mica had to be transported over them to be shipped away.

Hon. J. Cornell: Air transport has put Canada on the map.

Hon. C. R. CORNISH: I think it will put the North on the map too. We must have good roads and transport to open up the country. They are the main things in order that the producers may get their supplies.

On motion by Hon. A. Thomson, debate adjourned.

House adjourned at 5.59 p.m.

Legislative Assembly.

Thursday, 26th August, 1943.

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

QUESTION—COUNTRY VISITORS TO PERTH.

As to Accommodation.

Mr. McLARTY asked the Premier: In view of the fact that many country people are compelled to visit Perth for urgent business, medical, and other reasons and are unable to secure accommodation, even for one night, will the Government confer with the manpower and other authorities concerned, in order that the necessary accommodation shall be made available?

The PREMIER replied: Yes, inquiries will be made from the authorities concerned.

BILLS (5)—FIRST READING.

1, Financial Emergency Act Amendment.

2, Farmers' Debts Adjustment Act Amendment.

3, Industries Assistance Act Continuance.

Introduced by the Minister for Lands.

4, Public Service Appeal Board Act Amendment.

Introduced by the Minister for Labour.

5, Wood Distillation and Charcoal Iron and Steel Industry.

Introduced by the Minister for Industrial Development.

LEAVE OF ABSENCE.

On motion by Mr. North, leave of absence for the remainder of the session granted to Mr. Abbott (North Perth) on the ground of service with the R.A.A.F.

BILL—TRADE UNIONS ACT AMENDMENT.

Second Reading.

THE MINISTER FOR LABOUR [4.38] in moving the second reading said: This Bill proposes to amend Section 5 of the Act, which became law in this State in 1902 and has not been amended since. That section is identical with Section 4 of the English Trade Unions Act of 1871. It allows trade unions registered under it to prescribe dues and to inflict fines, levies and the like, but it prevents any legal action being taken by a union to recover any contributions, fines, levies or the like which are provided for in the rules of the union. The section also permits and indeed compels provision in the rules of the union for the payment of benefits to members. Here again, however, there is no process of legal recovery open to any member of a union to compel the union to make available to him any benefit provided under the rules. The true effect of the section, therefore, is to make legal the establishment in the rules of the union of the payment of contributions by members, and also to make legal the provision in the rules of the union which requires that the union may inflict upon members levies or penalties for any breaches of the rules by members.

As I have already explained, the section, in addition, makes legal the inclusion in the rules of unions of provisions for the availability of benefits to members in the way of sick-leave payments and other concessions of a like character. The schedule to the Act

compels unions to set out in their rules, before they can be registered under the Act, the rate of subscription to be paid by members and also the reasons for which penalties may be inflicted, and the consequences that members may lay themselves open to if they fail to pay their subscriptions or levies or the penalties which may be inflicted upon them from time to time.

Mr. Sampson: Is it proposed that this measure should usurp the powers of the Arbitration Court?

The MINISTER FOR LABOUR: If the member for Swan will exhibit his usual patience—

Mr. Sampson: And long-suffering tolerance.

The MINISTER FOR LABOUR: —he will learn, as the explanation of the Bill proceeds, that it is not proposed to interfere with the freedom, the liberty and the rights of any court or other established tribunal within the State.

Mr. Sampson: It is pleasing to hear that, but it does not coincide with the Bill.

The MINISTER FOR LABOUR: It is certainly peculiar that both under the English Act and our own Act unions should be compelled to include in their rules provision for the payment of membership dues, imposition of levies and payment of benefits by the union to its members, while at the same time it makes it impossible for the unions to avail themselves of legal process to recover subscriptions, levies and penalties. The section also makes it impossible for members of a union to obtain from the union by legal process any benefit which the rules of the union make available to the members, but which the union in fact has failed to make available to them. The reason for this peculiar section is not easy to find, but it probably has its roots in the ideas which prevailed some 70 to 80 years ago with regard to trade unions and trade unionism. Members will easily realise that 70 or 80 years ago in England, as in other countries of the world, trade unions were regarded with the greatest possible suspicion and were feared by those in authority, more particularly by those who were then known as the employing or master class. In this connection I would like to quote, for the information of members, a statement made in 1855 by Lord Campbell, at that time Chief Justice of England. He spoke of the principle upon which the fantastic and mischievous notions of a Labour Parliament might be realised by regulating the wages and the hours of labour in every branch of trade all over the Empire. He went on to say—

> The most disastrous consequences would follow to masters and to the men and to the whole community if such an event came to pass.

Members will have but little difficulty in realising that the fearful prophecy voiced by the learned Chief Justice in 1855 has, in fact, come to pass in England as in other countries of the world.

Mr. Warner: It was not the big bad wolf after all!

The MINISTER FOR LABOUR: Fortunately for all concerned, the results have not been nearly as fearful as those which he prophesied so many years ago. Ideas regarding trade unions and trade unionism have greatly changed since that time. In every country of the world there has been an increasing recognition not only of the necessity for organisation by working people but also of the great benefits which the trade union movement has conferred, mainly upon the working people but indirectly also upon most other sections of the community. The change that has occurred in this respect in Western Australia is perhaps best exemplified by our own Industrial Arbitration Act, which was passed in 1925. Under the provisions of that Act, trade unions are not prohibited from taking legal action for the recovery from members of dues, levies or fines. Every union registered under that Act is empowered to take legal action to recover membership dues, levies and the like, which are payable by members in accordance with the rules of the union concerned. There is no legal prohibition of any kind operating in that direction, nor is there any legal prohibition operating in respect of the benefits which may be due to members from the union, but which the union has failed to make available to the members. If a union registered under the Act has failed to make available benefits to its members, the members are entitled by legal process to obtain those benefits.

Members will probably know that most of the unions in this State are registered under the Industrial Arbitration Act. No difficulty arises in respect of those unions and their members as to the two points with which the Bill deals. However, there are in

this State three unions, or industrial organisations, which are registered under the Trade Unions Act but not under the Industrial Arbitration Act, nor can those three unions be registered under the latter Act. At least one is specifically excluded from registration under that Act as it is at present worded. That union is the Railway Officers' Union, which is a union of considerable size numerically and of great importance as an industrial union in this State.

Mr. Seward: What are the other two organisations?

The MINISTER FOR LABOUR: The W.A. Branch of the Electrical Trades Union of Australia and the Eastern Goldfields Tributers' Association. These two organisations are not very large numerically nor, perhaps, are they of very great importance compared with most of the other industrial unions in the State. Nevertheless they are entitled to the same consideration as the bigger union, namely, the Railway Officers' Union. The Government feels that all industrial organisations within the State should be placed upon the same basis as the majority of the unions which, of course, are registered under the Industrial Arbitration Act. It is not fair that unions registered under the Industrial Arbitration Act should have these legal rights, and that their members should have the legal rights to which I have referred, while at the same time these three organisations which are registered under the Trade Unions Act but not under the Industrial Arbitration Act, should be deprived of those rights. This Bill, in effect, will place the three organisations I have mentioned on the same basis, legally, in respect of the matters mentioned, as are the unions already registered under the State Industrial Arbitration Act.

Members will probably be aware that the friendly societies and most clubs operating in this State have the same legal rights as have the industrial organisations registered under the Industrial Arbitration Act. A friendly society can sue its members in the courts for the recovery of membership dues, levies and penalties and, on the other hand, the members of friendly societies can sue the societies for the payment of any benefits which they may be entitled to receive under the rules of the societies but which, for some reason, have not been made available to them. This same principle also applies to many of the clubs established and operating in this State. The purposes I have mentioned are the only two that the Bill seeks to achieve. The measure contains nothing except those particular matters. I therefore commend it to the favourable consideration of members. I move—

That the Bill be now read a second time.

On motion by Mr. Seward, debate adjourned.

BILL—FREMANTLE MUNICIPAL TRAMWAYS AND ELECTRIC LIGHTING ACT AMENDMENT.

Second Reading.

THE MINISTER FOR WORKS [4.54] in moving the second reading said: It is necessary to introduce a Bill to amend the Fremantle Tramways and Electric Lighting Act mainly because of the obscurity of the legal position which arises through the layout and wording of the measure as originally drafted. The principal Act was passed in 1903. Its preamble states that it was an Act to empower the municipalities of Fremantle and East Fremantle jointly to construct, maintain and work tramways within the boundaries of the said municipalities, and to construct and maintain works for the generation and supply of electricity for motor and lighting purposes within the same districts. By Section 2 of the Act the two Fremantle municipalities were given certain powers, including the power to enter into agreements with adjoining municipalities or road boards for the supply of electricity within the districts of such adjoining municipalities or road boards. By Section 15, a board was created to be known as the Fremantle Municipal Tramways and Electric Lighting Board. This section states that within nine months after the commencement of this Act the construction, carrying out, control and management of the undertakings hereby authorised are to be vested in the board. It will be noted that the Mayor of Fremantle is to be ex-officio a member of the board. Section 19 of the Act gives certain general powers to the board, and Section 21 deals with the application of moneys received by the board.

In a general sort of way the provisions of Section 15 were interpreted to mean that the board would have the right to exercise the powers which are conferred upon the municipalities of Fremantle and East Fremantle by Section 2 of the Act. The municipalities

themselves concurred in this interpretation and, in fact, the board started to exercise these powers nine months after the Act commenced, and have exercised them ever since. As a consequence the board, with the concurrence of the municipalities, has taken a great deal of work and responsibility off the shoulders of the municipalities, and everyone has looked to the board and has dealt with and has treated the board as if the full statutory powers were properly exercised by it. However, within the last twelve months conferences and discussions have been held between the board and the Government with respect to certain agreements for the supply of electricity, and doubts have arisen in the minds of the legal advisers as to whether it would be, or in fact ever was, correct for the board to sign agreements on behalf of a municipality. In short, it might be stated that there are doubts as to whether the municipalities have the right to delegate the powers conferred upon them by Section 2, and it is considered possible that the board has not got the right to act as agent for the municipalities.

This, of course, is a very disturbing state of affairs, mainly because of the numerous transactions which have been performed by the board on behalf of the municipalities, and because the municipalities and traders, and the public generally, have always looked to the board as the lawful executive of the municipalities. It should be stated here that at the present moment the Mayor of Fremantle and the Mayor of East Fremantle are both members of the board, so that there can be no doubt whatever that the board and the municipalities have acted in conjunction and harmony, never suspecting that there was even a scintilla of invalidity connected with the numerous transactions which have been executed and finalised by the one authority for and on behalf of the other. As I have stated there is a doubt, and it is desirable, and in fact necessary, to remove any doubt that may exist. Because of the representative character of the board and the fact that it has acted in the capacity of agent for municipalities, it could not be suggested that anyone would have obtained a better or a different deal if they had dealt direct with the municipalities. It is very convenient from everybody's point of view that the body should have undoubted powers. The municipalities are saved a good deal of trouble and responsibility and the flow of business is expedited.

Another point which has raised a doubt in the minds of legal advisers has also cropped up. The municipalities are restricted as far as the supply of electricity is concerned to deal with adjoining municipalities or road boards. The board has for a long time supplied North Fremantle. The transactions between the board and the North Fremantle municipality have been conducted on a most amicable basis. However, when the interpretation of the whole of the Act was thrown into the melting pot a fresh doubt arose as to whether North Fremantle was an adjoining municipality. because the Swan River intervenes between Fremantle and East Fremantle on the one side and North Fremantle on the other. The Government is quite content for North Fremantle to be supplied through the municipalities of Fremantle and East Fremantle, and does not wish to alter the existing arrangement which has been satisfactorily adjusted from time to time between the two authorities. The Government, however, does wish to see that no legal doubts can crop up when important transactions take place between two public bodies, and accordingly considers that the position should be clarified.

A third point arises which also needs statutory ratification. The Legislature in 1934 allowed the Fremantle municipality to supply electricity to the Rockingham Road Board. Apparently this has been a satisfactory venture from the points of view of both parties, and the public has been well served under the arrangements that were made. To get the current to Rockingham the lines had to be laid through the territories of intervening authorities, and it is considered necessary that Parliament should say that this particular work was justified and any expenditure thereon should be ratified. Parliament gave the Fremantle municipality the right to supply the Rockingham district. The power incidental to that right was not specifically provided for. The statute did not say that the municipality could take its supply lines through the intervening districts although it was physically impossible for Fremantle to supply Rockingham with electric light without the current being conveyed through those districts.

In the circumstances, the Government now submits a short Bill to Parliament to clear up the deficiencies of an Act that is nearly 40 years old. During the passage of the

years, the Act has worked efficiently and good service has been rendered the community. It is considered that it would be a pity if a legal squabble were to develop or a legal point be taken when there could be no real merit therein. It would be better for Parliament to make certain that the board could act on behalf of the adjoining municipalities and road boards rather than that agreements should be upset or work condemned because the board signed a piece of paper instead of that document being executed by the municipality. Therefore it is sought by the Bill to amend Section 2 to provide that the board can supply electricity, which will include electricity in bulk. It also provides that North Fremantle is to be deemed an adjoining municipality as from the inception of the agreement, in which respect the legislation is retrospective, and that the board should be confined in its transactions to authorities as they are at present constituted.

If, for instance, Cottesloe or Peppermint Grove became amalgamated with North Fremantle, the Fremantle Municipal Tramways and Electric Lighting Board would not be able to supply electricity to Cottesloe or Peppermint Grove, where the Government is at present operating. As members are aware, those districts are now supplied direct from the East Perth power station. Therefore the Bill seeks to give the board the right to supply the North Fremantle municipality only. That will serve to clarify the whole position and enable the board to carry on with legal authority. Then again, it is desired to insert Section 2A to validate the board's actions under Section 2 and to ratify its contracts and agreements. The Bill also proposes a new provision, Section 2B, the object of which is to give statutory authority to the board to convey electricity across the river to North Fremantle, and to justify any works performed or cables laid through the territories of other authorities when the board supplied Rockingham with electric current. Furthermore, the expenditure of funds by the board for the municipalities concerned on any of these works is also authorised. The need for the Bill has arisen because of certain new agreements which have to be drawn up between the board and the North Fremantle municipality and the necessity to clarify the position respecting the points I have mentioned. I move—

That the Bill be now read a second time.

On motion by Mr. North, debate adjourned.

BILL—CRIMINAL CODE AMENDMENT.

Second Reading.

THE MINISTER FOR JUSTICE [5.10] in moving the second reading said: The Bill is long overdue. Its object is to provide respecting motorcar accidents a penalty of a lesser degree than that now prescribed for manslaughter. The Bill refers to "vehicles" so that it will apply to motorcars and other conveyances as well. The original request for amending legislation was in 1934, when attention was drawn to the necessity by the then Crown Prosecutor, and the then Crown Solicitor, Mr. Walker, approved of the suggestion. Nothing was done by Parliament, and now the Bill has been presented for endorsement. Its terms have been approved by the Crown Prosecutor, the Crown Solicitor and the Solicitor General, all of whom are in agreement that there should be some amendment to the particular portion of the Criminal Code concerned. In 1941, a number of cases involving charges of manslaughter were dealt with, but the juries declined to convict. They found it difficult to do so, and certainly displayed reluctance in bringing in verdicts of manslaughter. The position became very serious and it was almost impossible to secure a verdict. As a result, in many instances, a nolle prosequi was entered in respect of charges arising out of the negligent driving of motorcars.

The reason for the nolle prosequi being entered was that there was no hope of securing convictions in consequence of the apparent reluctance of jurors to bring in verdicts of guilty. The seriousness of the position was dealt with in a letter I received from the Registrar of the Justices Association, during the course of which he stressed the points I have made. He viewed the position so seriously that he urged that a deputation should wait upon the Government to deal with the matter. I did not receive any such deputation, but discussed the letter with Cabinet—hence the introduction of the Bill. The Government realises the necessity of amending the Criminal Code in order to provide a middle course in dealing with this type of offender. Apparently juries consider

that as the law stands today the penalty attached to the charge of manslaughter arising out of motorcar accidents is really too severe.

It is possible, though hardly probable, that on conviction an offender could be imprisoned for life. Of course, it is possible for a judge to fine a convicted person, but that is very seldom done. Consequently I ask the House to agree to a middle course which will be somewhere between the minimum imposed under the provisions of the Traffic Act and the maximum penalty provided under the Criminal Code. With regard to the entering of nolle prosequi, it may be of interest to members to know that in 1938, four such actions were taken; in 1939, four; in 1940, three; in 1941, five; in 1942, four; and in 1943, so far, three. The deaths due to traffic accidents have been mounting up, especially since the commencement of the war, and now the Government proposes a procedure that may act as a deterrent by means of convictions. It is proposed that the penalty shall be up to five years' imprisonment instead of the severe penalty laid down in the Criminal Code. With that provision in the Code, juries will probably convict.

Mr. Watts: Has this been tried out anywhere else?

The MINISTER FOR JUSTICE: Not that I know of; I have not heard of its being tried out anywhere else, though it may have been. However, it is hoped that by means of this amendment these foolish, reckless drivers of motorcars will be brought to book. In view of the number of deaths recorded from traffic accidents, the position has developed beyond endurance and the people have been bringing pressure upon the Government to take action. I hope the House will accept the amendment proposed in the Bill, which should be helpful and conducive to public interests, and should provide a deterrent to reckless drivers. The manslaughter clause is considered by most juries to be too drastic. This Bill is a halfway measure, and should result in more numerous convictions, which would act as deterrents. Therefore I hope the House will give due consideration to that aspect. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

BILL—PENSIONERS (RATES EXEMPTION) ACT AMENDMENT.

Second Reading.

THE MINISTER FOR WORKS [5.17] in moving the second reading said: This small Bill is consequent upon the passing by the Commonwealth Parliament of the Widows' Pensions Act, which came into operation as from the 5th June, 1942, and provides pension benefits for—

(a) A widow resident in Australia who is maintaining one or more children, or

(b) a widow so resident who is not maintaining a child and is not less than 50 years of age.

The maximum pension payable under the Act is £78 per annum for the widow with one or more children, and £65 per annum for the widow 50 or more years of age without dependent children. Under the State Pensioners (Rates Exemption) Act and amendments, persons in receipt of the old age, invalid or service pensions are eligible for exemption from payment of rates on property of which they are in occupation as owners. The rates remain a charge on the land. The benefits under the Widows' Pensions Act are more liberal than those received under the Old Age and Invalid Pensions Act as follows:—

(a) A widow of any age may receive a pension up to a maximum of £78 per annum provided she has a child under 16 years of age.

(b) A widow without children may receive a pension up to a maximum of £65 per annum if over 50 years of age.

The pensions are subject to review in accordance with fluctuations in the prices index figures. Many widows who were receiving benefits under the Old Age and Invalid Pensioners' Act have now transferred to the Widows' Pensions Act in order to obtain the additional benefit of 5s. per week. The State Pensioners' (Rates Exemption) Act does not provide exemption from payment of rates to persons receiving benefits under the Widows' Pensions Act and, in those cases where pensioners have transferred, the exemption from payment of rates should legally cease as from the date of transfer. The purpose of the Bill now before the House is to amend the Pensioners' (Rates Exemption) Act in order to extend its benefits to persons who have been found to be entitled to the Commonwealth widows' pension. The rates covered by the principal Act include municipal, road, water, stormwater

and sewerage. In response to the department's inquiries, it was ascertained that a big majority of the local authorities whose finances would be affected favour the provisions of the Bill.

Mr. Doney: On what grounds did the dissenting boards disagree?

The MINISTER FOR WORKS: The boards were just asked the question whether they agreed or did not agree. Replies came back simply stating yes or no.

Mr. Doney: And the big majority voted yes?

The MINISTER FOR WORKS: Yes. As a matter of interest, I would inform the House that as regards the Metropolitan Water Supply, Sewerage and Drainage Department, 1,450 pensioners are now taking advantage of the assistance provided by the Act, and that the total amount due by them to the department is £29,628. I move—

That the Bill be now read a second time.

On motion by Mr. Doney, debate adjourned.

BILL—PUBLIC AUTHORITIES (POSTPONEMENT OF ELECTIONS) ACT AMENDMENT.

Second Reading.

THE MINISTER FOR WORKS [5.25] in moving the second reading said: This small Bill is introduced for the purpose of clarifying a few matters on which such action has been found necessary in the operation of the Act over the past two years. In Section 3 of the Act it is stipulated that no election of a public authority shall be postponed for a greater period than 12 months. In 1943, however, at the request of the local authorities, the Public Authorities (Retirement of Members) Act was passed, extending the term of office of the members of some local authorities for a period of two years for the purpose of maintaining the rotation system. An amendment was therefore suggested in Section 6 to remove this conflict between the two Acts. Section 6 of the principal Act provides that the term of office of all members of public authorities shall expire on the day of the postponed election. It has been pointed out by the municipal councils that whilst under the Municipal Corporations Act elections are held on the fourth Saturday in November, the term of office does not expire until the 30th day of the same month, and that the newly appointed members enter upon their duties on the first day of December next following an election. The Government had no desire to alter this arrangement, and it has been urged by the councils that the few days between the election and the first day of December facilitate the making of administrative changes. The Bill seeks to restore the position as it stood under the Municipal Corporations Act. In the case of road boards and other public authorities, the term of office will, as now, expire on the date of the election.

The only other matter dealt with is also in relation to Section 6. The Road Districts Act provides that the chairman and vice-chairman of a board shall be elected at the first meeting following the annual election. With the postponement of many elections some confusion has arisen, in that some boards have held their elections of chairman and vice-chairman on the date of the first meeting after the day upon which the election would have been held had it not been for the postponement, whereas other boards have retained their chairman and vice-chairman without holding a fresh election for these offices. Requests have been received from the Roads Board Association and from several members of this Chamber for the matter to be clarified and for the past actions of the boards to be validated. Effect is sought to be given to these representations in Clause 3, paragraph (c), (1) and (2) of the Bill now before the House. I move—

That the Bill be now read a second time.

On motion by Mr. Doney, debate adjourned.

BILL—ELECTORAL (WAR TIME).

Second Reading.

THE MINISTER FOR JUSTICE [5.29] in moving the second reading said: This is a highly important measure, for it will give to the members of the Armed Forces a vote for the members of this State Parliament as the next election. The measure provides that members of the Armed Forces shall vote for the districts in which they resided immediately prior to enlistment or appointment. All members of the Navy, the Army and the Air Force are entitled to vote, irrespective of age. That age will be over 18 years, because persons are not allowed to join the Forces until

they have reached that age. In consequence, they will be over 18 years. The Bill gives due consideration to the present position and in consequence we have had to limit its operation. I can assure members that that was very reluctantly done. It was done owing to pressure of time. The motion on the notice paper, from the member for Irwin-Moore, makes it very necessary that we should get on with the election as soon as possible. I got into touch with the Chief Electoral Officer and discussed the position with him, and I was informed that if the measure were made to apply in the same way as the Commonwealth Act we could not have our election until after Christmas. That is one of the reasons why we have confined its operation to the South-West Pacific Zone. It is unfortunate that those members of the Forces—I suppose principally of the Navy and the Air Force—in America, Canada, England, India and the Middle East—will be debarred from voting, but we considered it was more honest to take that course than to make the operation of the measure world-wide and then not give the men the means to vote, which could not be done if we were to have an election as soon as possible.

The Chief Electoral Officer informed me that it would take probably four months to distribute the ballot papers, envelopes, etc. and to undertake the necessary organisation in far away places. Provision has been made in the Bill for the Civil Constructional Corps and persons employed by the Allied Works Council north of the 26th parallel south latitude. People working with the Corps in that area will have a vote and will be treated on the same basis as the soldiers and will have the same privileges. So long as they are in Western Australia they will not be debarred from a postal vote. Those south of the 26th parallel can have their own polling booth the same as in the small towns, and also will be able to forward postal votes. Those connected with the Corps, however, will have to be 21 years of age and will have to comply with Section 18 of the Electoral Act of 1907—that is the disqualification section—and Section 17 which is the qualification section of the original Act. We have made no discrimination with regard to age. The provision is exactly similar to that in the Commonwealth measure. We are giving the vote to all members of the Forces irrespective of age and location, whether in Australia or outside of Australia. Any person 18 or over will have a vote so long as he or she is a member of the Fighting Forces. We consider that if our youths are good enough to fight they are quite capable and quite intelligent enough to vote. They would have had a vote under the Commonwealth Act but unfortunately that was disallowed as a result of an amendment to the Commonwealth measure. There is no reason why these young people should not have a vote.

If those outside Australia are going to have a vote, why not those inside Australia? Recently at the Commonwealth election all who were beyond the 3-mile limit had a vote irrespective of age, except those at Darwin and probably on the north coast of Queensland and in Western Australia who had been bombed and had taken risks but did not have a vote. That was unfair discrimination, but in this measure we make no discrimination at all. Both males and females, so long as they are 18 or over, will have the vote. Since a person must be 18 before joining the Forces this means that all members of the Forces will be entitled to the vote. It must be remembered that the Bill is only for the duration of the war and 12 months thereafter. At the end of that time it will go out of existence. Surely if the members of the Forces are courageous and patriotic enough to fight for us, they are entitled to have some say as to the Government that is going to control their destinies when they return, and the destinies of their mothers and fathers and brothers and sisters who remain in Australia. Discharged members of the Forces, no matter where they have been engaged, will be entitled to a vote if they come within the limit of the prescribed area—the South-West Pacific Zone.

Probably members would like to have an idea of the line of demarcation of the South-West Pacific Zone. It is marked by the 110th meridian of longitude west and north by the Equator and east by the 159th meridian. In the west we cut through Java leaving a little more than the eastern half of that island in the South Pacific area which also covers Borneo, Celebes Island, New Guinea and the whole of the Solomons Islands. That is the area covered by the South-West Pacific Zone. Voting will not be compulsory. Although this Bill is very similar to the Commonwealth

Act, there is one difference. So far as the scrutiny of the votes is concerned the whole of the boxes will be returned to the Chief Electoral Officer to be counted as expeditiously as possible. Much consideration has been given to the measure. In Victoria when a similar measure was before the State Parliament—a measure which is now an Act—no consideration was given to any of the Fighting Forces outside of Australia or to the Civil Construction Corps and the people fighting for their country. No consideration was given to persons under 21 years of age, in contrast with the position obtaining under this Bill. I commend the measure to the House and move—

That the Bill be now read a second time.

MR. WATTS (Katanning): I move—

That the debate be adjourned till Thursday next.

The Minister for Lands: On a point of order, I would point out that it is likely the Premier will introduce the Budget next Thursday.

Mr. Doney: Any time after Thursday next would do.

Mr. WATTS: I had an agreement with the Minister before moving the adjournment.

Motion put and passed.

BILL—MINE WORKERS' RELIEF ACT AMENDMENT.

Second Reading.

THE MINISTER FOR MINES [5.41] in moving the second reading said: This measure is introduced with a view to an endeavour being made to take advantage of the modern trend in regard to the cure of tuberculosis. We are desirous of doing everything possible to get hold of mineworkers, and particularly those who have been found to be suffering from tuberculosis, with a view if possible—and we believe it is possible—to having them cured. I should say that when the Mine Workers' Relief Act was introduced in this House it was assumed that tuberculosis was incurable, but with the trend of modern medical science we find it is curable if caught in the early stages. We have verified this over a long course of time by sending to America, South Africa and various parts of Australia for all evidence available. In addition we have at Wooroloo at the present time a specialist who has had long experience in this class of disease and after going into the matter very thoroughly with his colleagues, who are also specialists in tuberculosis, he is firmly convinced that when miners are found suffering from tuberculosis in an early stage there is more than a possibility that they can be cured and returned to industry again. With that object in view this legislation is being introduced.

The present system, which has obtained since the Miner's Phthisis Act has been in existence, provides for three stages of this complaint. There is first early silicosis, then silicosis advanced. A person is notified by the Minister that he has been found to have early silicosis and in his own interests should leave the mining industry. However, there is no authority to compel him to leave the industry. Unfortunately quite a number remain. When the disease becomes silicosis advanced he is again warned, but again he cannot be forced out of the industry. Once he becomes infected with tuberculosis, even with silicosis or without, the Act provides that he has to leave the industry immediately, and is not allowed to be employed in a mine afterwards. At that stage he receives compensation up to £750 which is paid to him either at so much per week or so much per month or otherwise, and when that has gone he goes on to the Mine Workers' Relief Fund of which he has been a contributing member. Unfortunately, from the very time when he is found to be suffering from tuberculosis and is prevented from working in a mine he becomes nobody's baby. He is left to drift and look after himself when he may also infect other people.

We now believe that there is a cure for these people, and we want to make them our babies. We do not want them to be allowed to drift and die, but want to have the opportunity to cure them. That is the position today. So far as we can gather from information supplied—it is pretty accurate because these men are on the Mine Workers' Relief Fund—there are only 20 men suffering from tuberculosis who are on the fund. This Bill deals only with tuberculosis, and not with tuberculosis plus silicosis. So far as all medical evidence we can find goes to show there is no cure at the moment for silicosis. Cases of tuberculosis plus silicosis are looked upon as hopeless and impossible to cure. The Bill therefore deals only with tuberculosis with-

out silicosis. I emphasise that because, although there are 300 or 400 men on the Mine Workers' Relief Fund, only 20 are suffering from tuberculosis without silicosis.

Mr. Doney: You are restricting the Bill to the early stages of tuberculosis.

The MINISTER FOR MINES: I will deal with that later. We find ourselves in the position of having 20 men suffering from tuberculosis and the probability of others being found to be infected as they are examined. These men are examined periodically, mostly every 12 months, in Kalgoorlie and those working in the vicinity. In the case of men working outback they may go for two years before an x-ray man gets up to them. They are all examined within fairly reasonable periodical intervals, so that if they are found to be infected with tuberculosis it will be only in its early stages. For the moment we have 20 men who are known to be suffering from the disease although unfortunately others may yet be coming along.

What we propose to do with the 20 under the Bill is to have them thoroughly examined by a specialist with x-ray, etc., to ascertain the possibility of a cure being effected. It will possibly be discovered that some of the 20 are beyond hope of being cured in that they may have reached a chronic stage of tuberculosis. If that is so, and these men are found to be beyond repair so far as medical opinion goes, no action will be taken concerning them. Those men the medical profession believes can be cured will, by this Bill, be compelled to take the necessary curative treatment. In the case of those who, according to medical opinion, can be cured, it will be the duty of the Minister to provide them with the necessary treatment and the duty of the mine worker to accept it. This is a piece of compulsory legislation. It is not more compulsory, however, than is the Health Act. The Commissioner of Public Health has the right under the Health Act to order any case of tuberculosis into hospital or wherever he thinks that person should be treated, because he is suffering from an infectious disease. He is, however, not ready to pay for the treatment, as will be the case under this measure.

Immediately we find anyone on examination to be suffering from tuberculosis it will be the duty of the Minister to find the treatment and the duty of the person concerned to submit to it. The treatment will be given according to the decision of two medical officers, Dr. Henzell of the Wooroloo Sanatorium and Dr. Muecke of the Perth Hospital. They will decide whether the treatment shall be given at Kalgoorlie under their direction, at Wooroloo for a period, or in Perth, and their decision will be accepted by the Minister. Whatever they decide the Mine Workers' Relief Fund will be responsible for the payment not only of the treatment but of the travelling expenses of the miner, and other expenses involved in the treatment. The Mine Workers' Relief Fund is responsible up to £750, and also is responsible for payments after the miner has received that sum. It will be responsible for the whole of the cost of the treatment wherever and whenever the person concerned is treated. Whilst he is being treated his compensation will continue. There will be no interference with that whether he has had the £750, or whether he has exceeded that amount and is on the Mine Workers' Relief Fund. That compensation will still be paid plus the cost of the treatment that he will receive.

If the man is cured—this is a very important factor—and he has been certified as cured, and there is no further danger of infection should he go back to the mining industry, he may return to that industry provided he works on the surface. It is a matter for the man himself to determine whether he decides to go into some other industry. So far as the Bill is concerned there is this difference. If a man is cured and returns to the mining industry, and in the course of time again develops tuberculosis whilst in that industry, he will start off with a mine worker's pension where he originally began. Presuming that a man has been found to be suffering from tuberculosis, is treated, and is cured and returns to the mining industry, and he again develops tuberculosis in the mining industry he will then start on his second £750. Should he be so long in being cured that he has exceeded the £750 under the Bill he can get another £750 if he is in the industry. If he does not return to the industry after being cured, and goes into other employment where he is not so likely to contract tuberculosis as he is in the mining industry, and then develops the disease he goes back to the compensation where he left off. The compensation will start at the point where the previous compensation ceased. If he had previously exhausted his

£750, at half wages he would receive only the benefits prescribed by scale one of the second schedule.

That is the difference between the man who goes back to the mining industry after being cured and the man who goes into some other industry. From all the medical opinion we can obtain we believe that if tuberculosis is discovered in the very early stages the men concerned can in all probability be cured. Doctors are so certain of this that they are anxious that this legislation should be passed. The question may be asked why people should be compelled to undergo this cure. It is, however, of no use to introduce legislation of this kind unless it is applied in a compulsory way. One can start on a man and get him well on the way to recovery when for some reason best known to himself he decides not to go any further with the treatment, with the result that all the time spent on him will be wasted. Further, the management of the Mine Workers' Relief Fund is particularly anxious to do this work.

The very fact that the controllers of the fund are prepared to pay the whole of the expenses involved in the hope of cures being effected shows that they believe this to be a step in the right direction. We do not expect to have many cases of tuberculosis in the future. That we have only 20 men suffering from tuberculosis without silicosis indicates that not many such cases are coming along. We are hopeful, and so are our medical men, that by the treatment of these men who have been working in the mines for a long time, and by research and other methods we shall be able to discover some way to deal with silicosis. If that can be achieved it will be a wonderful step in the right direction. Members may ask why the Mine Workers' Relief Fund is prepared to pay out all this money. If it is possible to cure men in two years that will mean that those men will not remain on the fund for the rest of their lives, and the fund will not be charged with the support of the wife and family.

The board which will determine whether a man is cured will be representative of the Chamber of Mines and the mine workers themselves, two from each side, together with a magistrate who will represent the Government. That board will have discretionary power to pay the miner until such time as he finds employment after his cure a sum equal to the rate in the district where he was working. If the medical profession say that a man is cured but is not strong enough to take a position where the full rate of wages is paid, or where he is expected to do a full day's work, and he obtains employment which does not pay the full rate, the board will have discretionary power to pay the difference between what he is receiving and the full rate. All these details do not appear in the Bill, but will be contained in the regulations.

I am very hopeful that we shall be able to start with a few men to deal with the scourge of tuberculosis. I feel satisfied the time will come when anyone found to be suffering from tuberculosis in its early stages will be ordered into some institution, and that provision will be made for the maintenance of dependants while the patient is undergoing treatment. Mr. Holloway, in his social service legislation, proposed to provide sustenance for the wife and family where the breadwinner was ordered into an institution for treatment. Under existing conditions, men suffering from tuberculosis continue to work simply because no provision is made for dependants. They ask, "What would happen to the wife and family if I went into hospital?" This Bill will provide for such cases, and provision will be made for such surgical or medical treatment as may be necessary to ensure complete recovery. The members of the Mine Workers' Relief Fund Board are 100 per cent. behind the Bill; the executive of the organisation representing most of these men is also whole-heartedly behind the Bill and I commend it to the House. I move—

That the Bill be now read a second time.

On motion by Mr. Patrick, debate adjourned.

BILL—COAL MINE WORKERS (PENSIONS).

Second Reading.

THE MINISTER FOR LABOUR [6.2] in moving the second reading said: This Bill to a large extent is the same as the one that was introduced in December of last year. Many of the principles of that measure were approved by both Houses, but the Bill was finally lost because of the failure of the managers of both Houses to agree upon certain important principles. The two main principles upon which agree-

ment could not be reached were the proposals to include surface workers in the pensions scheme and the provision for financial arrangements regarding the contributions to the fund by coal mining companies.

This Bill includes the same definition of "mine worker" as was contained in the previous measure. That is to say, the Bill proposes to cover surface workers as well as underground workers. We consider that the surface worker is as essential to the complete operation of a mine as is the underground worker. Furthermore, most of the workers on the surface of coal mines have at some time or other during their association with the industry worked underground. Many of them have been transferred from underground to surface work because of advancing age and other factors. To differentiate between the workers in the industry by including underground workers and excluding other sections of workers is neither fair nor desirable.

The proposed pensions scheme will be on a contributory basis, and every worker to be covered by it will make a contribution to the fund and thereby make a contribution to the pension that he will ultimately be entitled to receive. For the purpose of simplicity, the Bill is divided into five parts. This division will also enable the contents to be more readily understood and will ensure easy and successful administration of the scheme by the tribunal. On the Bill being enacted, Parts I. and V. will come into operation immediately. Those parts deal with the preliminary contents and the miscellaneous provisions. The three vital portions are Parts II., III., and IV., which deal with the fund and the contributions to it, the compulsory retirement of mine workers at the age of 60 years, and the establishment of a tribunal to administer the fund and generally manage the whole scheme.

The tribunal will consist of three members. One of them will be nominated by the Government and will be the chairman, and the other two members will be appointed by the coal mine owners and the coal mine workers respectively. As soon as practicable after appointment, the tribunal, following the commencement of the appropriate part of the measure, will be required to estimate the amount of income needed to finance the pension scheme from year to year. Not only will the tribunal be required to estimate the amount of finance required to meet the claims upon the fund in each year, but it will be required also to estimate the amount of money needed to meet the administration expenses and, more important still, to build up a reserve fund until it is regarded as being sufficient to meet any emergency that might arise in the industry. The tribunal will decide what contributions are to be paid by the contributing parties to the scheme. Those contributing parties will be the Government, the mine owners and the mine workers.

The fund to be set up will be known as the Coal Mine Workers' Pensions Fund, and will be kept at the Treasury. The Government's contribution will be equal to one-quarter of the total amount required for the first year, or the sum of £2,000, whichever is the smaller amount. In the succeeding years, the Government will pay one-quarter of the total amount required with the following limitations:—

	Maximum.
Second year	£2,500
Third year	£3,000
Fourth year	£3,500
Fifth year	£4,000
Sixth and all succeeding years ..	£4,500

Of the balance required, the companies will be called upon to find two-thirds and the workers will have to contribute one-third. In other words, the companies will contribute at the rate of £2 to every £1 contributed by the workers. In the previous Bill the companies were to be called upon to meet out of their own profits fifty per cent. of their total contributions to the scheme. They were to be permitted to pass on the balance of their contributions by increasing the price of coal. That Bill also proposed to enable the companies to finance their payments from profits out of dividends due to preference shareholders. Under that proposal there is no maximum regarding the proportion of the companies' contribution to be met from profits. For instance, the companies' total contribution might have been 4d. a ton, in which event 2d. a ton would have been drawn from profits. The total contribution might have been 8d. a ton, in which event the companies would have paid 4d. a ton out of profits.

This Bill alters that principle to the extent of providing a maximum of 2d. a ton to be paid by the companies from their own profits. Therefore the companies will never be called upon to pay from profits as part

of their contribution to the scheme more than 2d. a ton. This will apply even though their total contribution to the scheme be more than 4d. a ton. If their total contribution be less than 4d. a ton, they will pay only 50 per cent., which would be less than 2d. a ton. In addition, this Bill does not compel the companies to obtain their payment from profits from any particular source or direction. It leaves with the companies an absolute discretion to obtain their payments from profits in any manner or way they think best.

The definition of "mine worker" is fairly extensive. It covers a person employed at the commencement of the measure in or about a coal mine and also any person who was at any time after the 31st December, 1937, engaged as a mine worker in the coal industry of the State. It will be seen, therefore, that the measure has a retrospective application for a period of six years. Another class of person included in the definition is men who, after 1937 and before the commencement of the measure, were rendered permanently incapable of work owing to accident or injury suffered during the course of their employment in a coal mine. Another section of workers to be covered will be those mainly engaged in the transport of coal from the mine to the railway depot. Certain small groups of workers engaged in the industry are also covered by the Bill.

The rates of pension payable differ as between varying classes of mine workers. The maximum rate of pension to be paid per week to any retired miner will be £2. A rate of 30s. per week is provided for other classes of workers. Provision is also made for a pension rate of 25s. per week for a wife and 8s. 6d. per week for every dependent child under 16 years of age. The rate for a wife, as provided in the previous Bill, was £1 per week. The maximum amount claimable by any one pensioner on behalf of himself, his wife and children is fixed at £4 10s. 6d. per week. In the event of a retired miner dying, the pension of his widow will be 30s. per week. Provisions are included to reduce the amount of pension that any one family may receive from the fund. For instance, income received by a family by way of old age or invalid pension, child endowment, widow's pension or from workers' compensation sources, or from other sources specifically set out in the Bill is to be reductable from the amount of pension to be received from the fund.

Members will recall that provision was made in the previous Bill in the Legislative Council, on the initiative of the Government, to give the tribunal power to reduce pensions payable from the fund for the purpose of enabling each pensioner, when eligible, to draw the full amount of either old age or invalid pension. Those provisions are included in the present Bill and are necessary to enable pensioners under this scheme legally to claim their rights under Commonwealth pensions legislation. The Bill contains provisions to enable this State to enter into reciprocal arrangements with other States where similar schemes are in operation. Those States are Queensland, New South Wales and Victoria. Many other provisions are included in the Bill, all of a more or less machinery character and, as they were explained fully when the measure of last session was before the House, I do not propose to deal with them at this stage. I move—

That the Bill be now read a second time.

On motion by Mr. McDonald, debate adjourned.

House adjourned at 6.15 p.m.

Legislative Council.

Tuesday, 31st August, 1943.

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

ASSENT TO BILL.

Message from the Lieut.-Governor received and read notifying assent to the Supply Bill (No. 1), £2,500,000.

QUESTION—EMU PEST, LAKES DISTRICT.

As to Ammunition for Destruction.

Hon. J. CORNELL asked the Chief Secretary: 1, Is the Department of Agricul-