

*Lands Improvement Loan Fund:*

*Votes—Departmental, Salaries, Agriculture, £1,700; Contingencies, Development of Agriculture, £6,700; Development of Agriculture, North-West, £2,000; Development of Agricultural Lands, £13,300—agreed to.*

Resolutions reported and the report adopted.

**BILLS (2)—RETURNED.**

1. Closer Settlement.

With amendments.

2. Mining Development Act Amendment.

Without amendment.

*House adjourned at 10.30 p.m.*

**Legislative Council.**

*Friday, 12th December, 1924.*

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The PRESIDENT took the Chair at 3 p.m., and read prayers.

**BILL—INDUSTRIES ASSISTANCE ACT AMENDMENT.**

Read a third time and passed.

**BILL—FORESTS ACT AMENDMENT.**

Report of Committee adopted.

**BILL—NORSEMAN-SALMON GUMS RAILWAY.**

*Second Reading.*

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [3.6] in moving the second reading said: It was my privilege 10 years ago to pilot through this House a Bill for the construction of a railway 60 miles northwards from Esperance. Since then a further extension of six miles has been authorised. The present Bill is submitted with the object of authorising the line to be carried on 59 miles to Norse-

man, thus connecting with the railway system of the State. The estimated cost of the line with water supplies, etc., is £221,300. At the time the original survey was made in 1904, Dundas was an active mining centre and it was thought advisable that the railway should pass through it. For that reason a detour from the direct route was provided for. At present Dundas is deserted, and there does not appear to be any likelihood of an early revival of mining in that part of the State. The Mines Department officials consider that although the mining area of Dundas has some rather promising lodes and is not altogether negligible, its present importance should not be allowed to stand in the way of a more direct and useful route being adopted. The amended position of the line, shown in the plan laid upon the Table, has important advantages. It is more than a mile shorter than the original route surveyed, it avoids all the lake country and granite outcrops, and it will better serve the good agricultural land to the west of Dundas. Members will naturally desire some information as to the quality of the country to be served. It is considered that at least 400,000 acres is wheat land, which would provide holdings for no fewer than 350 settlers. The balance of the country is good grazing land and third-class land. The Lands Department officers state that the forest country comprises principally good red soil, the timber being morrell, giant mallee and salmon gum, with open jam flats. Clearing is inexpensive, and water can be conserved in tanks. The country eastward for many miles is good agricultural land, and the construction of the railway would enable settlers distant even more than 12½ miles from the line to carry on, as there are splendid opportunities for mixed farming and especially for sheep raising. The Surveyor General has written a minute on the subject, from which I quote the following—

The country between Salmon Gums and Norseman is entirely undeveloped and has never been made available for settlement. Therefore no particulars can be given regarding yields or other development work. During my recent visit to the district, however, I found that the whole of the country is of uniformly good nature and that it will be possible to design a subdivision providing for 350 settlers, there being 400,000 acres of first-class land within the 630,000 acres classified. Good rains had fallen prior to my visit, and I was very pleased to find that all the dams in the district were full and that there was every prospect of the water supplies being assured during the coming summer.

Apart from the necessity for serving the agricultural and pastoral lands along the

proposed railway, there is the important consideration of eliminating the very great disadvantages attaching to the existing line from Esperance to Salmon Gums as an isolated line. The Esperance-Salmon Gums railway has not yet been handed over to the working railways for operation. It is not possible to give any figures which would show the increased costs due to isolation, but we have the experience of other railways. The Hopetoun-Ravens-thorpe and Port Hedland-Marble Bar railways are similarly circumstanced, and we have their experience to guide us in assessing the disadvantages of the Esperance-Salmon Gums line. To operate such lines, a self-contained system must be set up, and that involves separate rolling stock and a separate operating staff, which are locked up and are incapable of being worked into the general railway system of the State. This, of course, means loss because the rolling stock and staff on isolated lines cannot be used to their full extent. Members will want to know what the present settlers in the district have been doing during recent years I admit they could not be expected to do much. For many years they had no railway at all, and the nearest farm was 30 miles from a port. After the first section of the railway was built, the settlers were so handicapped by high shipping freights and other charges that they could not profitably get their produce on the market. I shall show what they will be able to save in two items alone if the railway be extended as proposed. From Salmon Gums via Norseman per rail to Fremantle, wheat could be carried for 27s. per ton; from Salmon Gums via Esperance per boat to Fremantle, all charges included, the amount is 33s. 5d. per ton. The freight on fertiliser from Fremantle to Salmon Gums per ton, via rail, would be 13s. 1d., and by ship it is £1 10s. 11d.

Hon. J. J. Holmes: By State steamer?

The COLONIAL SECRETARY: No. The State steamer charge is only £1 per ton, but there are other charges such as handling and hauling at Fremantle, wharfage and handling at Esperance and railfare from Esperance to Salmon Gums. The freight via the "Eucla" is only £1 per ton.

Hon. J. J. Holmes: The wharfage plus 10 per cent.

The COLONIAL SECRETARY: It must not be forgotten that the nearer the farmer is to Norseman the less is the cost by rail to Fremantle. In January last, according to the reports obtained from the Agricultural Bank, there were 200 settlers on their blocks between Esperance and Salmon Gums. It is estimated that there are at least 250 settlers there to-day, there having been an increase of something like 50 settlers since the new year. While there is no definite in-

formation as to the area under crop there would appear to be 20,000 acres, which on a conservative estimate is expected to return three bags to the acre, approximately 4,600 tons. With a better system of farming and the repeated working of the soil, the yield must substantially increase. The passenger traffic from the first section, supplemented as it will be by the further settlement between Salmon Gums and Norseman, should in the near future be considerable. Under present conditions the railway would be availed of in preference to the boat on account of the saving of time and the saving in cost, there being a difference of about £2 in favour of the railway. By connecting up Salmon Gums with Norseman there is no doubt there will be a great increase in settlement, consequently an increase in the tonnage of wheat, fertiliser, etc., taken over the line, as well as over the existing railway system from Norseman to Coolgardie, system from Coolgardie to Fremantle. I visited this country 10 years ago, and gave my impressions of it when introducing the Bill for the construction of the first portion of the railway northwards from Esperance. In the course of my second reading speech on that occasion I did not dwell at any length on the possibilities of the land between Salmon Gums and Norseman, as my chief concern was to give the House an idea of the country to be served immediately by the first instalment of the railway. But I could have said that although the rainfall was lighter the land beyond Salmon Gums was much richer from the agricultural point of view than the land between Esperance and Salmon Gums.

Hon. J. A. Greig: What is the average rainfall?

The COLONIAL SECRETARY: I will come to that. I wish to quote my remarks concerning the productive capacity of the land, which will be opened up if this Bill is passed. It will be noted from my remarks that I had fears as to the sufficiency of the rainfall of between 11 inches and 12 inches for the successful growing of wheat. It has since been proved that country with slightly less than a 12-inch rainfall has been a success for the growing of wheat in this State. I need only instance Wattleton with a rainfall of 10.71 inches, Koorda 11.48 inches, Koolberin 11.62 inches, and Burracoppin 11.92 inches. Norseman, the driest portion, has an average rainfall over 27 years of 10.94 inches, Dundas an average over 13 years of 12.51 inches, and Salmon Gums over five years has an average of 13.43 inches. Most of the rainfall occurs during the growing months, from May to October. There is no doubt mixed farming can be profitably carried on as the country is thickly grassed. I will now quote from my speech of 1914. I hope that members will make due allowance for the fact that 10 years ago it was not considered wise to settle people for agricultural purposes in regions

having a rainfall of less than 13 inches. I said:—

In travelling from Norseman to Esperance I examined the country, I interviewed settlers, and saw the growing crops. I am firmly convinced it is destined to be a great wheat producing country. I made the journey during the early part of July, 1914, and I will briefly state what I saw between Norseman and Esperance. The journey to Esperance occupied two days and all the land was inspected by daylight. Although we passed many farms en route we called at certain places only, and they were not oases in the desert, but were in consonance with the rest. We saw a farm here and vacant land there. The vacant land was exactly the same as the country under cultivation which was producing a good crop, although probably the extent under cultivation was not more than 10 acres. Mr. R. B. Johns, 118 miles from Esperance, had 225 acres under wheat. The crop had been sown on fallowed land in the middle of April, and 35 pounds of superphosphates had been used to the acre, while the implements used to put in the crop comprised a spring tooth cultivator and a seed drill.

Hon. J. W. Kirwan: Mr. Johns is only a few miles south of Norseman.

The COLONIAL SECRETARY: About seven miles. I proceeded to say—

That crop was the richest I had ever seen. It was outside the region of safe rainfall (the rainfall being 10.94 inches), but I had never seen 200 acres of land growing wheat so luxuriantly as that. It was 2ft. 6in. high on the 5th July.

I went straight from Northampton, through the Upper Chapman district, and on to Esperance. At Northampton I had seen wheat 6in. high, but at Norseman Mr. Johns' wheat was 2ft. 6in. in height. I was accompanied on this occasion by Mr. Kirwan, and we measured the height of the crop. I went on to say—

After that we called at Mr. Gilmore's homestead at 92 miles.

This would be about 33 miles from Norseman.

This settler had only 12 acres under crop, but one could judge of the fertility of the soil from the luxuriant growth of his crop. It was then 2ft. high. The rainfall in this locality was about 11 inches.

This is not correct. The latest figures show that the rainfall is 12 inches and some points—

I considered this portion of the district too uncertain for wheat growing. The land was ploughed in January, and the crop was sown on the 5th April with a seed drill. 50lbs. of superphosphate being used to the acre. Light rain fell in April, and a dry spell then set in. The last rain had fallen on the 25th June, a fortnight previous to my visit, when 75 points were recorded.

I do not pose as an expert in these matters. The full extent of my experience is that I was brought up in one of the best agricultural districts in the State. One qualified to speak, however, has spoken on the question, and he also comes from my district. I refer to Mr. H. K. Maley, ex-Minister for Agriculture in the Mitchell Government. He is a gentleman whose word no one would dispute, and whose judgment is based on a lifelong experience in agriculture. This is what Mr. Maley wrote after he had made a visit to the Norseman-Esperance district:—

I say without hesitation that agriculture will spread successfully east and south from Norseman over a vast tract of territory. In the past this south-eastern corner of the State has had little chance of development, but it cannot longer be kept back. Its isolation must be removed. Esperance must inevitably be linked with Norseman by the construction of the remaining 60 miles of railway. Then, as agriculture spreads further east, the country in the direction must be served either by rail from a new port, to be established east of Esperance, or by spur lines from the Esperance-Norseman railway, with improved harbour facilities to cope with the growing needs of the district. With the provision of essential railway facilities, and the application of the best farming methods to the land, this province must become the most important belt of wheat-producing country in Western Australia, and probably in the whole Commonwealth. While motoring down from Norseman yesterday, the quality of the country from that town southward until the mallee belt is reached appealed to me as being uniformly good. The timber consists mostly of blackbutt, yate, salmon gum and borea, with small scrub and salt bush. An examination of the rainfall records in the eastern country throws an interesting light on its agricultural future, and is surprisingly satisfactory. At Fraser's Range records kept over 20 years show an average annual rainfall of 12.50 inches, while the seasonal average between April and October is 8.20. With the application of proper methods of farming to the Esperance mallee and the whole of the agricultural country in this corner of the State, I have not the slightest doubt about the success of farming throughout the whole of this wonderful belt of country running east and south of Norseman, which amounts in all to many millions of acres. Everything points clearly to the fact that we have here awaiting development a huge belt of uniformly good country in which water conservation by means of dams has proved effective, particularly in the mallee. Last year a great number of dams throughout the east and north-eastern wheat belt were dry, but every dam in the Esperance

country was full to overflowing, and I am informed that the town dam at Norseman has never been dry since it was first constructed many years ago. The old bogeys which had been raised against the Esperance-Norseman district had been effectively disposed of. The quality of the Esperance mallee belt had been proved beyond question. In that portion of the State he believed that there was enough high-grade agricultural land to satisfy land selectors for an indefinite number of years ahead. He could assure them that as the result of his visit, Esperance had gained a new champion, because he was convinced of the greatness of its future.

Hon. J. J. Holmes: That statement was made immediately prior to the last general election.

The COLONIAL SECRETARY: It was made long before that, and it is an honest statement.

Hon. J. W. Kirwan: Hear, hear!

The COLONIAL SECRETARY: I went down there prejudiced against the railway, but became very enthusiastic. I thought I was probably too enthusiastic until I discovered that Mr. Mailey had come round to my view in every particular. He is a man of thorough and sound judgment, who would not make a statement like that in any circumstances, even for political purposes. It is not necessary I should say more. There is no special need to stress the importance of this work. The Legislative Council last year passed a motion urging the Government to carry out the work for which the present Bill asks authority. Members realise the necessity of extending agricultural settlement. They understand the burdens the Esperance-Salmon Gums settlers have to carry by reason of their isolation, and are aware of the heavy additional expense involved in running a railway unconnected with the main system. The extension proposed will enormously increase land settlement. It will remove all the disadvantages I have described, and in time will largely augment the wealth of the State. I move—

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

Hon. J. E. DODD (South) [3.30]: As one of the representatives of the districts through which this railway will operate, I wish to express my appreciation of the action of the Government in introducing the Bill this session. I do not suppose that any other railway in Western Australia was so long delayed as the Esperance-Norseman line. It has been an instance of "hope deferred maketh the heart sick." At the present time there is not much opposition anywhere to the Bill. Undoubtedly the whole railway system requires to be linked up. Further than that, the line will be a great boon to the people residing in the eastern

goldfields districts. I have had a lot of experience regarding land that has been held to be of no use. I do not mean that in the sense that I have owned or worked such land, but I know something of what has happened in South Australia and Victoria. Only last year I met a gentleman from South Australia who had held a suburban block in the town where I had once lived. He bought about 70 acres, paying £1 an acre for the property. The block had always been looked upon as absolutely useless for wheat growing particularly, although outside that area it was rich farming country. He told me that he had just sold that block for £15 an acre. That was land that formerly one could hardly give away. I well remember a number of South Australian settlers leaving the district where I came from because they could not make good. They took up land in the Warracknabeal district of Victoria. The land there was sold for £15 a square mile. Victorian farmers would not touch the mallee land there, and yet the South Australians were leaving their State and taking it up! To-day that land is worth £15 an acre, and land that is quite as good in South Australia, land that settlers I refer to left to take up properties in Victoria, is worth from £10 to £20 an acre. That will happen in Western Australia as well. There are many thousands of acres of land regarded to-day as useless that will be growing splendid crops of wheat in the future. As to the Esperance-Norseman line, I believe that the land through which it will run is quite equal to the average wheat land throughout Western Australia to-day. Once the railway is constructed and the settlers can procure their superphosphate more cheaply, I have no doubt in the world that they will grow good wheat crops. As all members representing the South Province have stated here repeatedly, that instead of the goldfields being a declining asset as they are to-day we would have had another province in that part of the State had the railway been constructed many years ago when the goldfields were in a prosperous condition. I do not intend to speak at length and will merely add that I hope the Bill will be carried and again express my appreciation of the action of the Government in introducing the Bill.

Hon. J. W. KIRWAN (South) [3.34]: For many years I have been interested in the construction of this line, but deeply interested as I am in the proposal I feel that at this stage of the session it would not be proper for me to deliver anything in the nature of a long speech upon the subject. I will content myself, therefore, by dealing briefly with the Bill. The necessity for my saying much is lessened by the fact that this question has been before Parliament and before the country for more than a quarter of a century. The movement in favour

of the construction of the line has been slowly but surely growing stronger and stronger as the true facts concerning the district have been made known. Furthermore, the Colonial Secretary has delivered such a very informative and able speech in support of the railway that only few more words are necessary, especially as this House passed a resolution last session by an overwhelming majority directing the Government of the day to bring in a railway Bill identical with that before the House now. On the 8th November, 1923, the resolution, which was moved by myself, was carried by an absolute majority of the House, 16 voting for it and five against. It was as follows:—

That in the opinion of this House, the Government should seek the necessary authority this session to extend the Esperance Northwards railway, now in course of construction, so that it will junction with the main railway system of the State at Norseman.

That was a direction to the Mitchell Government to bring in a Bill that session. The five members who voted against the resolution were not against the construction of the railway, but they did not like the words "this session" included in the resolution. The then Leader of the House, Mr. Ewing, asked that those words should be struck out of the proposal. They were struck out of a similar resolution carried in the Legislative Assembly. By reason of the striking out of those words the Bill that is now before the House was postponed until this session. Speaking on behalf of the then Government Mr. Ewing said that they were not opposed to the construction of the railway, but that they regarded the line as necessary. Mr. Ewing, as will be seen by a reference to "Hansard," gave this assurance to the House:—

If the Mitchell Government are in power after the general election, the Premier has promised that a Bill will be introduced next session.

He further said—

If it is the good fortune of the State to have the same Government in power after the next elections, hon. members can rely up the promise of the Premier being carried out.

If the Mitchell Government had remained in power they would have brought the Bill before Parliament this session. The Mitchell Government went to the country pledged to the construction of the railway and the present Premier, then Leader of the Opposition, made an identical promise during the course of his nover speech at Boulder. He said that if Labour were returned to power the Government would bring in a Bill to link up Salmon Gums with Norseman. Thus the position is that both the Government and the Opposition are definitely pledged to this railway. Further than that, the members

of the Country Party are in favour of the railway because they are strong believers in decentralisation. The division list on my motion that the railway Bill should be introduced last session is of special interest. I find that the members who voted in favour of the Bill being introduced as I desired were Messrs. Ardagh,—he has been succeeded by Mr. Brown, who is just as enthusiastic a supporter of the line as was Mr. Ardagh,—Baxter, Burvill, Carroll, Dodd, Gray, Harris, Hickey, Kirwan, Lovekin, Lynn,—he has since been succeeded by Mr. Kitson, a supporter of the Government now introducing the Bill,—Macfarlane, Nicholson, Potter, Seddon and Greig. Of the five members who voted against the resolution there were Mr. Ewing, to whose attitude I have already referred, and Messrs. Duffell, Mills,—he has been succeeded by the Minister who has just introduced the Bill,—Stewart, and Hamersley. In view of the almost unanimous expression of the House in favour of the introduction of a Bill for the construction of the railway, we need not anticipate any opposition to the measure to-day. In support of the remarks of Mr. Dodd I would mention that when this Bill is agreed to it will represent the close of what I think must be a record struggle throughout Australia for the construction of a railway. The contest was really between the forces of decentralisation and of those who favoured vested interests in Perth and centralisation.

Hon. A. Burvill: The same thing applied to the Albany-Bridgetown railway.

Hon. J. W. KIRWAN: The contest was marked by many remarkable incidents and there was a good deal of bitterness displayed on both sides. Unfortunately some members representing goldfields districts who were returned to Parliament pledged to support the line, created a good deal of indignation on the goldfields when they failed to abide by their promises. I can only regret that the railway was not constructed long ago. Had it been built 25 or 28 years Western Australia would be in an infinitely better position than it now occupies. I will go so far as to say that the population and prosperity of Perth would certainly be no less than they are to-day, but the relative proportions between the population of Perth and of the rest of the State would not be so great. There would probably be just as large a population in Perth but we would have a much larger population outside the metropolitan area. I have no hesitation whatever in saying that had the railway been constructed 25 years ago we would probably now see in the areas east of Honetoun and Southern Cross, along the area of the mallee belt to be served by this railway, and including the eastern goldfields, a population of not less than 100,000 souls. That would not mean that the population of the rest of the State would be any

less than it is to-day. It is no use regretting the past; we should allow the dead past to bury its dead. I do not know a single man who has travelled through the districts to which I have referred whose experience was not identical with that of the Leader of the House. Mr. Drew, when formerly in this Chamber, often voted against the railway and voted genuinely because he thought the country was not good enough to warrant the construction of the line. Ultimately we were successful in persuading Mr. Drew to visit the district. Afterwards, with the manliness and courage that distinguishes him, he said he had formed an altogether different opinion of the locality, and within seven miles of Norseman had seen the richest crop he ever saw in his life. Generally speaking, that was the experience of all whom I ever knew to visit the district. Our only trouble was to get people to go and see a district so remote from the railway system. I should like to point out that the land in Esperance mallee belt is quite different from agricultural land in other parts of the State. It is well known that for several years the yields there are bound to be light. Consequently unthinking people may conclude that all that has been said about the richness of the district was not correct. We know from what has been experienced in the Eastern States, as disclosed in the records of the Esperance Royal Commission, that the yields from mallee land are only a few bushels to the acre during the first three years. And even after that time the average yield of the district is bound to be low, for the more successful the farmers are after the first few years, the more new farmers will come in and break up new ground, thus keeping down the yield for the whole district. It is only to be expected that for some years after the railway is built the records for the whole district will be disappointing to some, although the farmers who are firmly established will be doing very well. The passage of the Bill will result in adding, in the real sense of the term, a new and very fertile province to Western Australia. Mr. Willmott, an ex-Minister for Agriculture, who knows the district thoroughly, has more than once said in the House that the day will inevitably come when Esperance will export more wheat than will all the other parts of Western Australia combined. Of course, before that prediction can be fulfilled, spur lines must be built and an East-West railway constructed to junction with the line coming eastward from Wagin, Lake Grace, and Newdegate. When that time comes, we shall have in that part of the State a very large and prosperous population. I hope that at this late stage we are not going to further delay the passage of the Bill. So much has it been talked about that hundreds of pages of our "Hansard" are filled with it. It would be a happy consummation if we could reach the second reading division to-day.

Hon. J. CORNELL (South) [3.50]: I join with my two colleagues in returning thanks to the Government for having introduced the Bill. We are hopeful that the end is now in sight and that the railway will be constructed without further delay. It is perfectly certain that the Esperance-Norseman district cannot be economically worked until it is connected up with the existing railway system. As members know, this Esperance railway question has been more or less of a marathon. It proves the truth of the axiom that all things come to those who wait—I might add, and persevere in a good cause.

Hon. J. EWING (South-West) [3.51]: I happened to be in charge of the House when, last session, the resolution was passed, and I can say it was the desire of the then Government to build the line as soon as possible. I congratulate the present Government on having brought down the Bill, and I thank the Minister for the generous way in which he has referred to a late colleague of mine, Mr. Maley. In the early days lots of us shared Mr. Drew's earlier impression of the Esperance district.

Hon. T. Moore: This House prevented its being opened up years ago.

Hon. J. EWING: Possibly so. I was not favourably disposed towards it myself in those days. However, as Mr. Kirwan said, "Let the dead past bury its dead." I hope the Government will as quickly as possible add this new province to Western Australia by building the line. The land down there is all right, and the rainfall also seems to be all right. I congratulate all those who, for so many years, have put up a stout fight for this railway. To-day not a member of the House would raise his voice against the Bill.

Hon. E. H. HARRIS (North-East) [3.55]: Since we passed the resolution referred to by Mr. Kirwan, it has been my privilege to spend three weeks in the mallee country. The one thing that impressed me down there was the absence of engineering difficulties and the vast sum of money that was needlessly spent in the construction of the existing Esperance line. Had that line been started from Norseman, and the whole of the material carried over the main railway system, instead of being sent by boat from Albany to Esperance, an enormous saving would have been effected. Even now I suggest to the Minister that the Government, when constructing this connecting link, should start from the Norseman end instead of from Salmon Gums. Another point: When the Miners' Phtthisis Act is proclaimed, in all probability a number of miners more or less seriously affected with phtthisis will be put out of the mines. The Government might well consider settling those men down in the mallee country. Sons

of family men amongst those miners could remain in their employment on the gold-fields until, perhaps some years hence, they go and assist their parents on the land. I support the second reading.

Hon. C. F. BAXTER (East) [3.57]: All will agree that a separate railway system is economically unsound, being too costly to work. The existing Esperance-Northwards line has been of some slight advantage to the district, but that is about all that can be said for it. When it is connected up with the main system at Norseman, the position will be relieved. Between Salmon Gums and Norseman lies the best wheat country in the district. Further south the country is not so rich. In the area to be served by the proposed railway is some of the richest wheat land in the State. The result of the cropping down there will not be good this year; indeed, it will not be good until the settlers improve their farming methods. I saw them preparing the land for their crops early this year and, on the strength of what I saw, I say it is hopeless for them to expect a good return. They are working on utterly wrong lines. Numbers of farmers there have implements with which they are just able to scratch the top of the ground, the seed being thrown in. That system of cultivation may produce a fair crop in a district where the rains are heavy, but it will not show good results with our mallee land like that in the Esperance district. Moreover, the Government have stopped rather short as regards the supply of implements to the settlers, with whom it is simply a matter of rough ploughing and drilling. When I asked some of the settlers why they did not harrow, I was told, "The Government won't give us harrows." Now, harrowing may mean all the difference between success and failure. As the result of my investigation I am convinced that the Esperance land can be handled successfully only under the two-years plan. I do not mean cropping every second or third year; I refer to the land being broken up and then allowed to lie the whole of the winter.

The PRESIDENT: The hon. member should address himself to the question of constructing the railway, and not to farming matters.

Hon. C. F. BAXTER: It is no use our constructing what is really an agricultural railway unless the land in the district is properly used. I would not be favourable to the proposed extension if I thought the Government were going to continue on the present lines.

Hon. J. Cornell: There are good farmers in the Esperance district, but they suffer from the common complaint of poverty.

Hon. C. F. BAXTER: Yes; and some suffer from the complaint of following the line of least resistance.

Hon. J. Cornell: And from want of knowledge.

Hon. C. F. BAXTER: It is the Government's duty to supply those farmers with the information necessary for the successful cultivation of their lands. I trust the Colonial Secretary will convey these suggestions to his colleague the Minister for Agriculture. It is essential that the present system should be altered. Let the Government send a few advisers to Esperance to tell the settlers the right lines to work upon. Good land is there, and even very rich land; but it must be handled differently from the other wheat growing areas of Western Australia. With these remarks I have pleasure in supporting the Bill.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

## BILL—WORKERS' COMPENSATION ACT AMENDMENT.

*In Committee.*

Resumed from the previous day; Hon. J. W. Kirwan in the Chair, the Colonial Secretary in charge of the Bill.

Clause 6—Compensation to workers dying from or affected by certain industrial diseases (partly considered):

Hon. G. W. MILES: In Mr. Lovekin's absence, I move an amendment standing in his name on the Notice Paper—

*That the following be inserted to stand as Subclause 10a:—"No compensation hereunder shall be payable to or recoverable by any person engaged in casual employment. For the purpose of this clause, 'casual employment' shall mean any person engaged by the hour or day or for any period less than one week, and not being employed in any process mentioned in the second column of the Third Schedule where the worker would be subject or liable to contract one of the diseases in the first column set opposite the description of the process."*

Hon. T. MOORE: I am not clear as to the meaning of this proposed subclause. Most miners, for example, are engaged by the day. In fact, most of the work in this country is done by the day. I must oppose the amendment.

Hon. J. A. GREIG: The subclause means that no one shall be entitled to compensation unless he has been employed for a week. Personally I do not agree with the amendment. I do not think it is necessary.

Hon. J. NICHOLSON: As I read the subclause, it exempts from its operation men employed in any process mentioned in the second column of the Third Schedule. That

exempts mining men, whether they are engaged by the day, or by the hour, or by the week. A miner, or any other man engaged in a process that is mentioned in the second column of the Third Schedule, would not come within this subclause at all. I gather that the amendment is intended to meet the case of the casual man—say a man engaged to clean up a back yard or shop some wood.

Hon. T. Moore: What about waterside workers?

Hon. J. E. Dodd: It is just possible a waterside worker would come within the subclause.

Hon. J. NICHOLSON: The person so engaged is merely a casual employee and under the Bill as it is presented, if he met with an accident he would be entitled to compensation.

Hon. J. Cornell: That is the position today.

Hon. J. NICHOLSON: If a man casually employs an individual, he is not going to ask that individual to produce a certificate to show that he is free from disease. People who engage casual labour are going to take a much bigger responsibility than they are taking at the present time.

Hon. T. Moore: Could the Bill not be recommitted for the purpose of putting that in if necessary?

Hon. J. E. DODD: I can understand the object of the amendment, but unfortunately the amendment is worded badly. No Workers' Compensation Act will deal satisfactorily with the casual employee, that is, the man who may be engaged to cut a hedge or to clean up the yard. The point raised by Mr. Moore is fatal to the amendment. Take a man employed on a mine who is engaged by the day. I have known an instance where a man was killed on the first day of his employment on a mine. According to this amendment the widow of that man would not be entitled to compensation because he was employed for less than a week. If the amendment is to restrict the casual worker from obtaining compensation, then I can see some force in it.

Hon. A. J. H. SAW: If Mr. Lovekin's amendment is intended to cover industrial diseases only, it seems to me to be unnecessary. The ordinary man who goes into a garden or who is engaged to clean up a back yard is not engaged in any of the industrial occupations mentioned in the second schedule and he would not be likely to contract any of the diseases set out therein. Therefore he would not receive compensation. To come under the provisions of the Bill the man must have contracted one of the diseases mentioned, he must have been engaged in one of the businesses, and he must be in possession of a medical certificate which will connect up the two things. The present Act already cuts out the casual labourer from

compensation because he is not included in the definition of "worker." The amendment is quite unnecessary; we cannot legislate for every person, nor for a particular incident.

The COLONIAL SECRETARY: I have been trying to discover the object of the amendment. It simply refers to industrial diseases as set forth in the third schedule. There are many men engaged by the day and by the hour. I understand that wharf labourers are engaged by the hour. Looking through the list to which the amendment applies, I cannot understand why it should be considered to be necessary.

Hon. J. CORNELL: I am satisfied that the amendment is not intended to apply to the third schedule. I know that it is not Mr. Lovekin's intention to apply it to industrial diseases. There is no question about it that it is difficult to discover what really is required by the amendment. I suggest that it be withdrawn.

Hon. G. W. MILES: I am willing to withdraw it. I formally moved it on behalf of Mr. Lovekin.

Amendment by leave withdrawn.

Clause, as amended, put and passed.

Clause 7—Notification of disease:

Hon. A. J. H. SAW: The second proposed subsection reads—"It shall be the duty of every medical practitioner . . . to notify in writing . . ." That is too wide. In the schedule there are all kinds of diseases. Take for instance zymotic diseases or dermatitis. If the proposed subsection is carried as it is, it will be incumbent on the medical practitioner who attends any case of eczema to notify it to the Commissioner of Public Health. I am perfectly sure that is not what is intended. What is intended is that when it is an industrial disease contracted during the course of a man's employment, it shall be notified to the Commissioner of Public Health. I move an amendment—

*That in proposed Subsection 2, line 3, after "Act," there be inserted the words "and which he has reason to believe was contracted by reason of the nature of his employment."*

The Colonial Secretary: I think the amendment is desirable.

Amendment put and passed.

Hon. J. CORNELL: On behalf of Mr. Stewart, I move an amendment—

*That in line 4, after "health," there be inserted the words "and the patient's last employer."*

It is intended that this amendment should be a sort of protection to the employer, and may save heart-burnings and unnecessary trouble.

Hon. A. J. H. SAW: I am opposed to the amendment. Sufficient responsibility has



already been thrown upon the medical practitioner. The duty in this case should devolve upon the Commissioner of Public Health.

Hon. J. CORNELL: I agree that this is a duty devolving rather upon the Commissioner. I will withdraw the amendment.

Amendment, by leave, withdrawn.

(Clause, as amended, agreed to.

Clause 8—agreed to.

Clause 9—Repeal of Subsection 4 of Section 12:

Hon. H. SEDDON: This clause should be struck out. It provides for the elimination of the words in the Act "out of and in course of his employment." The words should be retained.

Hon. J. E. DODD: The first case for compensation in this State arose under this particular section. A miner in Kalgoorlie was supposed to start his shift at 7.30 in the morning. On his arrival at the mine at 7.20 he found that the man he was relieving was endeavouring to restore a truck to the line. He suffered from aneurism of the heart, and in the course of assisting to put the truck upon the line the aneurism burst, and he died. The insurance companies refused to pay compensation on the ground that the accident had not occurred out of and in the course of his employment, because he was killed ten minutes before he was due to start work. The Full Court, however, held that the relatives were entitled to compensation. The proposal contained in the Bill will make a defence of that sort impossible.

The Colonial Secretary: In view of what was done in the case of Clauses 4 and 5, the striking out of this clause will be consequential.

Clause put and negatived.

Clauses 10 to 13, put and passed.

Clause 14—Amendment of Section 1 of First Schedule:

Hon. J. DUFFELL: I move an amendment—

*That in proposed Subsection 1 all the words down to "any other," in line 7, be struck out.*

The question of dependants has already been dealt with, and this amendment is consequential.

Amendment put and passed.

The CHAIRMAN: As the subclause stands now, it does not read properly.

Hon. J. DUFFELL: I wish to leave the amount as it stands at present in the Act.

Hon. J. CORNELL: Then all you need to do is to strike out the remaining words. Then the amount in the Act will stand.

Hon. J. DUFFELL: That is so. We could get over the difficulty by striking out the remaining words of the subclause.

Hon. J. CORNELL: I do not know whether the Minister intends to accept the position as inevitable, but I think the circumstances in these days warrant an increase in the amount. In the present Act there is no difference between the amount obtainable by way of compensation for death, and that claimable for total incapacity. Should there be any difference? I believe there should be, and I would be prepared to vote in favour of leaving the amount of compensation for death as it stands at present, but to increase the compensation for total incapacity.

Hon. J. DUFFELL: It is £400 in Queensland.

Hon. J. CORNELL: No, it is £600 for death. In my opinion £500 is more valuable to the widow than would be a similar amount to the wife of a man who has been totally incapacitated.

The COLONIAL SECRETARY: In England, Queensland and Victoria the amount is £600. It will be agreed that wages in England are much lower than they are here, so surely we can leave the amount at £750. It would be very unfair to accept Mr. Duffell's suggestion.

Hon. A. J. H. SAW: Last night, when discussing the question of the lump sum payment under Clause 5, the Committee decided that various deductions could be made from the lump sum there specified. The amount mentioned was £750. We tacitly assented to that amount last night.

Hon. J. Nicholson: It was not taken into consideration.

Hon. A. J. H. SAW: It was mentioned during the course of the discussion; I raised it. I voted on the clause on the assumption that £750 was to be the maximum amount payable for total disablement or death. I will not go back on that decision now. I do not think £750 is too large an amount of compensation for either death or total incapacity.

Hon. J. J. HOLMES: I think we should provide for £600 instead of £500.

Hon. A. Burvill: What is wrong with £750?

Hon. J. J. HOLMES: The hon. member should show us what is right about £750. We hear so much about Queensland. Surely the hon. members should be satisfied if we swing into line with the legislation in that State.

The CHAIRMAN: In order to make the subclause read clearly, the Committee might agree to amend it so that it will read, "In sub-paragraph (i) of paragraph (a), in the sixth line of the sub-paragraph, the words 'six hundred pounds' are substituted for the words 'five hundred pounds.'"

Hon. J. J. HOLMES: I will accept that suggestion. I move an amendment—

*That the remaining words in the subclause be struck out and a subclause inserted as follows:—"In sub-paragraph*

(i) of paragraph (a) the words 'six hundred' are substituted for 'five hundred pounds.' "

Hon. J. E. DODD: While £750 may seem a big jump, yet there are under the Mine Workers' Relief Fund beneficiaries who have received £900. That should convince hon. members that it requires a fairly large sum to keep unfortunate beneficiaries going. When the Mine Workers' Relief Fund, contributed to by the miners, the mine owners and the Government, can pay up to £900, surely we ought to be ready to agree to a somewhat similar amount.

Hon. A. J. H. SAW: Suppose that, as the result of an accident, a man is laid up for a long time and then dies. During his incapacity he is entitled to a weekly payment for the maintenance of himself and his family. Clause 5, which we passed last night, entitles the employer to deduct the maintenance paid from the lump sum eventually to be paid. It was because I understood that Mr. McCallum and the insurance companies had agreed that the lump sum should be £750, and that the maintenance paid should be deducted from that sum, that I voted as I did last night. I do not say Mr. McCallum's agreement is to bind the House. Still we know of it, and so if we reduce the £750 to £600, we shall scarcely be doing a fair thing. Again, if the victim of a serious accident, instead of dying, lives permanently incapacitated, compensation amounting to £750 is by no means too great.

Hon. J. J. HOLMES: Dr. Saw is not quite right in saying that we all agreed to this last night. It slipped through unnoticed by me. As for any agreement between the Minister and the insurance companies, it does not appeal to me. If the amount be increased from £500 to £750, the premiums will assuredly be raised 50 per cent. What concerns me is the question, can the industry carry all these burdens—shorter hours, increased pay, and now increased compensation. If we go as far as the sum fixed in Queensland, namely, £600, it is as far as we should go.

Hon. J. NICHOLSON: The maximum originally paid was £300. It was raised to £400 and afterwards to £500. From the humanitarian point of view no amount of monetary compensation can compensate for the death of the husband and bread winner. I do not say that even the proposed compensation is sufficient; but the question is, can the industry bear it? We do not want to kill this or any other industry; yet we are asked to pile this increased burden on the mining industry. If, instead, we were asked to come into line with Queensland and Victoria, the proposal might appeal to reasonable men. But is it wise that we should go to £750? Every year we are making it more difficult for our struggling industries to compete with the industries of the other States, and in consequence men are leaving Western Australia to go to Eastern Australia. On our present condition we

cannot afford to pay higher compensation than other more flourishing States are paying.

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

Ayes	..	..	..	10
Noes	..	..	..	9
Majority for				1

#### AYES.

Hon. J. Duffell	Hon. J. Nicholson
Hon. J. Ewing	Hon. H. A. Stephenson
Hon. J. A. Greig	Hon. H. J. Yelland
Hon. V. Hamersley	Hon. J. M. Macfarlane
Hon. J. J. Holmes	(Teller.)
Hon. G. W. Miles	

#### NOES.

Hon. A. Burvill	Hon. J. W. Hickey
Hon. J. Cornell	Hon. T. Moore
Hon. J. E. Dodd	Hon. A. J. H. Saw
Hon. J. M. Drew	Hon. H. Seddon
Hon. E. H. Harris	(Teller.)

#### PAIRS.

AYES.	NOES.
Hon. C. F. Baxter	Hon. J. R. Brown
Hon. A. Lovelock	Hon. E. H. Gray
Hon. H. Stewart	Hon. W. H. Kitson

Amendment thus passed.

Hon. J. DUFFELL: I move an amendment—

*That Subclause 2 be struck out.*

This is purely consequential.

Amendment put and passed.

Hon. J. CORNELL: The question arises whether the amount of £750 in Subclause 3, for total incapacity, should not be replaced by £600. If the Minister is prepared to accept a flat rate, I will not debate the matter. The last vote may be regarded as having decided what shall be the maximum amount of compensation for either death or total incapacity. My own view is that there should be larger compensation for total incapacity than for death.

Hon. T. MOORE: I agree with that view. A wife with an incapacitated husband has to keep him as well as the children. That is the trouble. I hope the Committee will let the £750 stand.

Hon. A. J. H. SAW: Under the New South Wales Act the limit of compensation for total incapacity is £750, or two-thirds of the weekly earnings with a limit of £3 per week. In Queensland the corresponding compensation is 50 per cent. of the wages, with a maximum of £2 per week, but also with an allowance of 5s. for each child under the age of 14, with a maximum of £3 10s per week. I do not think Queensland puts any limit to the total amount payable for total incapacity.

Hon. J. Cornell: Yes; £750.

Hon. A. J. H. SAW: I have said that I do not regard £750 as too much compensation in the event of death. On the whole, there is reason for increased pecuniary compensation in the event of the husband being totally disabled.

The COLONIAL SECRETARY: New Zealand allows three years' wages in case of permanent incapacity. Italy, up to 1921, in cases of total permanent incapacitation allowed six times a year's wages; and Belgium allows three times a year's wages. Most of the States of the American Union provide greater compensation for total incapacitation than for death. Some of them provide that the compensation shall continue for the whole period of the incapacitated worker's life.

Hon. J. CORNELL: I had no wish to initiate a debate, but rose merely for the purpose of clearing up the situation. Some hon. members thought the alteration from £750 to £600 would be consequential.

Hon. J. J. HOLMES: I am inclined to agree that, having fixed £600 as maximum compensation in the event of death, we should allow some larger amount in case of total incapacity. I am prepared to pass the amount of £750.

Hon. E. H. HARRIS: I seek information from the Minister why it is desired to delete paragraphs (b) (and (c), which deal with workers under 21 years of age and workers over the age of 60. What is to be gained by the deletion?

Hon. A. J. H. SAW: Is it not because paragraph (a) of the Bill deals with the same thing? I move an amendment—

*That at the beginning of proposed Subsection 6 there be inserted the words "by the insertion after the word 'payable,' in line 2 of paragraph (d) of the proviso the words 'of those persons to whom such payment is due' and."*

Every medical man knows that there is a great disposition on the part of a person who leaves a hospital recovered in health to give no address by which he can be traced. Although compensation is payable to people while they are laid up as a result of some injury, too often the hospitals and the doctor receive not even thanks for what has been done. A sum is set apart for medical expenses, and I want to provide that out of this, payment shall be made to those to whom money is due. My amendment will throw on the company the obligation of seeing that the institution or medical man is paid.

Hon. A. LOVEKIN: Some words should be added to ensure that the payment that is made is to the satisfaction of the person receiving it.

Hon. J. Cornell: I think the amendment should begin "and is further amended by inserting," etc.

Hon. A. J. H. SAW: Is not my amendment in order?

The CHAIRMAN: It seems to be all right.

Hon. J. J. HOLMES: The maximum amount payable at present is £1, and we propose to increase that to £100. No doubt the medical man will see that he receives his proportion of that, but after all it will merely amount to another penalty on industry.

Hon. J. NICHOLSON: The amendment will not bring about what Dr. Saw desires. He wants to prevent creditors from being slipped up. Under this Bill the money will be due to the worker, not to the creditor. I suggest that the clause be recommitted.

Hon. A. J. H. SAW: I should have had more respect for Mr. Nicholson's opinion if he had told me what other words to insert. The sum payable in this case is for medical and surgical attendance, and those to whom the payment is due are the hospitals or institutions in which the workers have been cared for. Unless other words are suggested that will meet the position more adequately, I shall press my amendment.

Hon. J. E. DODD: While the object Dr. Saw seeks to achieve has something to recommend it, I maintain it is a very vicious principle to include such a thing in an Act. It reminds me of the position of the parson on whose behalf a subscription was collected. The treasurer, being the local storekeeper, handed over to the parson on the night when the presentation was to be made, a receipt for £12 for money owed to him by the parson! That is what will happen in this instance. The worker will get the receipt but the doctor and others will get the money.

Hon. A. J. H. SAW: If the liabilities of the worker are discharged, it will be a good thing for him. As a rule the doctor gets nothing.

Hon. J. E. DODD: It is a vicious principle to insert in our legislation.

Hon. J. CORNELL: If we make provision for payment of medical and other expenses, we should see that the Bill is so framed that the people entitled to the money will receive it.

The COLONIAL SECRETARY: I agree with Mr. Cornell and with what Dr. Saw seeks to achieve. The £100 provided for medical expenses and treatment is to pay for debts incurred. Some provision can be made in the Bill to assure that the doctors, nurses and others get the whole of the money due to them up to a total amount of £100. I do not think the amendment by Dr. Saw will achieve his object. It is vague.

Hon. A. LOVEKIN: For the purpose of saving time and contributing to clarity, I suggest we delete paragraph (d) and frame a new paragraph to be inserted in lieu, taking in all the various amendments we desire to make, including that of Dr. Saw.

We will then see how the paragraph as a whole will read.

Hon. J. J. HOLMES: While I agree with Mr. Dodd that the principle is vicious, still I admit that if we are to make doctors, nurses and others preferential creditors to the extent of £100, it is the clear duty of Parliament to see that they get that money. If Dr. Saw's amendment will have that effect, I will support it.

Amendment put and passed.

Hon. J. J. HOLMES: What is the amount fixed for funeral expenses?

The Colonial Secretary: I will inform the hon. member later on.

Hon. J. J. HOLMES: I am prepared to let the matter pass for the time being, but I indicate that I propose to challenge this amount later on, and I do not want to be told that we have already agreed to the whole thing.

Hon. J. DUFFELL: I move an amendment—

*That after "assessed" in line 7 of Subclause 7 the following be added:—  
"but such board or board and lodging shall not be assessed at a sum exceeding 25s. per week."*

In fixing the amount stated in the amendment, I have taken what is the accepted allowance throughout Western Australia to-day.

The COLONIAL SECRETARY: I oppose the amendment. A miner at Yalgoo or Galena, for instance, cannot get board and lodging for less than 30s.

Hon. G. W. Miles: And the charge is higher up North.

The COLONIAL SECRETARY: It would be unfair to fix the amount at 25s. to apply throughout the State.

Hon. J. Duffell: I cannot understand why this amount should not be stipulated.

Hon. G. W. MILES: The amendment is all right for Perth and the metropolitan area but it would not be acceptable in the outer parts. For instance, railway workers up North get 5s. a day for seven days in the week as a tropical allowance. Bearing that in mind, how can it be argued that 25s. for board and lodging is a fair rate to apply throughout the whole State?

Hon. J. Nicholson: This amount has to be assessed as compensation for board and lodging charged.

Hon. J. CORNELL: If some limitation be not put upon the clause, there will be endless argument. What is required is a flat rate. After all, the clause will affect only manual labourers and farm and station hands; it will not affect miners or lumpers. I think 30s. would be a more satisfactory rate than would 25s.

Hon. J. J. HOLMES: If a man meets with an accident somewhere in the bush and has to be moved into the nearest town for attention, he will put up at a first-class

hotel if there be no hospital in the place. That is what I should do myself. Whatever rate we fix, it will be claimed by everybody. We must have a limit.

Hon. J. CORNELL: I suggest that Mr. Duffell modify his amendment to read "thirty shillings" instead of "twenty-five shillings."

Hon. J. Duffell: While I think 25s. sufficient, I will accept the suggestion.

The CHAIRMAN: Then I will put the amendment in its modified form, namely, 30s. instead of 25s.

Amendment put and passed; the clause, as amended, agreed to.

Clause 15—Insertion of a section in the first schedule:

Hon. J. DUFFELL: The provision in the existing Act is perfectly reasonable. I see no necessity for the clause, so I will vote against it.

Hon. J. CORNELL: The existing provision is as far as we can reasonably go. The victim of the accident might be earning £1 on the day of the accident, yet might have earned only 5s. the day before, notwithstanding which under this clause his weekly wage would be assessed at £6 weekly.

The COLONIAL SECRETARY: The clause provides a means of ascertaining the amount a man is earning. To a certain extent the same principle obtains now. No difficulty has arisen over it in the past. A piece-worker is not always fully employed, and so his earnings have to be averaged.

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

Ayes	..	..	..	10
Noes	..	..	..	10
A tie	..	..	..	0

#### AYES.

Hon. J. Duffell	Hon. G. W. Miles
Hon. J. Ewing	Hon. J. Nicholson
Hon. V. Hamersley	Hon. H. J. Yelland
Hon. J. J. Holmes	Hon. H. A. Stephenson
Hon. A. Lovekin	(Teller.)
Hon. J. M. Macfarlane	

#### NOES.

Hon. A. Burvill	Hon. T. Moore
Hon. J. E. Dodd	Hon. A. J. H. Saw
Hon. J. M. Drew	Hon. H. Seddon
Hon. E. H. Gray	Hon. J. Cornell
Hon. E. H. Harris	(Teller.)
Hon. J. W. Hickey	

#### PAIRS.

AYES	NOES.
Hon. C. F. Baxter	Hon. J. R. Brown
Hon. H. Stewart	Hon. W. H. Kitson
Hon. A. Lovekin	Hon. E. H. Gray

The CHAIRMAN: In accordance with the Standing Orders, the question passes in the negative.

Clause thus negatived.

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

Clause 16—Amendment of Section 14 of First Schedule:

Hon. A. J. H. SAW: I move an amendment—

*That after the word "by," in line 1, there be inserted "deleting the word 'both,' in line 8 of paragraph (a), and substituting therefor the word 'either' and by."*

The effect of the amendment will be to allow either the employer or the worker, if they cannot agree regarding the extent of an injury suffered by the worker, to apply to the Local Court to have the question referred to a medical referee for determination. I was always surprised to find that more use had not been made of the section in question, until I discovered that under the parent Act application must be made to the court by both parties. That probably is a reason why the section has not been more freely availed of. The medical referee would be a surgeon appointed under the Act. A medical referee must be a man of the highest standing in his profession as a surgeon, possessed of considerable experience, and having held an appointment in a large hospital and being thoroughly familiar with accident cases and their results. The course I suggest would conduce to expediting the settlement of claims, to economy, and to justice.

The COLONIAL SECRETARY: I have no objection to the amendment.

Amendment put and passed.

Hon. A. J. H. SAW: I move an amendment—

*That the words "the Court of Arbitration" be struck out, and "a medical board consisting of three members" inserted in lieu.*

I do not think the Arbitration Court is a proper body to arbitrate in these cases. The present system is an injustice to the Arbitration Court itself, which court should not be overloaded with what are mere details affecting one individual. Again, the members of the Arbitration Court bench, whether judge or lay assessors, are not the most fitting tribunal to determine questions that are essentially medical. Instead of an appeal to the Arbitration Court, there should be an appeal to a board consisting of three medical members. The proceeding would be somewhat similar to what has always prevailed in the army. Although the decisions of army medical boards, like the decisions of all boards, however constituted, have not always given satisfaction, yet I have never heard their impartiality impugned. The present amendment is the result of a long experience of accident cases, an experience covering some 25 years. The system would represent an advantage to the worker, who wants his case determined quickly. More-

over, the board would, where possible, help to restore the injured worker to fitness for his work. The board would also be a protection to the employer against the man who thinks that by hanging on he will eventually obtain a larger amount of compensation. The worst thing that can happen to a worker is to have his morale undermined.

The COLONIAL SECRETARY: The best medical evidence will be taken in all cases of this kind. Dr. Saw, however, proposes that medical men shall not be witnesses but the tribunal itself. The Arbitration Court is an industrial court, and all appeals should go to it.

Hon. J. CORNELL: I hope the Minister will accept the amendment. No points of law would be involved. When it is a question of the disability of the worker, and this has been agreed upon by medical men, no good purpose can be served by the Arbitration Court again going into the matter. On medical questions the court would be constituted of laymen. The amendment would be in the interests of both parties.

Hon. H. A. STEPHENSON: The amendment appeals to me. It would relieve the court, and be satisfactory both to the employer and employee.

Amendment put and passed; the clause, as amended, agreed to.

Clause 17—agreed to.

Clause 18—Amendment of Section 20 of First Schedule:

Hon. A. LOVEKIN: I move an amendment—

*That Subclause 2 be struck out.*

This subclause provides that if two parties come to an equitable agreement it shall be open to a third party, the secretary or some other officer of the union, to intervene and declare that the agreement shall not be carried out. That is opposed to all principles of equity.

The COLONIAL SECRETARY: The proposed subclause is very necessary. In many cases these unfortunate men may be bullied into accepting far less at the hands of the insurance company than they are entitled to. When, however, the matter has been taken up by an official of the union, they have generally secured the sum that has been due to them.

Hon. A. J. H. SAW: Under the Act the clerk of the court may refer to the magistrate any memorandum or agreement that he thinks is improper. There is nothing to prevent the union official laying the facts before the clerk if he thinks a worker has been victimised. The subclause says that any secretary or union official may give to the clerk notice in writing that he objects to the registration of such a memorandum, and the clerk must then issue a summons. This Bill makes the union official the arbiter. That is a wrong principle.

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

Ayes	13
Noes	6

Majority for .. .. 7

## AYES.

Hon. J. Cornall	Hon. J. Nicholson
Hon. J. Ewing	Hon. A. J. H. Saw
Hon. J. A. Greig	Hon. H. Seddon
Hon. V. Hamersley	Hon. H. A. Stephenson
Hon. J. J. Holmes	Hon. H. J. Yelland
Hon. A. Lovekin	Hon. J. M. Macfarlane
Hon. O. W. Miles	(Teller.)

## NOES.

Hon. J. M. Drew	Hon. J. W. Hickey
Hon. E. H. Gray	Hon. T. Moore
Hon. E. H. Harris	Hon. A. Burvill
	(Teller.)

## PAIRS.

AYES.	NOES.
Hon. O. F. Baxter	Hon. J. R. Brown
Hon. H. Stewart	Hon. W. H. Kitson

Amendment thus passed.

Hon. A. LOVEKIN: Subclause 3 is the corollary of Subclause 2. As the latter has been disposed of, Subclause 3 necessarily must go as well. I move an amendment—

*That Subclause 3 be struck out.*

Amendment put and passed; the clause, as amended, agreed to.

Clause 19—agreed to.

Clause 20—Substitution of new Second Schedule:

Hon. J. J. HOLMES: I suggest that the Leader of the House report progress at this stage. I have been looking into this matter, and I am satisfied that we have been so engrossed in the Arbitration Act Amendment Bill that we have not given sufficient attention to the Workers' Compensation Act Amendment Bill. For instance, I find that compensation for complete deafness in one ear is fixed by the Act at 10 per cent. of the maximum payment provided, whereas under the Bill the amount payable will be £300. There are other similar big increases. The Bill will be recommitted, and in the meantime we can give some attention to the matter. It is certain that we cannot put this schedule through before Christmas, unless we arrive at some understanding.

The COLONIAL SECRETARY: I suggest that we should go through the Bill and adopt the schedules formally. We shall have to get a clean print of the Bill before dealing with it on recommitment, and between now and Tuesday next that will be available. Unless we complete the consideration of the Bill we shall not be able to get the clean print. I suggest passing the schedule now, and then dealing with the matter when the Bill is again before us, on recommitment.

Hon. J. J. HOLMES: I would ask the Leader of the House in the meantime to give consideration to the advisability of excluding occupational diseases from this Bill altogether. We have had the admission that the Government are not ready to deal with them. It will be only six months before we shall again meet to consider legislation. I am satisfied, from what I have ascertained so far, that if we proceed with the Bill as it stands, there will be confusion worse confounded as between occupational diseases and workers' compensation. I suggest the Minister should agree to exclude occupational diseases and to bring down a Bill next session to deal with them only.

Hon. A. J. H. SAW: There is a great divergence between the amounts payable according to the schedule and those provided in the parent Act. For complete deafness of one ear the schedule provides for £300, whereas under the old Act the compensation was fixed at 10 per cent. of the total amount, which, I think, was £500, so that the payment at present is only £50. While I regard that amount as inadequate, the provision in the new schedule is altogether excessive. In some walks of life a man suffering from deafness in one ear will suffer disabilities. But there are many avocations in which it would not be of great importance. For the loss of sight of one eye, £375 is provided in the schedule. No one will compare the loss of hearing in one ear with the loss of sight in one eye. The loss of a thumb may be compensated under the schedule by the payment of £225, whereas in the Act the amount is set out as 30 per cent. of the total compensation payable. As for complete deafness in one ear, the amount provided is too much. I move an amendment—

*That in the column headed "Amount payable," the figures "300" be struck out and "200" inserted in lieu.*

Hon. J. NICHOLSON: Before Dr. Saw proceeds with his amendment, there are some earlier items to which I would like to refer. I have compared the schedule in the Queensland Act with that appearing in the Bill, and I find considerable disparity between the two. For example, for the loss of either arm, or the greater part thereof, the schedule in the Bill provides for £875, whereas the Queensland schedule provides for £600 for the loss of the right arm and £562 10s. for the loss of the left arm. For the loss of a leg our schedule provides £600 and the Queensland schedule £562 10s.; for the loss of the lower part of a leg our schedule provides £562 10s., and the Queensland schedule £450; for the loss of a foot our schedule provides £525, and the Queensland schedule £450; for the loss of one eye, with the serious diminution of the sight of the other eye, our schedule provides £675 and the Queensland schedule £562 10s.; for the loss of sight of one eye

our schedule provides £375 and the Queensland schedule £300; for the loss of hearing our Bill provides £600 and the Queensland schedule £375; for complete deafness of one ear our schedule provides £300 and the Queensland schedule £75. In the last mentioned instance there is a very big margin.

Hon. J. Duffell: It is the same in the New Zealand Act.

Hon. J. NICHOLSON: That bears out what Dr. Saw said regarding deafness in one ear.

Hon. A. Lovekin: Why not pass the schedule pro forma? We can deal with these matters later on.

Hon. J. J. Holmes: That was the proposal.

Hon. J. NICHOLSON: I have three or four more that I would like to mention.

Hon. A. Lovekin: We can read!

Hon. J. NICHOLSON: I will not take up any more time. There is considerable disparity between the two schedules, and I think modifications are required in ours.

Hon. A. J. H. Saw: I will withdraw my amendment.

Amendment, by leave, withdrawn.

Clause put and passed.

Clause 21—Addition of Third Schedule.

Hon. J. J. HOLMES: In order to test the feeling of the House, I move—

*That the clause be struck out.*

The CHAIRMAN: The hon. member can vote against the clause.

Hon. J. J. HOLMES: The Government may have started a scheme dealing with occupational diseases, but they certainly have not completed it, and so it will be some time before they can bring the Bill into operation. It will simplify matters if we strike out the provision for the third schedule.

Hon. J. EWING: I will support the amendment. The people of the goldfields have been looking for this legislation and, like Mr. Holmes, I have every desire to bring it into effect. But, having regard to the unreadiness of the Government to put up anything of a satisfactory nature in respect of the miners who will lose their employment through occupational diseases, I am satisfied that the measure, even if we pass it, will not be proclaimed on the goldfields for some time to come.

Hon. J. J. Holmes: And that is the only place where it should be proclaimed.

Hon. J. EWING: I am sure the Government will not be ready to proclaim it six months hence. They have not yet proclaimed the Miners' Phthisis Act, which we are told is so necessary to the miners. On the second reading I wanted to send the Bill to a select committee. I am glad now that that was not done, for what we have passed in the Bill will be of distinct benefit to the worker. Still, I do not think the miners will lose anything by a postponement of the

third schedule. By next session the Government will know more about the position.

The CHAIRMAN: Dr. Saw has a number of amendments on the Notice Paper. All amendments to details in the clause have precedence over Mr. Holmes's proposal.

Hon. A. J. H. SAW: If Mr. Holmes's amendment be lost, shall I have an opportunity to move my amendments?

The CHAIRMAN: No, for the proposal I will make to the Committee is that the clause stand as printed. Whether it be agreed to or negatived, there can be no more amendments to the clause, except on recommitment.

Hon. A. LOVEKIN: I suggest that Mr. Holmes withdraw his amendment and test the feeling of the Committee by moving 'to strike out the first line of the clause. If that amendment be negatived, Dr. Saw will be at liberty to move his amendments, while if it be carried it will be taken as a test vote on the whole clause. We laymen are not competent to deal with these occupational diseases set out in the schedule. But for Dr. Saw we should be entirely at sea respecting them. My view is that they ought to be sent to a select committee. We should then have the necessary medical evidence and advice. Alternatively, the schedule ought to be postponed to give the Government opportunity to reconsider the whole matter and tell us what they are prepared to do.

Hon. J. J. HOLMES: Since we have agreed to postpone the other schedule until recommitment, I think we ought to 'ake a vote on this one.

The CHAIRMAN: The hon. member is under a misapprehension when he says the Committee agreed to postpone the other schedule.

Hon. J. J. HOLMES: We agreed upon that, Sir, without your knowledge and consent. We can wisely postpone this schedule and come back to it. I give place to no man in my desire to alleviate the position of workers suffering from occupational diseases, but in the circumstances we should not be justified in passing this schedule. In New Zealand the Act provided for inspection, and the mine owners insisted upon inspection, notwithstanding which the men refused to undergo it. So they came to deadlock, with the result that the Government undertook to hold the section in abeyance until Parliament again met. Something of the sort happened in Tasmania as well. If we put this law into force without having first prepared a scheme, the mine owners will insist upon every man being examined before he goes into the mine. So it will be the men who will suffer. We must have some definite scheme as to what is to be done with the miners put out of the mines. I know of nothing better than to put them on the land. However, to pass this

schedule and leave the Government to bring it into force by proclamation when they think fit, would be altogether unwise.

The COLONIAL SECRETARY: I cannot understand this sudden hostility to the third schedule. In the earlier stages of the Bill there was no indication of it. I am amazed at Mr. Ewing's suggestion that the Miners' Phtthisis Act ought to have been proclaimed. That Act has been two years on the statute-book. The Government of which Mr. Ewing was a member made no attempt to proclaim it. The present Government came into office just before the opening of Parliament, and since then have been engaged in legislative work and in administering the affairs of the country. Moreover, Ministers have been devoting considerable time to the preparation of a scheme for the settlement of miners who will be put out of the mining industry. There is a statutory obligation on the Government to provide those miners with work. The Third Schedule can come into operation only by proclamation. When the scheme is complete, the Government will need to have this provision on the statute-book. The Melbourne conference of medical men unanimously resolved—

That it is desirable that each State of the Commonwealth should have in effective operation legislation controlling occupations dangerous to the health of those employed therein, and that every State should afford compensation for industrial diseases.

Western Australia gave an undertaking that the provisions in this Third Schedule would be enacted. I have here 10 or 12 pages of typewritten matter giving particulars of countries, some of them not regarded as highly civilised, in which compensation is given for occupational diseases. I believe hon. members are in favour of the schedule but fear that the Government will bring it into operation before adequate preparations have been made. No action will be taken until a scheme has been prepared, which, however, should not take very long.

Hon. J. NICHOLSON: The Minister was apprised yesterday of my views on occupational diseases. I said it was obvious that this part of the Bill had been prematurely conceived, because the Government were not prepared to give particulars of their scheme, which should have been available before the discussion of the Bill was entered upon. Further, I drew attention yesterday to the disparity between the provisions of this Bill and the provisions of the Queensland Act. The important part of the Queensland Act had been entirely omitted from this Bill. If we pass the measure, we should do it with our eyes open, and with the scheme before us, so that we may know what the mining industry will be called upon to bear. I contend again that it would be far better for the Minister to move the deletion of all the clauses dealing with industrial diseases, and then the Government could, next session,

upon full consideration, bring in a Bill to deal with this highly important question. Members are not averse to compensation for occupational diseases, but it is a matter of determining the question on a right basis.

Hon. J. CORNELL: I feel rather sorrowful at the trend the discussion has taken. We have included in the Bill all industrial diseases, but without any provision for compensation in respect of such diseases as against injuries resulting from accident. Occupational diseases, other than those associated with metalliferous mining, represent only 4 or 5 per cent. of the whole list; and therefore those other industrial diseases might be legislated for without involving hardship on industry. On the other hand, to refuse similar consideration to the workers most in need of it would amount to self-stultification. The Bill does not indicate any scheme in connection with the men engaged in metalliferous mining.

The CHAIRMAN: I remind the hon. member that we are discussing Clause 21, in reference to an addition to the Third Schedule.

Hon. J. CORNELL: I understood that the schedule was going out. Has Dr. Saw moved his amendment?

Hon. A. J. H. SAW: I am waiting for you to finish.

Hon. J. CORNELL: Then I will let Dr. Saw proceed now.

Hon. A. J. H. SAW: I cannot withdraw my amendment in order that Mr. Holmes may move to strike out the whole schedule. I am fully seized of the importance of legislation for these industrial diseases.

Hon. J. Ewing: Not more than anyone else.

Hon. A. J. H. SAW: I do not say so. We have already spent about four weeks in considering this Bill.

Hon. J. J. Holmes: We did not see it for weeks.

Hon. E. H. Gray: You have been holding caucus meetings upon it.

Hon. A. J. H. SAW: I wish to see some finality reached. Although I disagree with the form of the Third Schedule my objections are more or less of a technical nature, and due to bad drafting. Having at last arrived at the stage when we propose to discuss the schedule, we should get on with the business. I move an amendment—

*That the words "septic poisoning" be struck out.*

Septic poisoning may arise under many different conditions quite apart from any industrial process. In the New South Wales schedule there is nothing dealing with septic poisoning, but in the Queensland Act it is given in connection with one or two industrial diseases. It is, however, already provided for in our Act under the heading of "accidents." The few cases in which septic poisoning can be applicable in the



Third Schedule do not seem to warrant its inclusion.

The COLONIAL SECRETARY: I hope the amendment will not be agreed to. I understand this was one of the matters put forward on the recommendation of the Interstate medical conference.

Hon. J. J. HOLMES: It is going too far for the Colonial Secretary to tell us that legislation must be passed because it is recommended by the medical conference. Surely the representatives of the people in this Chamber should have some say in the matter. In the schedule cancer is shown as an occupational disease, whereas the best authorities cannot say how the malady occurs. If that point were settled the disease might be included in the schedule.

Hon. A. J. H. Saw: Cancer is recognised as an industrial disease in certain occupations, but these should be specified.

The CHAIRMAN: We are discussing the line "septic poisoning."

Hon. J. J. HOLMES: The medical conference also recommends that cancer should be included amongst occupational diseases. We find anthrax in the schedule, but no one ever heard of it in this country. I doubt if any of our medical men have had any experience of it.

The COLONIAL SECRETARY: There are common-sense reasons for the inclusion of septic poisoning in the schedule. It may be that some small injury may occur to a man and blood-poisoning ensues with serious results.

Hon. A. J. H. SAW: To a certain extent this is already provided for under the Workers' Compensation Act. Whilst the medical conference have given a list of diseases they consider should be provided for by legislation they have not set out the particular industrial processes in which these septic diseases are likely to arise. This may lead to a great amount of confusion. If septic poisoning were included amongst the industrial processes, anyone who contracted it might imagine that he had done so through the occupation in which he was engaged, and might be led into a false position. There are so few industrial processes in which septic poisoning can arise that it is unnecessary to burden the schedule with it.

Hon. J. J. HOLMES: What has occurred in the other States? We do not always want to be in the front rank of the battle. In one respect, not far from here, we are fighting the battle for the Eastern States. We say that our industries are handicapped and that we cannot develop the country, and have secured the appointment of a Federal Commission to inquire into our disabilities. Notwithstanding this, we now talk about piling further obligations upon ourselves.

The COLONIAL SECRETARY: The other States are taking action. We were the first to move, because the

Bill was already on the stocks when we took office. A similar Bill to this was introduced by Mr. Dodd in 1912.

Hon. J. EWING: Dr. Saw's word is good enough for me in this matter. The previous Government did all that was possible in regard to miners' phthisis. If the Government are going to proclaim this Bill on the goldfields, the Minister should not object to that being set out in the Bill. We want those miners who will lose their occupation to have the support of the Government.

Hon. T. MOORE: Men may contract septic poisoning through getting chafed hands or legs while working in some processes and the Act would not cover them. It would be difficult to prove that septic poisoning was the result of accident. There should be no harm in leaving this in the schedule.

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

Ayes	..	..	..	12
Noes	..	..	..	7
Majority for				5

#### AYES.

Hon. A. Burvill	Hon. J. Nicholson
Hon. J. Ewing	Hon. A. J. H. Saw
Hon. J. A. Greig	Hon. H. A. Stephenson
Hon. V. Hamersley	Hon. H. J. Yelland
Hon. J. J. Holmes	Hon. G. W. Miles
Hon. A. Lovekin	(Teller.)
Hon. J. M. Macfarlane	

#### NOES.

Hon. J. Cornell	Hon. T. Moore
Hon. J. M. Drew	Hon. H. Seddon
Hon. E. H. Harris	Hon. E. H. Gray
Hon. J. W. Hickey	(Teller.)

#### PAIRS.

AYES.	NOES.
Hon. C. F. Baxter	Hon. J. R. Brown
Hon. H. Stewart	Hon. W. H. Kitson

Amendment thus passed.

Hon. A. J. H. SAW: My next amendment deals with zymotic diseases. My complaint relates to the description of the industrial process in the second column. The words there are "any industrial process." That was not intended. Obviously, what was intended was that people contracting zymotic diseases, which include the ordinary infectious diseases that people are liable to, as a result of their occupation, should receive protection and compensation. As the schedule stands, however, any person engaged in any industrial process who may contract measles or diphtheria will be regarded as having *prima facie* developed an industrial disease. That is perfectly ridiculous. I move an amendment—

*That "any industrial process," in the second column be struck out, and the following words inserted in lieu:—"medical*

officer, nurse, orderly, or other person employed in a hospital or quarantine station."

Hon. J. CORNELL: The Queensland Act contains a provision that covers men engaged in ambulance brigades. The amendment proposed by Dr. Saw appears to cover those mentioned in the Queensland schedule, with the exception of the ambulance men.

Hon. A. J. H. SAW: I have no objection to including ambulance men and, with the consent of the Committee, I will add the words "or in an ambulance brigade" to my amendment.

Amendment, by leave, amended.

The COLONIAL SECRETARY: I do not propose to object to the amendment.

Hon. E. H. HARRIS: Should not the "description of process" column include reference to nurses employed by private firms or persons?

Hon. A. J. H. SAW: It would not be practicable to include nurses who might be called in for a few days to attend a patient in a private home.

Amendment as amended put and passed.

Hon. A. J. H. SAW: I move an amendment—

*That in the first column headed "Description of Disease," the word "Dermatitis" be struck out, and the following inserted in lieu:—"Eczematous ulceration of the skin produced by dust, or caustic or corrosive liquids or ulceration of the mucous membrane of the nose or mouth produced by dust."*

Dermatitis is far too wide a term to employ in the description of such diseases. I had some difficulty in framing an amendment, and I have followed the New South Wales Act.

Amendment put and passed.

Hon. A. J. H. SAW: I had intended striking out the words "any industrial process," in the second column, but it is preferable for them to remain in, rather than for a blank to appear in the column as obtains in the New South Wales Act. My next amendment relates to cancer. Although we do not know for certain the origin of cancer, there is no doubt whatever that irritation, either from chemical or mechanical sources, is a very strong predisposing cause of the disease. There are workers in certain trades known to be more liable to cancer than others. Chimney sweep cancer has been known for over 100 years, and has been associated with that occupation. Various other occupations have been found to give rise to cancer. I do not say that irritation is the exact cause, but it is a strong predisposing factor. Here my complaint relates both to the description of the disease and to the description of "any industrial process." The inclusion of the refer-

ences as they appear in the schedule would undoubtedly lead anyone who had no medical knowledge into the error into which, quite naturally, Mr. Holmes fell. But I pointed out on the second reading that if we left it as it is here, any man who developed cancer in any occupation, seeing that cancer is one of the things involving compensation, and seeing the description of the process "any industrial process," would consider he had a legitimate claim for compensation, whereas it is only occupation in certain trades known to give rise to forms of cancer that would warrant him in that assumption. I move an amendment—

*That "cancer" be struck out and the following inserted in lieu:—"Epitheliomatous cancer or ulceration of the skin or of the corneal surface of the eye due to mineral oils, pitch, tar, or tarry compounds"; and that in the description of process, "any industrial process" be struck out and "handling of mineral oils, pitch, tar, or tarry compounds" be inserted.*

In the Old Country recently it was found that cotton spinners became subject to a particular form of cancer, and it was traced to the fact that their trousers got saturated with mineral oil. In consequence that complaint has now been included in the English Act as one of the cancers of trade origin. My amendment will meet the case.

Amendment put and passed.

Hon. A. J. H. SAW: I move an amendment—

*That the following be added:—"Scrotal epithelioma (chimney sweeps' cancer)"; and that the description of process be "chimney sweeping."*

Amendment put and passed.

Hon. J. CORNELL: The legislation in Queensland and in New South Wales provides in addition to miners' phthisis and pneumoconiosis, silicosis of the lungs. The records of the Mine Workers' Relief Board in Kalgoorlie show that a large number of men have suffered from silicosis. I ask Dr. Saw is it not necessary to provide for it here?

Hon. A. J. H. SAW: I do not think so. In my view "miners' phthisis" includes all these complaints. Silicosis merely means fibrosis of the lungs due to inhalation of silica dust.

Hon. J. J. HOLMES: In accordance with the intimation given earlier in the evening. I intend to vote against the clause. It is not necessary to further discuss it, for, presumably, every member has made up his mind as to how he will vote.

Hon. T. MOORE: I hope the Committee will not delay justice to the mining community. If each successive Parliament continues to push back legislation in this manner, we shall never reach the desired end. Hon. members prepared to vote against this

clause declare they are desirous of assisting the unfortunate miners. I say an endeavour will be made by the Government to do all that is possible for those men, not with the idea of injuring mining, but merely with the view of assisting the unfortunate miners. It has been contended that injustice would be done if a section of the miners were to be put out of their employment. I think it would be the best thing that could happen them. We are bringing people from the other side of the world, putting them on the land in this State, and backing them financially. It is not possible for us to do the same for our own people? Who could be better placed on the land than our miners affected by phthisis? Their families alone would carry them to success in their new sphere. If the Bill be not passed, the phthisical miners will be taken out of the mines and another lot will be allowed to go in and become affected in the same way. Years ago the Government had to spend a great deal of money in the building of a sanatorium, principally for phthisical miners who had given their lives that dividends might be paid to other people. We have numbers of widows and children being kept by the State as the result of their husbands and fathers having contracted disease in the mines. What is the good of taking phthisical miners out of the mines if we are going to allow the old conditions to continue in all other respects? We are seeking to create a better set of conditions, and I hope the Committee will not prevent the passing of the Bill, so that some endeavour can be made not only to assist the afflicted miners of to-day, but also to prevent a recurrence of the existing conditions.

Hon. A. LOVEKIN: I should like to ask Dr. Saw what is the difference between dermatitis in the last line of the schedule and dermatitis where it occurs earlier in the schedule and which he has dealt with by amendment. Also, I point out to him there should be some reference to dermatitis the result of burns; because burns such as X-ray burns, will be quite a common thing even though less so than in the past. The X-ray dermatitis ought to be provided for somewhere in the schedule because any workers are engaged in handling the X-ray apparatus.

Hon. A. J. H. SAW: The reference to dermatitis at the foot of the schedule is to that which arises during mining or quarrying or stone crushing or stone cutting. It would be an eczema due to irritation from dust during the particular process. X-ray burns are not included here, although they very well might be. They are a trouble which originates very rarely—apparently one of those exceptional things for which it is not thought necessary to legislate.

Hon. J. J. HOLMES: Mr. Moore has unknowingly and unintentionally misled the Committee. He says that if the House refuses to pass legislation dealing with miners,

it will be committing a crime. But this House years ago passed such legislation. The successive Governments of the country have not done their duty. This House cannot compel the Government to proclaim an Act.

Hon. T. Moore: The House has passed legislation to take men out of the mines, but not to prevent others going in and getting the same diseases.

Hon. J. J. HOLMES: If Governments will not face the position this House is helpless. One Government failed to do its duty, and we know what happened to it.

Hon. T. MOORE: The Miners' Phthisis Act would certainly enable us to get tuberculous men out of the mines, but it would not prevent a recurrence of the same situation. If new men get into the same condition, it will be for the mining industry to bear the burden. However, the Miners' Phthisis Act does not compel mine owners to do anything for the unfortunate men whose lives are wrecked.

Hon. J. J. HOLMES: Neither will this Bill do anything for the miners, except remove them from their occupation. If we pass this provision, the mine owners will insist upon medical examinations, and any man with a taint of diseases will be put out of the mines.

Hon. T. Moore: A good thing for him.

Hon. J. J. HOLMES: Yes, if there is some scheme to absorb him when he goes out. But there is no scheme, and the hon. member knows that there is no scheme and that it will take 12 months to evolve one. The effect of such legislation in other States was to throw miners out of employment, and the Governments had to suspend the operation of the measure. When the Government have their scheme ready, they will have no more ardent supporter than myself.

Mr. SEDDON: Mr. Holmes has not grasped the position. Here is a Bill dealing with miners suffering from any of the diseases enumerated therein. Even if the measure does not pass, mine managers will recognise their liability with regard to industrial diseases. They will not have that responsibility on their minds, and therefore they will see that all the men they employ in future are first medically examined.

Hon. J. Ewing: That will apply to new men.

Hon. H. SEDDON: It will apply to the present men when shifting from mine to mine. Are we going to desert these men and allow them to be thrown on the world by a process of elimination? If the Bill passes, it will be right up to the Government to bring its provisions into operation. Without the schedule, however, the Government will be disarmed.

Hon. E. H. HARRIS: I hope the schedule will not be deleted. The two chief objects of the Bill are to provide for men

suffering from industrial disease and to fix rates of compensation. Whether the Bill passes or not, it is not obligatory on the employer to provide for men who, having been in the industry for years, are affected. If the employers are to insure the miners, they will insist upon medical examination. The employer will say, "I am not going to carry the liability of a large number of men who have been employed in the industry for years." The Government say, "We are prepared to help;" but they have not indicated on what lines. That is the unfortunate aspect of the matter. When the Minister for Works was in Boulder on the 6th October last, he discussed this matter with the industrial unions, and said the great difficulty was the insurance of men who had already contracted the disease but were still engaged in the industry, because neither the insurance companies nor the mining companies would accept responsibility for such men. The Minister added that he was going into that aspect of the question and hoped soon to have a scheme prepared. The Government should say, "We will accept liability for men engaged in the industry up to this date."

Hon. J. Ewing: That would be all right.

Hon. E. H. HARRIS: The Government would then demand that every man employed in mining in future should be insured by the employers in case he should fall by the wayside. Two years ago we passed the Miners' Phthisis Act, and present Ministers castigated their predecessors in office for not putting that Act into operation. The effect of passing the Bill would be to add considerably to the number of men on the Miners' Relief Fund. I appeal to the Committee not to delete the schedule.

Hon. J. CORNELL: There is a dual responsibility on the part of those who desire the schedule to be struck out, and the Government if it does go out. The Bill makes no distinction between industrial diseases and ordinary accidents. The Colonial Secretary indicated that the Government were going to put up a scheme, and some members hold that the schedule should be struck out until the scheme is made available. All things come to those who wait. Mr. Moore says that even if this Bill is passed it is not the intention of the Government to put into operation the portion relating to those industrial diseases affecting metalliferous mining until such time as the incidence of mining diseases has been ascertained and weighed.

Hon. T. Moore: I have said it will be done as soon as possible.

Hon. J. CORNELL: I believe the Premier said there was no necessity to wait for the laboratory before proclaiming the Miners' Phthisis Act. It is certainly no use proclaiming the legislation until that laboratory has been properly equipped. Doubtless the

Government will weigh the position of the men whose health is so impaired that they must leave the industry, and will be willing to provide for them. The future load will have to be carried by the mining industry. We have not been enlightened as to whether the Government will carry the whole of the past incidence, or whether the burden will be shared by the mining companies. This Bill will not help us to deal with the newly accumulated load of affected miners.

The CHAIRMAN: The hon. member must discuss the clause, and not the Bill.

Hon. J. CORNELL: If the clause is struck out it will mean the total elimination of all industrial diseases. The Bill will provide a measure of compensation for future loads that was not provided in the past. I want a set of conditions under which miners' phthisis cannot be contracted in our mines. If the mining companies are made responsible they will take more interest in the conditions of the men working underground. If we do pass the schedule I hope the Government will state what they intend to do with the load of affected miners that has now accumulated. If this load were cleared up no one would object to the mining companies carrying any future load.

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

Ayes	..	..	..	..	10
Noes	..	..	..	..	9

Majority for	..	..	1
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#### AYES.

Hon. A. Burrell	Hon. G. W. Miles
Hon. J. M. Drew	Hon. T. Moore
Hon. E. H. Gray	Hon. A. J. H. Saw
Hon. E. H. Harris	Hon. H. Seddon
Hon. J. W. Hickey	Hon. J. Cornell

(Teller.)

#### NOES.

Hon. J. Ewing	Hon. J. Nicholson
Hon. V. Hamersley	Hon. H. A. Stephenson
Hon. J. J. Holmes	Hon. H. J. Yelland
Hon. A. Lovekin	Hon. J. A. Greig
Hon. J. M. Macfarlane	

(Teller.)

#### PAIRS.

AYES.	NOES.
Hon. C. F. Baxter	Hon. J. R. Brown
Hon. H. Stewart	Hon. W. H. Kitson

Clause, as amended, thus passed.

Clause 22—agreed to.

Clause 23—Principal Act to be reprinted as amended:

The COLONIAL SECRETARY: I move an amendment—

*That the following words be added to the clause:—"and the short title shall be 'The Workers' Compensation Act, 1924.'"*

Amendment put and passed; the clause, as amended, agreed to.

Hon. A. J. H. SAW: Last night I moved that a new subsection be inserted, but no decision was arrived at. I now move—

*That a new subsection to stand as Subsection 9 be added, as follows:—"If an employer disputes the medical certificate as set out in Subsection 8, the matter shall, in accordance with regulations under this Act, be referred to a medical referee whose decision shall be final."*

It will be necessary for the worker to get a medical certificate connecting him with the occupation in which he has been employed. We have provided that the worker coming to Western Australia shall produce a medical certificate. I now seek to give to the employer the right of appeal from such a certificate to a medical referee appointed in accordance with the regulations. There is a similar provision in the New South Wales Act.

The CHAIRMAN: At this stage the hon. member can only move a new clause.

Hon. A. J. H. SAW: Last night I had put this forward as an amendment, but progress was reported before there was any discussion. So my amendment was really before the House!

The Colonial Secretary: Move your amendment on recomittal.

The CHAIRMAN: As a matter of fact, the amendment was out of order, because the hon. member proposed to insert a new subsection to stand as Subsection 9, after Subsection 10 had been dealt with.

Hon. A. J. H. SAW: I do not think there will be any opposition to the amendment, because it is practically consequential.

Hon. A. LOVEKIN: Would the amendment not be in order even in those circumstances?

The CHAIRMAN: I do not think we can go back to discuss what happened last night. My impression, however, this morning was that Dr. Saw's amendment was out of order.

Hon. A. J. H. SAW: I will withdraw the amendment.

Amendment by leave withdrawn.

Hon. A. LOVEKIN: This matter may crop up again and I would like to know if you rule that it would be out of order to move a new subclause to stand as Subclause 9 after Subclause 10 had been dealt with.

The CHAIRMAN: I do not feel disposed to discuss the matter at present, but I am still of the opinion that it would be out of order. If, on a future occasion, the point should arise, I shall give my ruling and the hon. member may object, so that I can take the instructions of the Committee on the point.

Title—agreed to.

Bill reported with amendments.

House adjourned at 10.6 p.m.

## Legislative Council,

Tuesday, 16th December, 1924.

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The PRESIDENT took the Chair at 3 p.m., and read prayers.

### QUESTION—MINING, EMPLOYMENT OF FOREIGNERS.

Hon. E. H. HARRIS asked the Colonial Secretary: 1. In view of the large influx of Southern Europeans into the State, will the Government issue instructions that Section 42, Subsection (2) of the Mines Regulation Act, which reads:—"No person unable to readily and intelligibly speak the English language shall be employed underground in any mine," be strictly enforced. 2. What number, if any, of such Europeans have been discharged from mines in the East Coolgardie Goldfield at the instigation of the inspector of mines during the past eight weeks?

The COLONIAL SECRETARY replied: 1. A circular was issued to all inspectors of mines on 2nd December, inquiring as to alleged increases in the employment of foreigners in mines, and directing special attention to the language test. 2. The inspectors of mines on the East Coolgardie field have not directly required the discharge of any foreigners during the last eight weeks, but the attention recently directed to this matter is believed to have resulted in employments being refused to several men whose knowledge of English was not sufficient to meet the requirements of the Mines Regulation Act.

### MINISTERIAL STATEMENT—CLOSE OF SESSION.

The COLONIAL SECRETARY: I should like to make a brief statement for the information of hon. members. It is the desire of the Government that the session should terminate this week. I have here a list of the legislation to be dealt with. First there is the Land and Income Tax Assessment Act Amendment Bill. I hope to be able to take that to-day. The taxing Bill is already before the Assembly, and members here know