon. M. L. MOSS (West) : My remarks also will be directed to Clause 3. I think it is highly objectionable that this power should be forced upon the municipal council. I am not so enamoured with the way municipal councillors carry out their duties that I am prepared to give them greater powers than they already possess; and with regard to a power of this kind, it is carrying things to an extreme. The matter has nothing to do with municipal councils

at all. I can understand the majority of members of a municipal council, out of sheer cussedness, refusing to give consent to a transfer, conveyance, or lease of a portion of a lot included in a plan for sub-division; and they will hold up transactions of considerable moment. Mr. Gawler discussed Clause 3 from the point of view of how it will affect any operations in Perth or Fremantle. But this is a very large State, and there are municipal councils away in the north, in the south, and on the goldfields, and in respect to property held in these other places numerous transactions take place in Perth. Take for instance the lease of an hotel in a place like Roebourne. Probably the business is fixed up in Perth, and it has to be held up until it goes before the municipal council in Roebourne, and we have to run the risk of the council not agreeing to it, to say nothing of the delay occasioned by reason of the appeal to the council situated in an outlying part of the State. I cannot see what it has to do with the council if a man lets a portion of a building. All these plans of subdivisions are made by licensed surveyors. They are all submitted to an examiner of plans at the Titles' Office, they are passed by that office. What has it to do with the council of a municipality? A proper subdivisional plan is made by a licensed surveyor and passed by an officer of the Titles' Office. Then the municipal council comes in and gives or withholds its consent. As a result of this undue interference with a business transaction it will be found that we cannot fix up any transactions at all. It will be hampering business in an altogether unjustifiable way. We ought to facilitate people in dealing with their property. It does not matter how small the piece of land, it is necessary to have a plan. What is it to do with the municipal council whether a lease is registered or not? With regard to land under the Transfer of Land Act, it is never necessary to register a lease of under three years, and with regard to land under the old system of lease it is not necessary to register any lease which is for a period not exceeding 14 years. Some of these

leases up to 14 years are not registered. The Bill will have nothing to do with these, and leases under the Transfer of Land Act are not capable of being interfered with. It follows therefore, that a large number of transactions will never see the light of day so far as the municipal council is concerned. It is only in regard to transactions of large magnitude or extending over periods of time—I am referring to leases—that the council can come in and interfere, and that has all to be done in various part of the State long before the document is in the Titles Office and effect is given to the registration. Clause 3 is highly objectionable from every standpoint, and particularly from the business point of view. To Clause 2 I have no objection. The accumulated sinking fund should be deducted from the amount a municipality is otherwise entitled to borrow, in order to ascertain the maximum amount which can be raised for necessary public works.

The COLONIAL SECRETARY (in reply): Under the present law, Section 497 of the Municipal Corporations Act provides that, when a person who is the owner of rateable land, wishes to subdivide that land, the responsibility is thrown upon him of giving notice to the town clerk and submitting his plans.

Hon. D. G. Gawler: That is subdividing for sale.

The COLONIAL SECRETARY: Subsection 3 says—

Except as hereinafter provided, no plan of subdivision of any land within a municipal district shall be received, registered, or deposited in the Office of Titles or Registry of Deeds, or any other public office for the registration and depositing of such plans, whether constituted under the Transfer of Land Act, 1893, or otherwise, unless such plan shall have been first approved of by the council, and such council may affix such conditions to the granting of such approval as it shall think fit, and the approval of such council shall be testified by the signature upon such plan of the surveyor, or town clerk, or such officer thereunto for the time being authorised by such council.

Hon. D. G. Gawler: That is only on subdividing for sale.

The COLONIAL SECRETARY: The Government of the day must have considered it a matter of some importance, otherwise they would not have introduced it. But the whole thing has been rendered a farce. The council approves of the subdivision, and then two or three hours after a man who has purchased an allotment can sell a portion of it and secure a transfer from the Titles Office, so that the object sought by Section 497 has proved abortive. Every day in the week transfers are being applied for for very small blocks of land.

Hon. M. L. Moss: Why extend it to lease transactions?

The COLONIAL SECRETARY: Because it is possible to overcome the section by giving a very long lease. A man might give a lease of 100 years to overcome the section. I intend to move an amendment to provide the right of appeal from the council to the Minister similar to the proviso in Subsection 3 of Section 497 of the Municipalities Act. Mr. Gawler stated that every single dealing in a small allotment of land would have to be submitted to the council.

Hon. D. G. Gawler: That is practically so.

The COLONIAL SECRETARY: I am advised it is not so, and only once in the history of a block would it be submitted to the council, and if the council approved of the further subdivision, there would never be occasion afterwards to secure approval. It would be intolerable if, every time a man required to transfer a block, or wished to lease a block, he should have to secure the approval of the municipality.

Hon. D. G. Gawler: You will have to alter your clause.

The COLONIAL SECRETARY: All that is necessary is if after a subdivision he still wishes to subdivide, he has to get the approval of the municipality to that subdivision.

Hon. D. G. Gawler: Suppose he wishes to lease some place again, surely he will have to get approval.

The COLONIAL SECRETARY : I am advised that it is not necessary. I have an opinion by Mr. Sayers, the Commissioner of Titles, who says—

I agree with the opinion of the late Commissioner of Titles, Dr. Smith, and have endeavoured to prevent the abuse of subdividing the subdivisions shown on a deposited plan by advising the Registrar to reject transfers if the effect of the transfer would be to defeat the object of Section 497 ; but such refusal could not be legally sustained, if challenged. A subdivision can be subdivided and transferred in portions by a verbal description in the transfer without the need of any plan being shown thereon when produced at the Titles Office, and registration cannot be refused. Subsection 1 of Section 497 has no effect whatever as regards the registration of transfers. If the notice is not given under that subsection a penalty may be incurred for breach thereof, but the absence of the notice does not block the transfer. Again, if the notice is given and the council take exception to the intended subdivision, nevertheless a transfer could be presented for registration in spite of the council's objection.

That is under the existing Act. He goes on to say—

It is only a plan of subdivision that cannot be received in the Titles Office unless approved by the council. The mischief the amendment is intended to meet is the undesirable cutting up of subdivisions delineated on deposited plan by transfers brought in for registration unaccompanied by any plan of re-subdivision. There should, in my opinion, be an appeal from the refusal of the council to approve a transfer and I have suggested a proviso to clause three.

Under that we compel a man who wishes to subdivide his land to submit his plans to the municipality. Yet, after he subdivides, we permit the man who buys to cut up the allotment into small blocks and sell it. If there is a necessity for the exercise of control by the municipality in the first instance, there is a necessity

for supervision and control right through.

Hon. D. G. Gawler : What is the object ?

The COLONIAL SECRETARY : The municipalities have great control in connection with the administration of health. They can condemn a building, and have it pulled down, yet members are not prepared to trust the councils. It is my intention to add a proviso that there may be an appeal to the Minister. According to the Solicitor-General, it will not be necessary to refer to the municipalities on every occasion when there is a transaction. If the council approves of a further subdivision, that approval will stand for all time.

Hon. D. G. Gawler : Why do you want the council's approval at all.

The COLONIAL SECRETARY : Why should it be required in the first instance. It is a farce to require it in the first instance, and not right through.

Hon. D. G. Gawler : In city property you only want the health authorities to look after things.

The COLONIAL SECRETARY : That is so as we have passed a law which provides that all these plans shall be submitted.

Hon. M. L. Moss : Not with regard to leasing.

The COLONIAL SECRETARY : The intention no doubt was that this section should cover everything, but it does not go far enough. It is abortive as it stands.

Hon. E. M. Clarke rose.

The PRESIDENT : The Minister's reply closes the debate.

The Colonial Secretary : I have no objection to the hon. member speaking.

The PRESIDENT : By the will of the House the hon. member may be heard.

Hon. E. M. CLARKE (South-West) : The Minister in charge of the Bill has rightly pointed out that no subdivision can take place before the plan is submitted to the corporate bodies. Having passed that, I fail to see why the municipalities should control vendors of property in any way, because, coming down to solid business, the owners of the blocks may discover that an intending purchaser wants an answer possibly within 24 hours. It is obvious, if

he is kept waiting until the council meet—they may have met a few hours before—it might be necessary to wait a month before it would be possible to deal in that land, and perhaps approval would not be obtained then. A man who has the money and wants an answer straight away would go somewhere else. In a business transaction expedition is the essence of bargaining. Most business men like an answer straight away. I fail to see why the owner, having submitted his plan of subdivision, and the plan having been approved by the council, should have to obtain the consent of the council to deal with the blocks so long as he does not in any way alter the boundaries. As soon as a block is sold, a business man will see that the council is acquainted, because in the absence of notification, the vendor would be liable for the payment of all rates. If a subdivision has been approved, and the owner seeks to make a further subdivision, he is still at liberty to appeal to the council, and so long as he gets their consent—

The Colonial Secretary: He need not

Hon. E. M. CLARKE: Then so much greater the reason why this further interference should not be countenanced. Having complied with the law in getting the approval of the corporate body, there should be no further trouble. As with a piece of machinery, the law should have as few working parts as possible, and then there would be less danger of complications. I fail to see the need for Clause 3. In Committee I will support any amendment in the direction of offering facilities for expediting land transactions, so that a man will not have to apply to the council, and perhaps wait a month, and then be refused.

Question put and passed.

Bill read a second time.

*House adjourned at 6-14 p.m.*

## Legislative Assembly.

*Thursday, 21st November, 1912.*

	Page
Papers presented .....	3739
Bills: Norseman-Esperance Railway, 3rd...	3739
Electoral Act Amendment, 2nd, Cont.	3739
Inebriates, Council's amendments .....	3744
Annual Estimates, Votes and Items discussed ..	3744

The SPEAKER took the Chair at 3.30 p.m., and read prayers.

### PAPERS PRESENTED.

By the Minister for Works: Special by-laws of Wickpin, West Kimberley, and Wiluna roads boards. (Valuation on annual value.)

By the Premier: By-laws made by the Roebourne Local Board of Health.

### BILL — ESPERANCE-NORSEMAN RAILWAY.

Read a third time and transmitted to the Legislative Council.

### BILL—ELECTORAL ACT AMENDMENT.

#### *Second Reading.*

The ATTORNEY GENERAL (Hon. T. Walker): In moving the second reading said: This is a simple little measure, dealing with the printing of the rolls. The existing Act makes it compulsory, whether necessary or not, that at annually recurring periods the whole of the rolls for the entire State shall be reprinted. Whether there are additions or no additions, whether there have been alterations or no alterations, whether or not any canvass has taken place in the meantime, at these annual periods we are compelled to reprint the whole of the rolls. The Bill makes it unnecessary to do so if the Minister gives his approval. Of course it must be fairly understood that the Minister accepts the responsibility of his action; in other words, when there is no necessity, when no alteration has been made in the rolls then, although the annual period has elapsed there will be no