Hon. H. S. W. PARKER: Of course there is another Chamber where the Labour majority does not do what it likes!

Hon. W. J. Mann: Nor does the Labour majority in the Commonwealth Parliament do what it likes.

Hon. H. S. W. PARKER: Of course! We must have no indication of democracy in this Chamber; the majority must not rule here! I am sorry that I have spoken at such length, but I could not sit idly by and allow this measure to go through without expressing my personal views and opposing the second reading.

On motion by Hon. E. M. Heenan, debate adjourned.

House adjourned at 9.54 p.m.

Legislative Assembly.

Tuesday, 28th November, 1944.

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

QUESTIONS (9).

LOCOMOTIVE SPARK FIRES.

As to Damage near Korbel.

Mr. TELFER asked the Minister for Railways:

(1) Is he aware farmers adjoining our railways near Korbel claim to have lost over £1,500 worth of wheat, stock feed and fencing on the 9th, 14th and 16th inst., caused by passing trains?

(2) If so, will steps be taken to see justice is done by suitable compensation?

(3) What steps will be taken to prevent a recurrence of such fires?

The MINISTER replied:

(1) Reports of fires on the dates in question have been received. The causes and extent of damage are being ascertained.

(2) The departmental liability will be determined on completion of investigation referred to in No. (1).

(3) Every precaution is taken by the department to prevent such fires, including the equipping of engines with spark arresters and maintaining them in good order, cutting of firebreaks and burning off of railway reserves, etc.

MINE WORKERS' RELIEF FUND.

As to Alunite Workers at Chandler.

Mr. LESLIE asked the Minister for Mines:

(1) Is it a fact that employees engaged at the Campion Alunite Industries Works at Chandler are compelled to contribute to the Mine Workers' Relief Fund?

(2) Are employees at the above works obliged to produce a laboratory certificate in accordance with the provisions of the Mine Workers' Relief Fund Act?

The MINISTER replied:

(1) Yes.

(2) Yes.

WATER SUPPLIES.

As to Extensions for Defence Establishments.

Mr. LESLIE asked the Minister for Works:

(1) Were the costs incurred in the provision of the special water supply systems and extensions for defence establishments in W.A. charged against the Commonwealth Government?

(2) If not, what were the proportions borne by (a) The Commonwealth Government, (b) The W.A. Government?

(3) What charges are levied, if any, on the Commonwealth Government for water supplied to defence establishments in W.A.?

(4) Are these charges in conformity with the charges applicable in the respective areas to private consumers?

The MINISTER replied:

(1) Yes.

(2) Answered by No. (1).

(3) Metropolitan Water Supply: 1s. 6d. per 1,000 gallons as prescribed in the by-laws.

Goldfields Water Supply: (1) Kalgoorlie Munition Works—7s. 3d. per 1,000 gallons, being the prescribed price in the district for water supplied for trading purposes. (2) All other defence establishments, camps, etc., (a) if supplied from town reticulation systems—prescribed prices for ordinary household purposes; (b) if supplied from Goldfields Water Supply 30in. main conduit or from agricultural extensions—prescribed prices relating to farming services.

(4) Metropolitan Water Supply: Price is slightly higher than those prescribed for domestic, trading and industrial purposes.

Goldfields Water Supply: Answered by No. (3).

CHARCOAL, ACETIC ACID AND POTASH.

As to Production.

Mr. KELLY asked the Minister for Industrial Development:

(1) How many tons of charcoal will be produced from the quantity of timber necessary to be processed to produce one ton of acetic acid?

(2) What is the estimated cost per ton of producing charcoal at Wendowie?

(3) What is the estimated cost per ton of producing acetic acid there?

(4) Is charcoal suitable for smelting iron ores?

(5) What tonnage of potash has been railed from Chandler for the months (a) August, (b) September, (c) October?

(6) What is the total tonnage railed since production began?

The MINISTER replied:

(1) 20 tons.

(2) Charcoal will be an intermediate product and as such its actual cost cannot be estimated. The final products will be pig iron, acetic acid and wood naptha. The estimated cost of producing annually 10,000 tons of pig iron, 500 tons of acetic acid and 340 tons of wood naptha is £78,860, and the sales value £101,230.

(3) The estimated selling cost is £56 per ton.

(4) Charcoal from local hardwoods is particularly suitable for this purpose.

(5) August, 50 tons; September, 130 tons; October, 10 tons. The plant was closed for alterations during practically the whole of October. Since the alterations were completed, the plant has been producing at the rate of 240 tons per month, which figure will shortly be increased to approximately 300 tons per month.

(6) 900 tons.

GAOL.

(a) *As to Building in Rural Areas.*

Mr. NORTH asked the Minister representing the Chief Secretary:

(1) Has any decision been come to regarding a site for the new gaol?

(2) Will he please accept as the considered view of the Nedlands Road Board that a new gaol should be in rural areas?

The MINISTER FOR THE NORTH-WEST replied:

(1) No.

(2) The views of the Nedlands Road Board have been noted.

(b) *As to Site Near Mental Hospital.*

Hon. N. KEENAN (without notice) asked the Minister representing the Chief Secretary:

(1) Is there any foundation for the rumour which has appeared in the Press that the Government contemplates the erection of a new gaol near the Claremont Mental Hospital?

(2) If "Yes," will the Government allow the local governing bodies and their ratepayers who are highly concerned in this proposal an opportunity to lay their views before it, before any definite step is taken in the matter?

The MINISTER FOR THE NORTH-WEST replied:

(1) The question of a site for a new gaol is receiving the consideration of the Government, but no decision has been arrived at.

(2) When the policy of the Government in this matter is more defined the local authority concerned will be notified.

EDUCATION.

(a) *Swanbourne School Improvements.*

Mr. NORTH asked the Minister for Education:

Can he state the position regarding the various improvements requested by the local parents and citizens for the Swanbourne State School?

The MINISTER replied:

The matter of acquiring additional land adjoining the Swanbourne School grounds is receiving the attention of the School Sites Committee, while the question of erecting an additional room will be given consideration when the enrolment for 1945 is known. It is recognised that a portion of the existing ground, which is sloping and consists of loose sand, would be greatly improved by grading and terracing but, owing to existing conditions, consideration of this work must be deferred.

(b) *As to Training of Kindergarten Teachers.*

Mr. NORTH asked the Minister for Education:

The following resolution of local authorities adjoining and including Nedlands, namely, "It is the considered opinion of this meeting that pre-school education and health should be the responsibility of the Government and we consider the first step is to secure suitable facilities for the training of kindergarten teachers," having been carried on the 24th October, 1944, will he make a statement on the question for the information of the public at the first suitable opportunity?

The MINISTER replied: With your permission, Mr. Speaker, I desire to make the following statement in reply to this question:—

The opinion of Nedlands and adjoining local authorities as expressed in the resolution quoted, is considerably at variance with the ideas of the Kindergarten Union—the body which has done such excellent work in connection with the education of the pre-school child and is probably in the best position to speak authoritatively on the subject.

One of the most pleasing and beneficial features of the kindergarten work is the close association of parents with the centres and this would not be maintained if the Government assumed full responsibility with concomitant control.

An aspect of the question which has apparently been overlooked is that kindergartens must of necessity be limited to the metropolitan area and the larger country towns, and it is unfair to expect the general taxpayer to find all the money to provide facilities which cannot be made generally available. Because of the essentially local character of kindergarten centres it does not appear to be unreasonable to look to the residents of the districts where centres are established for some financial support for those centres.

SWAN RIVER.

As to Navigation Lights.

Mr. CROSS asked the Minister for the North-West:

(1) Is he aware that warning lights on river beacons are not alight at night time?

(2) Now that river-boat, yacht and ferry traffic has been resumed on the river, is he taking any steps to ensure safety?

(3) Does he know that the beacons known as the Inner and Outer Dolphin, Foam Spit, No. 21 Post, and Quarry Spit are connected with electric light?

(4) Will he arrange to have these beacons alight during the period of darkness and also the warning lights on Point Walter and Mosman Park jetties?

The MINISTER replied:

(1) Yes. These lights were extinguished some time ago on instructions from the Navy Department.

(2) Application has been made to the Naval authorities for permission to re-light the lights, but such permission has been refused.

(3) Yes. These beacons were connected by submarine cable by the American Navy Air Force in order to provide a flare path for the taking off and alighting of their Catalinas, and are lit only when required by these planes. The control switch is at the base at Crawley and these lights will be removed by the Americans when the need for them no longer exists. The installation is of a temporary nature only, as the proper material was unobtainable when the lights were placed in position.

(4) No, this cannot be done until the Naval authorities grant permission. As Mos-

man Bay Jetty light is connected to the street system it may be possible to obtain permission for this jetty to be re-lighted as was done in regard to Peppermint Grove and Claremont leading lights, but this does not apply to Point Walter.

BILL—LOAN, £975,000.

Message.

Message from the Lieut.-Governor received and read recommending appropriation for the purposes of the Bill.

First Reading.

Introduced by the Premier and read a first time.

BILL—FINANCIAL AGREEMENT (AMENDMENT).

Introduced by the Premier and read a first time.

MOTION—STANDING ORDERS SUSPENSION.

THE PREMIER [4.44]: I move—

That during the remainder of the session the Standing Orders be suspended so far as to enable Bills to be introduced without notice and to be passed through all their remaining stages on the same day, all messages from the Legislative Council to be taken into consideration on the same day they are received, and to enable resolutions from the Committees of Supply and of Ways and Means to be reported and adopted on the same day on which they shall have passed those Committees.

This is the usual motion that is moved when we are getting towards the end of the session. Most of the business that the Government intends to bring before the House already appears on the notice paper. The Minister for Lands will have a Reserve Bill and a Road Closure Bill, and the Minister for Forests will introduce the usual motion dealing with the revocation of State forests. In accordance with the Government's policy, a Bill will be introduced dealing with the formation of an appeal board, and that will be placed before members, I hope, in the course of a day or two. There may be one or two other small Bills, but, as I have already said, the great proportion of the Government business is already on the notice paper. Private members have had consideration with regard to their business. On one or two occasions Government business was dealt with on days that otherwise would have been devoted to private members' business, but that was made up to members by their business being dealt with on one or two days when Government business normally would have had precedence.

We are not so far ahead with the consideration of the Revenue Estimates as we usually are at this stage of the session, but by giving closer attention to the task, we can dispose of them. It is noticeable that this session four or five times as many members have spoken as is customary. I think 23 or 24 members have participated in the general discussion, and consequently that delayed the departmental Estimates from being dealt with. As there has been so much discussion on the general debate, I do not anticipate so much when the departmental Estimates are under consideration. The Loan Bill which I have introduced today, the Appropriation Bill and the Loan Estimates will be other important business to be dealt with during the session. We aim at endeavouring to close the session on the 12th December. On this occasion we cannot, as we usually do when we desire to expedite the work of Parliament, sit much later because it is impossible to arrange transport for members so that they may reach their homes when the tram service has ceased.

Mr. Doney: Did I understand you to say that you anticipated closing the session on the 12th December?

The PREMIER: I should have said the 14th December; at any rate, about the middle of that month. It all depends upon the progress we make. The Government may perhaps ask members to sit earlier in the afternoons or on Fridays if necessary in order to finish the sessional work by the date we have in mind. I hope that, with the co-operation of members on both sides of the House, the business of the session will be completed without the necessity for inordinately long sittings.

MR. WATTS (Katanning): As the Premier has said, this is the usual motion moved about this time of the year in each session. The fact that it is the usual motion does not make it any the more desirable. Although I have no intention of offering any objection to it on this particular occasion, it seems to me that as parliamentary sessions come and go, in the early stages we proceed

slowly. Then as we come towards the end, there is usually a good deal of important legislation placed before the House, and it becomes altogether impossible for it to reach another place in any reasonable time to enable adequate consideration to be given to it. We suddenly discover we must hurry up. In my view it is a practice that ought to be discouraged. We ought to make an effort to equalise the work throughout the period of the session so that there is no necessity for us to hurry up at the finish and no necessity to suspend the Standing Orders and take second readings, Committee stages and third readings on the one day. In such circumstances if we desired to secure the recommittal of a Bill it would be impossible to have that done, because the Bill would have already left the House.

No matter how important a point may crop up it cannot be raised on recommittal. I discussed that particular question with the Premier, and the hon. gentleman has given me an assurance that in matters of that kind he or any of his colleagues, on being asked for another 24 hours' delay, would agree to that course. In the circumstances I am quite satisfied with that arrangement for the time being; but I do say, and very strongly too, that the present system ought to have a period put to it, because if one section of legislation is introduced in October, so that it can be faithfully and carefully considered during three or four months, there is no reason why another equally important section of legislation should be dealt with in three or four days or three or four hours. I speak for myself and for those associated with me when I say that by far the better course would be to sit for two or three weeks in the New Year, rather than have legislation of importance finalised without full consideration.

The Premier: If members would sit a little longer in the early part of the session, we would get on better.

Mr. WATTS: The time during which Parliament sits is not within my jurdisdiction; nor have I, except jokingly on perhaps one or two occasions, spoken against the number of hours which the Premier or another Minister asked the House to sit. That applies to the period during which I have occupied this seat. Neither have I, except in a similarly jocular manner, nor has my predecessor, offered during the life of the present Government under the present Premier any such objection. If there is any responsibility in the matter, I think it must in fairness be accepted by the Treasury Bench.

The Premier: Occasionally members will not speak on a Bill when it is before the House.

Mr. WATTS: If members will not speak, there is only one course and that is to proceed with the measure. Reasonable time can be allowed, and if members cannot be roused from their lethargy—if that be the position, which I do not know—the measure can be proceeded with. If the end of the session comes and brings necessity for much quicker movement, members must either speak or lose their opportunity. Therefore it would be a better course to take fuller opportunity during the first part of the session and a very scanty opportunity during the last few weeks. However, the House now knows my views, and I hope the Premier agrees with me that it is undesirable that we should continue these practices which lead to indecent haste. He discussed the matter with me; and, provided every reasonable opportunity is granted for debate, I do not propose on this occasion to oppose the motion.

MR. McDONALD (West Perth): The Premier was also good enough to speak to me about this motion, and I told him I would not raise any opposition to it. I desire, however, to associate myself with the remarks of the Leader of the Opposition. We seem to have a convention in this State that Parliament meets only once a year, and then sits continuously for some five months and does not meet at any other time.

The Premier: That has not been the case during the last few years.

Mr. McDONALD: It has been the case except in one or two emergencies, such as the Commonwealth Powers Bill. But all the time I have been here, the general rule has been as I state; and I think we might well get away from it. The business of the House would be done more satisfactorily if we were prepared to have a short session in the second half of the year, and proceed with the business in another session during the first half of the year. I am particularly concerned about the matter because many heavy Bills of importance

have come down in the last week or so, and a number of measures of considerable importance are still to come, and yet it is a fortnight only when the session is proposed to end.

The Premier: Three weeks.

Mr. McDONALD: Three weeks! Those Bills have not even been read in this Chamber, and they still have to go to the other House. I have sent a message to the Minister for Works, with whom I sympathise to a certain extent, regarding the Workers' Compensation Act Amendment Bill, as to which an important amendment appears on the notice paper today for the first time. That amendment is to come on in the Committee stage today, and the public who are affected by it have not even had an opportunity to see it until this afternoon. That means that the Bill may pass through Parliament without the public affected having had any opportunity to convey their views to the Government or to members generally. As we cannot possibly have a complete knowledge of all subjects, it is important that the general public should have the opportunity to put its views before us. So we are missing our function towards the end of the session, and not doing the job we are elected and paid to do. Like the Leader of the Opposition, I would much sooner that we came back for two or three weeks after the New Year to deal with Bills received here with such scanty notice to the public who are vitally affected.

Question put and passed.

LEAVE OF ABSENCE.

On motion by Mr. Wilson, leave of absence for two weeks granted to Mr. Smith (Brown Hill-Ivanhoe), on the ground of urgent public business.

BILL—METROPOLITAN MILK ACT AMENDMENT.

Third Reading.

Bill read a third time and transmitted to the Council.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

In Committee.

Mr. Marshall in the Chair; the Minister for Works in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 4.

The MINISTER FOR WORKS: I move an amendment—

> That in lines 2 and 3 the words "in line four" be struck out and the words "in line four and lines six and seven" inserted in lieu.

This is a consequential amendment. The clause proposes to alter the amount of £400 to £500 in only one place.

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

Clause 3—Amendment of Section 6:

Mr. McDONALD: I move an amendment—

> That in line 10 after the word "where" the words "and then only to the extent that" be inserted.

At present, when a worker becomes entitled to a fixed sum for the loss of a limb or certain parts of his anatomy under the Second Schedule to the Act, there is deducted from that sum the amount of any compensation which he has previously received during incapacity for work. The Minister now proposes that the worker shall receive his Second Schedule payment in addition to the weekly payments he may have received during the period of his incapacity. To that proposal I am not raising any objection; but I am not sure whether the amendment proposed by the Minister will attain his objective. The clause reads, "any sum—which means by way of weekly payments during incapacity—so paid shall not be deducted from the compensation payable in accordance with the said table except in the case where the total of seven hundred and fifty pounds would be exceeded otherwise." It seems to me that this is capable of being read in this way: If the weekly payments, plus the Second Schedule payment, are under £750 in the aggregate, then the weekly payments shall not be deducted from the Second Schedule payment; but if, on the other hand, the weekly payments, plus the Second Schedule payment, exceed £750, then the weekly payments may be deducted from the Second Schedule payment. I am not altogether satisfied with my amendment, but I think it will help to attain what the Minister wants; and if the Committee is prepared to accept it the Minister could perhaps have it checked by the Crown Law officers before the measure goes to another place.

The MINISTER FOR WORKS: I agree with the principle of the amendmeint, but whether the wording of it is 100 per cent. from the legal point of view I cannot say. As suggested by the member for West Perth, I will have that point considered by the officers of the Crown Law Department. Then, if necessary, an alteration could be effected in another place.

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

Clause 4—Amendment of First Schedule:

Mr. LESLIE: I move an amendment—

> That at the end of paragraph (c) the following words be added:—"And in the case of a worker who has suffered the loss of both legs or who is paralysed in both legs by reason of an accident or accidents arising in the course of the worker's employment he shall be entitled to the cost of a wheeled chair or other similar contrivance up to the sum of thirty pounds and further if a worker has been disabled by reason of any such accident or accidents and any surgical appliance or mechanical contrivance can be procured to relieve such disablement he shall be entitled to the cost of the same up to the sum of ten pounds."

If a worker is so severely injured as to be unable to make use of the artificial aids that could be supplied to him under the Act, or should become paralysed in both legs, no provision is made for supplying him with the means of getting about. The amendment definitely specifies what a worker shall be entitled to receive in such a case.

The MINISTER FOR WORKS: While I favour the amendment, I wish to know whether the wheeled chair and any surgical appliance or mechanical contrivance is to be paid for out of the £100 for medical expenses, or whether the £30 and the £10 are apart from that sum.

Mr. Watts: Is it not clear that the amounts are outside the £100?

Mr. Leslie: It would come from the same source as the artificial limb.

The MINISTER FOR WORKS: That is not in accord with what the Leader of the Opposition has just said. I think it would come from the £100, and so do the officers of the Crown Law Department. The only other point—it is a mere detail—is whether the expression should be "wheeled chair" or "wheel chair."

Mr. WATTS: The Minister need have no worry about the point he raised, although he was justified in raising it. I have given some attention to the amendment and am satisfied that the sums of £30 and £10 mentioned in the amendment are separate from the £100.

Mr. TRIAT: I hold the same view as does the Leader of the Opposition. After reading the proposed amendment I congratulated the member for Mt. Marshall on it. Generally speaking, the £100 is fully absorbed, or almost so, before the injured worker obtains the services of a specialist, so there would be nothing left out of the £100 to provide artificial limbs or wheelchairs. It has nothing to do with the £100. I am glad to know it now reads, "in addition to the £100."

The MINISTER FOR WORKS: I still think there is considerable doubt as to whether this amendment will achieve the result that the Leader of the Opposition and the member for Mt. Magnet think it will. I think the mover of the amendment himself has the idea that it will come from the £100. I suggest that the Leader of the Opposition and the member for Mt. Marshall give the matter further consideration. I also will have it closely considered by the Crown Law officers. If it is found that what the Leader of the Opposition thinks is provided for here is not so provided then I will see that the necessary action is taken in another place to make the matter absolutely sure.

Mr. Watts: I agree to that.

Mr. LESLIE: I do not object to that. I want to explain just what the position is. I was under the impression that the artificial aids came from outside of that £100. I do not see why they should. However, we are not proposing to deal with that for the moment, but I agree with the member for Mt. Magnet that in cases of severe injury the sum of £100 goes nowhere in medical and surgical expenses, particularly if a man is totally incapacitated in the major limbs. I understood that the other artificial aids were part of or in addition to the £100 medical allowance. I am agreeable to the suggestion put forward by the Minister.

Amendment put and passed.

The MINISTER FOR WORKS: I move an amendment—

That paragraph (g) be struck out with a view to inserting the following paragraph:—

"(g) by deleting Clause 18 and substituting a new clause as follows:—

18. When the Court orders redemption as provided for in Clause 17 of this schedule—

(i) in the case of permanent incapacity whether total or partial the lump sum shall be the sum ascertained by deducting the total amount received by the worker as weekly payments from the maximum sum of seven hundred and fifty pounds.

(ii) In any other case the lump sum shall be assessed upon a calculation or estimate by the court of the balance of compensation still payable or likely to be payable to the applicant under this Act by way of weekly payments.

(iii) No deduction of any nature or kind shall be made by the court from any lump sum ascertained or assessed as hereinbefore provided."

The member for West Perth, when speaking on another matter this afternoon, mentioned this important amendment. I admit it is important, but I am sure the people with whom he would desire to consult regarding the matter would agree that it is a considerable improvement upon the Bill as drafted. Members will see that the Bill provides that irrespective of whether a deceased worker might have been off work another month, after the date of his death from some cause apart from his accident before returning to work, his dependants would be entitled to receive the difference between the weekly payment so far paid and the full amount of £750. Obviously that would not be justified in any shape or form.

This amendment is to make clear that the degree of incapacity is to be considered in determining the amount to be received by the person or persons concerned over and above the amount already received by way of weekly payments. In all cases of total and permanent incapacity the amount to be received will be the difference between what has already been received by way of weekly payments, and £750. But in many other cases the difference to be paid will be that between what has already been received by way of weekly payments and the payments for the estimated period during which the injured worker would have remained on weekly payments had he continued to receive them. The amendment sets out to provide a means of ascertaining just how much an injured worker or his dependants, as the case may be, are entitled to receive over and above the weekly payments already received.

Mr. Watts: Do you not make any distinction between total and partial disablement?

The MINISTER FOR WORKS: No.

Mr. Watts: Why?

The MINISTER FOR WORKS: There is no difference in the Act. If a man is partially disabled he is entitled to the full amount provided by the Act just as if he is totally disabled so long as the partial incapacity is permanent. I think there is every reason why that should be so.

Mr. Watts: That was all right so long as the maximum was not to be paid in every case.

The MINISTER FOR WORKS: If a worker is permanently partially disabled from following his employment he is in fact permanently disabled from following his employment. Consequently he is entitled to the full compensation provided in the Act. A man might lose a limb. He is not permanently and totally disabled but permanently partially disabled. The Act as now worded entitles that worker to receive the full amount of £750 either by weekly payments or by redemption, by way of lump sum, if it can be arranged by agreement between the parties and if not, by reference to a magistrate in a local court. This amendment preserves the existing condition in regard to workers totally and permanently disabled and also in regard to workers partially and permanently disabled, but seeks to continue the existing system in regard to workers not within those classes—that is to say a worker who might be on weekly compensation payments but neither totally nor partially permanently disabled. The Bill as drafted would have meant that every class would have been entitled to have the calculation based upon the £750. But this amendment provides that workers not within the totally or partially disabled classes will get the difference between the weekly payments already received and the estimated amount which they would norm-

ally have received by way of weekly payments.

Mr. WATTS: I cannot understand the Minister's point of view here. He admits that the alternative to the order of the court—under the amendment he now seeks to insert in the Act—is full agreement between the parties. Such agreement would presumably not be for the difference of the payments that have been made and the total of £750 unless there was some outstanding reason. If this amendment is to go in, so far as I can see one of two things will happen: Either the provision for an agreement between the parties will be nullified and might just as well be taken from the Act, because no-one in the circumstances outlined by the Minister and referred to in the section will worry about an agreement when the magistrate has no jurisdiction other than to take away from the £750 the weekly payments that have been made and given to the worker irrespective of what has happened to him; or, on the other hand, we shall find that there is going to arise great controversy as to what is partial disablement permanently incapacitating the worker. A carpenter can lose a finger and, as a result, have considerable difficulty over a period extending beyond the six months. He could then apply under this amendment and obtain the difference between what he has had by weekly payments and £750.

Mr. Fox: Not a chance in the world.

Mr. WATTS: He would under this provision.

The Minister for Works: He has to establish permanent incapacity.

Mr. WATTS: Would he not be able to do it?

The Minister for Works: That is for the magistrate to say.

Mr. WATTS: The magistrate has virtually no jurisdiction in the matter.

Mr. Doney: It cannot be denied that this is partial incapacity, and it is there for all time.

Mr. WATTS: Is that man justified in receiving the same compensation, in effect, as the man who has lost the whole of his arm?

The Minister for Works: It does not say "the permanent incapacity of a carpenter."

Mr. WATTS: I know, but I am citing an instance. I am not opposed to the principle, but I do not want to put something on the statute-book that will render another section of the Act a nullity, or leave the magistrate in a position where his jurisdiction is practically valueless. There is no reason, in view of the other provisions in the second schedule, for no distinction being drawn between a person who is permanently totally disabled and one who is permanently partially disabled when the partial disablement may be a very small one. I may be misinterpreting the amendment, but I am entitled to be satisfied that the Minister is right before I change my point of view.

Mr. McDONALD: I am very far from satisfied that the amendment as moved by the Minister will achieve the purpose he has in view. I am concerned that, in fact, it may achieve a purpose at variance with the other principles contained in the Act. I had to leave the Chamber for a moment so I did not have the advantage of hearing in full what the Leader of the Opposition had to say, but it appears to me possible that under this amendment, if a man suffered an injury to his hand and was on weekly payments for six months and then had to suffer the amputation of a finger, he would be entitled to £112. Under the second schedule he might after the six months and whilst still receiving weekly payments, although those weekly payments would certainly end with perhaps a month or two, apply to the magistrate for redemption of the weekly payments and the magistrate would have no option but to make him an order up to £750. In other words, the effect of this amendment may be to cut right across the basis set out in the second schedule and the graduated payments which are involved there. I admit the difficulty of drafting a satisfactory amendment.

There are other aspects of the amendment requiring consideration. At present, if a man is suffering from incapacity to work, whether total or partial, or whether permanent or temporary, and has received weekly payments for six months and they are still continuing, he may apply for a redemption of his weekly payments. Thereupon he is awarded by the court a sum arrived at by the Government Statistician. Clause 18 of the schedule says—

The lump sum shall be assessed upon a calculation by the Government Actuary of the

present value of the balance of compensation still payable or likely to be payable to the applicant under the Act by way of weekly payments.

Thus the worker takes the present discount value of weekly payments that would otherwise extend over years. It is proposed to delete those words. I have no serious objection to that. Under the present system—I speak with some diffidence on this point—the magistrate forms an estimate of how long the weekly payments will last. He might say, for example, that a man is temporarily disabled and will be restored to full working capacity in one year or two years' time, or whatever the period might be. The Government Statistician then determines the present value of the weekly payments extending over the period. The same principle is applied in the case of permanent disability. A man might suffer a minor permanent injury resulting in permanent, partial incapacity of a slight nature. His weekly payment might be 10s., and if he continued to draw 10s. a week and lived long enough, he could draw until he had received £750. Suppose a man were 65 years of age; his normal expectation of life might be six years. I take it that the Government Statistician would consider the man's expectation of life in determining the present value of £26 a year payable to him during his life. I am not certain of this, but a legal practitioner who has been doing workers' compensation cases informs me that that is the practice under the existing law. Instead of the Government Statistician making a calculation of the present value of the weekly payments, the Minister proposes to eliminate him and require the court to make a calculation of the lump sum that would represent future weekly payments.

The Minister for Works: That is done now. The only calculation made by the Government Actuary is the deduction from the lump sum found by the court to be payable.

Mr. McDONALD: I am not personally acquainted with the procedure, but have tried to ascertain what it is.

The Minister for Works: The amendment will not alter the procedure in that respect.

Mr. McDONALD: It seems to me that it will make an appreciable difference. The Minister has acknowledged that the Bill as printed contains something that was not intended and was quite impossible. This is a variation of a major sort, and is very far from the Bill as introduced. I am not opposing any reasonable arrangement to make the position clear and fair to the worker, but as the amendment is drawn it will work in a way not intended by the Minister and could be used in a way that would wipe out the operation of the Second Schedule. I think the present basis is as effective as one could wish it to be. It is in line with the English Act in estimating lump sums, except in the case of permanent total disability. I am not prepared to vote for the amendment, not because I wish to deprive the worker of any protection given him, but because I am not satisfied that the amendment will achieve what the Minister desires. On the other hand, I think it will achieve something that the Minister does not want and that would be completely opposed to the present scheme of the Act. I suggest that more time should be allowed to examine the amendment. There has been no opportunity to consider what its effect will be, not only from the point of view of drafting, but also from that of the general incidence of workers' compensation.

The MINISTER FOR WORKS: Under the Act, if the parties have agreed upon a lump sum settlement or after a magistrate has decided the amount to be paid, the Government Actuary makes a calculation to ascertain what is termed the present value of the settlement. He deducts from the lump sum settlement agreed or decided upon, perhaps 2 per cent. or 3 per cent.

Mr. McDonald: Call it ordinary discount.

The MINISTER FOR WORKS: The hon. member may call it what he likes. Whatever the Government Actuary calculates as the amount of discount to the employer, it is deducted from the total payable to the worker, so that the worker receives the amount agreed or decided upon less the amount calculated by the Government Actuary. The Bill, in its original draft, proposed to delete that provision from the Act, and the amendment does not alter the Bill in that direction. The only alteration proposed by the amendment is to ensure that, except in cases of permanent, partial incapacity, the calculation of the lump sum payment shall be the difference between what is being paid in weekly payments and what has been estimated by medical evidence to be the amount that would have been paid

had the worker continued on weekly payments until he was fit to return to his employment. I think the amendment is quite clear. It will straighten out a defect in the Bill, which would have given every injured worker the right to receive the difference between the weekly payments already received and the total amount of £750.

Mr. McDONALD: Regarding temporary incapacity, the Minister and I are in agreement; there is no substantial variation in the amendment of the existing law. But when it comes to permanent incapacity, I am not satisfied as to the way in which the present law would be varied by the proposed amendment. I do not know the extent to which at present for permanent incapacity, expectation of life is a factor in fixing the lump sum redemption payment. According to the Minister, it is not a factor. A man of advanced age might have become permanently incapacitated and he would receive the whole £750, although it would be almost impossible for him to live long enough to receive that amount by way of weekly payments.

The Minister for Works: That kind of case is more than outbalanced by the case of the young man. If the young man were incapacitated for practically the whole of his life he would receive £1,500 or £2,000.

Mr. McDONALD: In this respect England is far in advance of us because it deals with the young man. I do not see why young men should not be allowed the full compensation for the longer period of life. In England there is a smaller compensation for the old man whose expectation of life is so much less. They are logical there and we are not.

Mr. Fox: There is no limit to the compensation paid in England.

Mr. McDONALD: It is based on the expectation of life. In the case of total disability it is an annuity for life. I have not had time in which to give the matter any consideration since I saw the amendment an hour or so ago.

Amendment (to strike out words) put and passed.

The MINISTER FOR WORKS: I move—

That the words proposed to be inserted be inserted.

Amendment (to insert words) put and passed; the clause, as amended, agreed to.

Clause 5, Title—agreed to.

Bill reported with amendments.

BILL—LEGAL PRACTITIONERS ACT AMENDMENT.

Second Reading.

THE MINISTER FOR JUSTICE [5.50] in moving the second reading said: This is a very comprehensive Bill. It should not require much explanation because it is so simple that it will be readily understood even by lay members. The general scheme is to create a legal practitioners' guarantee fund, to be used for the purpose of meeting claims by clients of defaulting solicitors. There have not been many cases of default in this State, but there have been a few, and it is time we did something in that respect. The Bill is not meant to be a slur on the profession; indeed there is no suggestion of that kind in it. It is undeniable that there have been cases of defaulting solicitors; indeed the records show that in the last few years there have been half a dozen of such persons who have been tried and convicted. That in itself is sufficient warranty for the introduction of this Bill. Those who did default had not enough in the way of assets to enable them to meet the obligations due to their clients. That state of affairs justifies statutory provision for the creation of a fund to meet deficiencies in the future. By means of this measure the profession will be compelled to contribute to a fund for the protection of their clients. In the other States of Australia, in England and in New Zealand a similar provision to this is already in operation.

Up to date the defaults have been in connection with comparatively small sums, but they could have been for large sums, which would have been very embarrassing to the clients of the solicitors concerned. I feel that the profession will be sufficiently interested to welcome this Bill from the knowledge they will have that the public will be protected, and that the public too will be interested to know that they cannot lose their money when dealing with the legal fraternity. The measure will be of great assistance because, owing to its comprehensive nature, legal practitioners will police it very closely for their own protection and to safeguard their own prestige. The legal practitioners guarantee fund will come into operation on a date to be fixed by proclamation. The

other provisions of the Bill will be brought into operation on the Governor's assent. In this State for many years the annual practising certificate for legal practitioners has been procurable for the sum of £5, but there is provision in the Act whereby a maximum of £10 may be charged. This Bill will make a slight alteration to the Act in that direction in that it will bring the date of expiration for all current certificates to a common date, the 30th June.

At present when a certificate is taken out it lasts for 12 months from the date of issue. If this Bill becomes law all such certificates will require to be renewed as from the 1st July each year. Any holder of a practising certificate expiring before the 31st December will be entitled to a refund of the amount in ratio to the time when he took out the certificate. In the case of the certificate issued after the 31st December, the person concerned will be entitled to a refund of half the cost of the certificate. The object of the Bill is to make for uniformity in that all these certificates will expire on the 30th June in each year. Rules are provided in this measure governing the investment of the fund, and also prescribing the necessary forms, as well as setting out the duties of the accountants who will conduct the inquiries into the actions of legal practitioners. There is also provision governing payments to the fund, and for the establishment of a benevolent fund for the relief of distressed legal practitioners.

Part 5 deals with the guarantee fund, to which I have referred, and contains 25 clauses. The trust fund has been specifically dealt with. An account must be opened for all trust funds and such account must be used exclusively for trust money. It will be compulsory for legal practitioners to keep their trust funds in such a way that the books can be conveniently audited. Auditors will be appointed by the trustees, and they must be given ready access to the books, which must be kept in proper order. Legal practitioners will have to keep separate accounts of all trust moneys in their possession. Failure to do that will involve a penalty, and there will also be a penalty for failure to keep trust accounts and accounts of trust moneys received separately. The moneys comprising the fund will be paid into separate accounts in a bank pending investment. The constitution of the fund is clearly defined, covering contributions, interest and all other legal payments; and the method by which the payments are made from the fund is also clearly set out. The Auditor General will be empowered to audit the accounts of the fund. He will report to the Minister, who in turn will arrange for copies of the report to be tabled in both Houses. The maximum contribution to the fund will be £10, and a certificate will not be issued to a practitioner unless the contribution is paid.

Mr. Seward: What is that likely to yield in a year?

The MINISTER FOR JUSTICE: It is difficult to determine because that is the maximum. Under normal conditions there are over 200 practitioners practising in Western Australia. Today, of course, many are serving their country. The amount I have mentioned is the maximum; it is presumed that the contribution will be somewhere about £5 and it is expected that something over £1,000 a year will be received.

Mr. Watts: Those absent on war service will have to pay.

The MINISTER FOR JUSTICE: Yes, if the Bill is proclaimed before the war is over.

Mr. Watts: That is another story.

The MINISTER FOR JUSTICE: There is also provision that the trustees may take action for non-payment of contributions. When the contributions amount to £10,000, they cease. That obtains for so long as the fund is £10,000 or over; but immediately the fund is below that figure, the contributions become due and payable. Levies may be struck if there are liabilities that the fund cannot meet, and the maximum levy that can be made for any one year is £10. The maximum amount of all levies during the lifetime of a practising practitioner is £50. Those maximums have been set out definitely in the Bill. A legal practitioner will have to register with the trustees his place of business; and, if he changes it or retires, he must notify the trustees. Provision is also made whereby the fund may be invested with the Public Trustee or with any other trustee office or organisation where the fund can be invested. Reimbursements to persons for pecuniary losses, theft or fraud, must be made from the pool. No claim may be

made on any insurance company, and the limit of the pool so far as liability is concerned will be £1,000 until 1951. From then it will be raised by £250 each year, until it reaches the maximum sum of £2,250 in 1958.

Claimants against the fund will be entitled only to that part of the sum due that has not been obtained from the legal practitioner. The only claim that can be made on the fund is in respect of what is owing to the client of the practitioner. If the trustees send a notification to any one of a practitioner's clients apprising him of the financial position of the practitioner with whom he is dealing and the client heeds it not, he is not entitled to any redress. The trustees are entitled to recoup from the defaulting practitioner any payments made from the fund. There is also a provision under which protection is given to the trustees, the board and the legal society. The trustees may enter into an insurance contract to indemnify the fund. That will be so especially while the fund is in its infancy and until it gets on to a firm foundation. If we assume that the contribution of each practitioner will be £5 and that there are over 200 practitioners in Western Australia, about £1,000 a year will be received. I am also informed that a cover of £10,000 can be taken out for £300, so that will show a surplus of £700. As that fund is built up, so the cover will become less expensive; and, unless the fund meets with very bad luck. it should very soon be on a firm financial basis. The trustees may insure any practitioner if they are suspicious that such practitioner is not too solid or not a very good manager or is in some trouble. I am not going to say that all defaulting practitioners are dishonourable. Sometimes they are merely weak; sometimes they are bad administrators. In this way they get themselves into trouble and find it impossible to get out of it.

Mr. Doney: If they pass all their examinations——

The MINISTER FOR JUSTICE: Examinations do not always mean that a man is thoroughly qualified. I know quite a number who have passed examinations easily but that merely signifies they have wonderfully good memories, and not that they are good managers or have stability.

Hon. N. Keenan: What do you mean by good managers?

The MINISTER FOR JUSTICE: By good management I mean that a person can manage his affairs properly, as the hon. member apparently has done. He has always managed his affairs very well and is consequently in an affluent position. Others probably passed the same examinations as he did and have equally good memories, but may not all have the same stability or capacity for administration.

Hon. N. Keenan: I have not got any.

The Premier: We give you credit for some.

The MINISTER FOR JUSTICE: Yes. I give the hon. member credit for quite a lot. The trustees may insure with the State Insurance Office or any other insurance company. There is no monopoly given to the State Insurance Office. Where a practitioner retires or dies, there is provision that, if he has not defaulted or offended against the Act, he or his beneficiaries will be entitled to the contributions that he has made to the fund if there are sufficiently necessitous circumstances. The trustees have power to appoint auditors to examine the accounts of any practitioner if it is thought he is not quite up to standard, or if there are rumours that he is getting into difficulties. Such auditors would be able to find out the exact position and perhaps prevent him from becoming a defaulter. The trustees will report to the Minister and that report will be presented to Parliament. Penalties imposed for breaches of the Act will, until the fund reaches £10,000, or until the board ceases to make the annual contribution to the University—whichever first happens—be paid to the fund. Thereafter, the fund will not receive the benefit of the penalties. The principle underlying this Bill is really that of compulsory insurance.

The Bill creates a legal practitioners' guarantee fund to cope with the depredations of unscrupulous solicitors—of whom I do not think there are many—and those who are bad managers; people who have not the stability necessary to enable them to carry on a business of their own. The Bill should allay the fears of the public so far as trust moneys put into the hands of solicitors are concerned. Defaulters have been few and they have not been very

enterprising; because, from what I can learn, there is only one who has defaulted to the extent of more than £1,000. Solicitors have been practising in this State for a long time, so it seems that this fund will cover any defalcations likely to be made, unless solicitors become more enterprising in the future. This measure will protect not only the public but also solicitors themselves.

The Law Reform Committee of the Law Society has investigated the Bill. There are six members on the committee and they are very eminent lawyers and men who take a very keen interest in their profession. They are held in high respect and are in accord with this measure. Consequently I feel the House will not offer much opposition, and our legal friends here will not argue to any great extent against the views of those of the Law Society who have investigated and approved of the Bill.

Mr. Watts: Do not forget that some of us investigated it, too!

The MINISTER FOR JUSTICE: Queensland, New South Wales and New Zealand have also made provisions along these lines.

Mr. Watts: The Speaker investigated this, too.

The MINISTER FOR JUSTICE: I am glad he did.

Mr. Watts: Apparently you have not read his report

The MINISTER FOR JUSTICE: No, I have not, but I think that the Speaker wants the public to have some protection, and this Bill offers that protection. In 1935, the Premier introduced a similar Bill, from which this one was copied. That measure passed this House but, on the second reading, was rejected in another place on the voices. I read the Premier's speech on that Bill. It was very comprehensive and informative. He went to a good deal of trouble preparing it and he had a much better knowledge of that measure than I have of this Bill. However, I have read the Bill and think that it covers all requirements.

Sitting suspended from 6.15 to 7.30 p.m.

The MINISTER FOR JUSTICE: Land agents have a compulsory insurance fund whereby they pool their contributions and if any unfortunate person with whom they are dealing should happen to act fraudulently or make short payments, the agent concerned calls upon the pool, which is controlled by the Crown. Therein is to be found direct protection for the land agents. In fact, in most instances such organisations have some form of protection not only for themselves but for the public with whom they have dealings. It is merely reasonable therefore that the legal profession—I do not wish to cast any reflection upon the members of that section of the community—should also have a compulsory insurance scheme, and that is what the Bill provides for. It may be said that it is hardly fair that for the sins of the few, many should suffer.

Mr. Marshall: Do you think the fund is required for the lawyers we have in this Chamber?

The MINISTER FOR JUSTICE: Those who occupy seats in this Chamber are highly placed and solidly grounded in their profession.

Hon. N. Keenan: Do you expect us all to bow?

Mr. SPEAKER: Order!

Mr. Withers: There are exceptions, you know.

The MINISTER FOR JUSTICE: There is no need for those on solid ground to bow to anyone. For the sins of a few, all must suffer hardship. On the other hand it is not fair that, for the sins of the few, their clients should suffer. Such has been the experience of some people in Western Australia, although admittedly that sort of thing has occurred to a small extent only. I feel that those belonging to the legal profession, for the sake of their own integrity and for the protection of their clients, will welcome this short measure. It provides what is merely a mutual indemnity fund, to which members of the legal profession will be more or less compelled by law to contribute. Although the contribution will be compulsory, I think it will be appreciated that the reason for making the legislation mandatory is that it shall be compulsory for all to participate, although I am sure that the great majority would be quite satisfied to subscribe to the fund voluntarily. There will be three trustees to control the fund, one being appointed by the Governor-in-Council, one a nominee of the Barristers' Board

and the remaining member a nominee of the Law Society. Thus the trustees will comprise two legal men elected by the profession itself and the third trustee will be appointed to the position of chairman of the board, and he will have a deliberative and a casting vote.

Mr. Withers: Is that democratic?

The MINISTER FOR JUSTICE: I do not know whether it can be described as democratic, but a similar provision appears in the Queensland, New South Wales and New Zealand Acts and, I am informed, in the English Act as well.

Mr. Wilson: It is very old.

The MINISTER FOR JUSTICE: The Bill provides further that each member of the legal profession shall be compelled to keep a separate trust account in the bank and also another separate account in his office in which all trust moneys will be accounted for. That in itself will be a very helpful provision. I am informed that in many instances lawyers have their trust moneys all mixed up, and that the business is not really dealt with in an orderly fashion. The Bill will apply to all members of the profession. In normal times there are over 200 lawyers in this State and if we assume that the annual contribution to the fund will be £5, that means that an income of £1,000 a year will be received. If the fraudulent element in the profession does not become more apparent than in the past, a substantial fund will be quickly built up. The cover—£1,000—provided will continue until 1951. The maximum amount payable will be £1,000 in the first instance and will be increased by £250 until it reaches the maximum of £2,250, and each of the clients affected will be entitled to a maximum of £2,250 each.

Before concluding my remarks I would like to mention a matter that is really unique. In Western Australia the legal profession has voluntarily contributed towards the establishment of a Chair of Law at the University. I am told that that has not happened in any other part of the world and, in the circumstances, the profession here is to be complimented in that respect. Members will be interested to know that another Bill was drafted to provide for compulsory insurance but when the Law Reform Committee of the Law Society examined it and the one now before the House, the committee preferred the one I have introduced. The Government accepted that suggestion and has acted accordingly. The Bill is practically identical with similar Acts operating in other parts of Australia, so there is ample precedent for the legislation. I hope the Bill will become law because it is necessary that the clients of the legal profession should be protected in the way proposed. I move—

That the Bill be now read a second time.

On motion by Mr. McDonald, debate adjourned.

BILLS (2)—RETURNED.

1, Legislative Council (War Time) Electoral Act Amendment.
With an amendment.

2, Electoral (War Time) Act Amendment.
With an amendment.

BILL—UNIVERSITY OF WESTERN AUSTRALIA ACT AMENDMENT.

In Committee.

Resumed from the 21st November. Mr. Marshall in the Chair; the Premier in charge of the Bill.

Clause 4—Amendment of Section 10.

The CHAIRMAN: Progress was reported on this clause, to which an amendment had been moved by the member for Nedlands as follows:—

> That at the end of proposed new Section 10 the following proviso be added:—"Provided always if and when two or more University colleges have been established and are in active operation such University colleges will be entitled to elect one person to be member of the Senate. Such person shall be chosen by each such college in successive years and failing agreement as to the order to be observed then the order in which they are to be appointed shall be determined by the drawing of lots. A University college within the meaning of this proviso shall be a college recognised as such by the Senate whose decision in the matter shall be final."

Mr. McDONALD: The amendment deals with the representation on the Senate of the University colleges. At present there is one such college; another is likely to be in existence in the near future, and we may hope that there will be at least three before very long. The amendment has the endorse-

ment of the Royal Commissioner, Mr. Justice Wolff, who on page 13 of his report when dealing with the composition of the Senate that would be most suited to the needs of the University suggested the Senate should include one member elected by the University college or colleges for the time being. Therefore, quite apart from the merits of the amendment itself which, I think, should appeal to the Committee, we have the unequivocal recommendation of the Royal Commissioner that the Senate should contain a representative of the University college, which is already an important aspect of University life and in future will represent an even more important aspect.

The PREMIER: An opinion has been expressed that in order to keep the Senate from becoming unwieldy, some of the other recommendations of the Commissioner would have to be modified. Consequently, and also in order to conform to a good deal of the criticism which the Bill has encountered, it was thought desirable to authorise the Senate to co-opt a member of a college in preference to having a set track laid down by legislation. But seeing there has been so much said for autonomy of the Senate, we propose to allow the Senate to say whether it desires or does not desire a member from each college, and who that member, if any, should be. There are now four co-opted members instead of three. At the moment there is only one college, and if the Senate desires that college to be represented on its own body, there will be no difficulty in obtaining that representative. I am not prepared to accept the amendment.

Mr. SEWARD: I hope the Premier will reconsider his attitude. The amendment of which the member for Nedlands has given notice is highly important, and makes for the appointment of men of the highest qualifications. There could be no more desirable appointments to the Senate than the member for Nedlands proposes. The object of co-option is to give the Senate opportunities to appoint, for instance, financial men. A highly qualified university man might not have business qualifications. I would prefer that the colleges should select their representatives on the Senate.

Amendment put and negatived.

Clause put and passed.

Clause 5—New Section; Senate may invest trust moneys in improvement of lands for purposes of deriving income:

The PREMIER: Half-a-dozen amendments have been put on the notice paper by the member for Nedlands; but after having studied them I consider that the way to make amendments is not to take away a word here and there and move insertions elsewhere; in my opinion, it can be done a great deal better by including all the amendments in one subclause. I quite agree with the object of the member for Nedlands. The purpose of the clause is to authorise the investment of University trust funds as recommended in the amendments of the member for Nedlands. However, his amendments seem to be hardly adequate; and I have substituted another amendment which I believe will meet with his approval.

The difference between my amendment and the amendments of the member for Nedlands is that his make no provision for the payment of interest, while mine provides that interest shall be paid on advances at a rate to be fixed by the Governor. Again, by way of security for the payment of loans with interest, my amendment provides that the Senate shall issue in favour of and deliver to the Treasurer debentures which shall mature at half-yearly intervals, and each be for the amount of a half-yearly instalment; and that the Senate shall redeem such debentures as and when they mature respectively at the office of the Treasurer. Further, as and when the Senate redeems any debenture, the Treasurer shall appropriate the amount paid to him by the Senate expressly for repayment thereof to the trust estate or trust fund from which the loan was made, and pay the same to the Senate subject to such appropriation.

From the time the trust money had been repaid to the University fund the buildings erected on the land would become the absolute property of the University, and all income derived therefrom would go to the University fund and be used for the purposes of the University. Under my amendment, the debentures would become income-earning sooner than under the amendment of the member for Nedlands. My provisions are substantially the same as those of the hon. member, though subject to greater safeguarding. If there were no provision for earning, the amount of the trust would never increase. The Government wants the whole

of the financial transactions to pass through the Treasury, so that we may see that the purposes of the trust are carried out, and that the trust is not debarred from earning some interest, rather than that the money should go into the general fund of the University for the time being. In order to make the matter clear, I have had the whole clause redrafted.

Hon. N. KEENAN: When I perused the Bill, I assumed that it had been drafted with care, and consequently I only desired to move such amendments as would reasonably carry out the intention of the measure. The clause provides that the whole of the income received by the Senate shall be handed to the Treasurer and appropriated for the restoration of trust funds, that is, capital. I therefore made no provision in my amendment for interest. As the Bill did not do so, why should I? I have no objection to my amendment being scrapped, because apparently the whole clause was wrong from the Premier's point of view. The Premier now desires to provide that debentures shall be issued by the Senate. The Treasury will in the first instance get debentures to cover the whole amount; and, as the Senate pays portion of its revenue to the Treasury, the debentures will be handed back to it. That perhaps would be a better method from an accountancy point of view and I have no objection to it.

The PREMIER: Your amendment drew attention to the point. I move an amendment—

> That in proposed new Section 15A a subsection be inserted as follows:—
>
> (3) (a) When the Senate uses and applies any trust moneys under and for the purposes mentioned in Subsection (1) of the section, the amount of the trust moneys so used and applied shall be deemed to be a loan to the University from the trust estate or trust fund from which such amount is taken bearing interest and repayable by the Senate by equal half-yearly instalments which shall include interest and be payable half-yearly.
>
> (b) The rate of the said interest shall be such as the Governor shall approve.
>
> (c) The number of equal half-yearly instalments by which the interest and the principal debt shall be repaid shall be such number as the Governor shall approve, but in any case shall not exceed fifty.
>
> (d) As and by way of security for the repayment of the said loan with interest as aforesaid the Senate shall issue in favour of and deliver to the Treasurer debentures which shall mature at half-yearly intervals, and each be for the amount of a half-yearly instalment. The Senate shall redeem such debentures as and when they mature respectively at the office of the Treasurer.
>
> (e) As and when the Senate redeems any debenture, the Treasurer shall appropriate the amount paid to him by the Senate expressly for repayment thereof to the trust estate or trust fund from which the loan was made, and pay the same to the Senate subject to such appropriation.

Amendment put and passed.

Hon. N. KEENAN: I ask the Premier whether he has actually moved the insertion of this proposed new subsection, because there is an obvious error in paragraph (e).

The CHAIRMAN: The amendment has been passed.

Hon. N. KEENAN: The Premier has certainly misled me and misled himself, because he did not think he had moved paragraph (e).

The Premier: I moved the amendment as it appears on the notice paper.

The CHAIRMAN: I point out to the member for Nedlands that paragraph (e) cannot now be amended, as it has been agreed to by the Committee. No further action can be taken with respect to it until the Bill is recommitted.

The Premier: Do you wish to move an amendment to paragraph (e)?

Hon. N. KEENAN: Yes.

The PREMIER: Then the Bill will have to be recommitted. I move an amendment—

> That in Subsection (3) of proposed new Section 15A the words "shall at least once in every year cause the whole of the net income then derived, and not already appropriated in accordance with this subsection, or such portion thereof instead of the whole as the Treasurer may approve in respect of any period, to be appropriated to and used for restoring the trust moneys which have been invested as aforesaid in such buildings under the authority of this section and thereby make the same again subject to the trust declared in relation to such trust moneys" be struck out and the following words inserted in lieu:—"may use and apply such income either in or towards the redemption of the debentures issued by the Senate and held by the Treasurer as provided for in paragraph (d) of Subsection (3) of this section or for the general purposes of the University as the Senate may from time to time think fit."

Amendment put and passed.

Hon. N. KEENAN: With reference to paragraph (e), what is to be paid to the Senate? The Senate will get back nothing more than the debenture. When the Senate borrows money it goes to the Treasurer and lodges with him debentures for a corresponding amount; and, upon periodical payments, the debentures are redeemed and handed back to the Senate. After the Treasurer pays the money into the trust fund and hands back the debenture—now the only evidence of the loan—the matter is ended.

The PREMIER: Once the money goes into a trust fund it is difficult to get it out. I got the Under Treasurer, who is a B.A. and a qualified accountant, to draw a clause that would ensure the proper course being adopted. The money must go back to the trust fund to be used for the purpose of the fund, and that is what the tail-end of paragraph (e) purports to do. I will examine the paragraph again and ascertain whether the words referred to are redundant. If so, they can be deleted.

Clause, as amended, agreed to.

Clause 6—Amendment of Section 17:

The PREMIER: I move an amendment—

> That in paragraph (a) of proposed new Subsection (4) the words "who fails during any period of five years hereinafter mentioned—
>
> (i) to attend the meetings of Convocation; or
>
> (ii) to vote at the elections for the election by Convocation of members of the Senate—
>
> shall be liable to have his name struck off the roll of members of Convocation, and in consequence thereof cease to be a member of Convocation." be struck out.

Hon. N. KEENAN: Would it not be wise to postpone action under this clause until we return to times of peace? At present, the members of Convocation are scattered over the earth in the various Services. I agree with this provision, but suggest that it be postponed.

The PREMIER: I have no great objection to that. The clause as drafted in the Bill had a double meaning, and to make it explicit I had it redrafted. It could be construed to mean that a man who did not attend at all the meetings of Convocation could be struck off. I think there is something in what the member for Nedlands says. We certainly do not want any member serving in the Forces to suffer a disability. The Warden of Convocation may have written to a member's last-known address and received no reply. That member, when he returns, would find that he was struck off the roll of Convocation. The Royal Commissioner considered that members had not exhibited sufficient interest in Convocation; that they had stayed away four or five years and then had been whipped up to vote on some particular issue. He considered that by their disinterestedness they had no right to take part in the government of the University as represented by members of Convocation. If the member for Nedlands wishes to move an amendment along the lines suggested, I have no objection.

Hon. N. KEENAN: The Bill provides that the penalty shall start from the date of the commencement of this subsection. I propose to strike out——

The CHAIRMAN: The hon. member cannot move an amendment to that portion of the clause until the amendment by the Premier is withdrawn.

Amendment, by leave, withdrawn.

Hon. N. KEENAN: I move an amendment—

> That in line 1 of paragraph (a) of proposed new Subsection (4), the words "commencement of this subsection" be struck out and the words "date when hostilities cease between the Commonwealth and Germany and Japan" inserted in lieu.

Amendment put and passed.

The PREMIER: I move an amendment—

> That in paragraph (a) of proposed new Subsection (4) the words "who fails during any period of five years hereinafter mentioned—
>
> (i) to attend the meetings of Convocation; or
>
> (ii) to vote at the elections for the election by Convocation of members of the Senate—
>
> shall be liable to have his name struck off the roll of members of Convocation," be struck out, and the words "shall be liable to have his name struck off the roll of members of Convocation, and in consequence thereof, cease to be a member of Convocation, unless he shall have, during any period of five years hereinafter mentioned—
>
> (i) attended at least one meeting of Convocation; or
>
> (ii) voted at at least one election by Convocation of members of the Senate."
>
> inserted in lieu.

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

Clauses 7 and 8—agreed to.

Clause 9—Amendment of Section 39:

Hon. N. KEENAN: I move an amendment—

> That in paragraph (b) of proposed new Subsection (4) the words "may forthwith make the statute without making therein or adding thereto those amendments or additional provisions aforesaid to which the Senate does not agree, but in such case the Senate shall" be struck out.

This amendment is intended to make the provision somewhat less harsh. Until the Bill is passed, Convocation is the highest authority with regard to statutes. The Bill proposes that that autonomy shall be given to the Senate. The Senate may consider any amendments that Convocation has made and, if it does not agree to all or some of them, it can proceed at once to make a statute. I propose that before doing that the Senate should communicate with and meet Convocation and, if they cannot agree, the Senate shall prevail.

The PREMIER: I have no great objection to the clause being altered in this way. The Royal Commissioner was somewhat drastic in his recommendations in regard to Convocation. This does not affect the autonomy of the Senate in regard to its legislative powers, but it does give Convocation the right to submit something by way of substitution. If the Senate agrees it is all right, but if not the Senate is the authoritative body.

Amendment put and passed.

Hon. N. KEENAN: I move an amendment—

> That in line 14 of paragraph (b) of proposed new Subsection (4), after the word "therefor" the words "and shall ask for a conference between the Senate and Convocation to discuss the said amendments or additional provisions and if possible to come to an agreement in respect of same. Failing any such agreement, the Senate may forthwith make the statute as proposed by the Senate," be inserted.

Amendment put and passed.

Hon. N. KEENAN: I move an amendment—

> That in lines 14 and 15 of paragraph (b) of proposed new Subsection (4) the words "and also" be struck out.

Amendment put and passed.

Hon. N. KEENAN: In line 15 of paragraph (b) of proposed new Subsection (4) a new sentence should be commenced by the word "in."

The CHAIRMAN: That will be accepted as a consequential amendment. There are no words being inserted or deleted, so I will accept it as a consequential amendment.

Hon. N. KEENAN: Very well. I move an amendment—

> That in line 16 of paragraph (b) of proposed new Subsection (4) after the word "Act" the words "the Senate shall" be inserted.

When the Senate does act, it will be required to set up reasons for not agreeing to Convocation's proposals.

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

Clauses 10 and 11—agreed to.

Clause 12—Amendment of Section 37; repeal and new section:

Mr. WATTS: I move an amendment—

> That a paragraph be added to the proposed new Section 37 as follows:—"(c) The Governor in Council shall at least once in every three years appoint from the members of the Legislative Assembly of Western Australia a committee of five members who shall without payment of remuneration investigate the financial and general position of the University and its estimated financial requirements for the ensuing three years and make their recommendations thereon to the Governor. The report and recommendations of each such committee shall be laid on the Table of both Houses of Parliament."

The Premier suggested that this was tantamount to a vote of want of confidence in the Executive Government. Whatever my views may be on the Executive Government, they do not apply on this occasion. I indicated on the second reading that I was desirous of placing a representative number of members of the Assembly, which is the House responsible for financial affairs, in touch with the financial position of the University and also with the general position. It will have been apparent that, when the Bill was introduced, there was woeful lack of knowledge by a majority of members of the methods of procedure and the financial position of the University. From the financial side, the report of the Royal Commissioner did not give me a great deal of information or edification, and I have some reason to believe that I am capable of understanding such a report as well as are most other members. On page 5 the Com-

missioner refers to the financial position and deals at some length with questions of endowment land, but does not satisfy me as to the revenue which the University might be expected to derive from that source or give any great amount of information as to what alterations might be made in its methods. On page 96, under the heading, "What is an adequate sum for present needs?" he says—

The Chancellor of the University considered that the University could be efficiently conducted if the annual appropriation were £40,000 per annum. This, he considered, would be the amount required without consideration of the question of expanding into new activities. This sum, furthermore, presupposes that the existing organisation will be continued. I have pointed out in dealing with some departments in the Faculties of the University that the organisation is extravagant and that, in some instances, rather unorthodox lines of development have been pursued.

The situation must be faced from all aspects. There are two questions for consideration, viz., the immediate problem of what sum should be sufficient to tide the University over its present difficulties, allow it to pay off its debts and get on a sound footing, and the further problem of what sum should be provided in the future, when reorganisation is achieved. After making a survey of the departments and the needs, based on the existing organisation, I have come to the conclusion that the sum required for the present would approximate £42,000.

There we have a reference to £42,000.

The Premier: That was to pay off its debts, and we have pretty well paid them off.

Mr. WATTS: There is a reference on page 5 that is not nearly so clear. It appears under the heading, "The annual Parliamentary appropriation"—and says—

This, as the law stands at present, is not, in my opinion, a special appropriation for the amount estimated by the Senate as necessary for its needs and put on the Parliamentary Estimates by the Treasurer. The only part of the vote which can be regarded as a special Act appropriation is the sum of £13,500. Nevertheless, the University should be put on a sound footing. I recommend that the fixed appropriation should be increased. The sum required will depend on the policy of the Government. If the system of fees is imposed the vote will not need to be increased beyond the present amount.

As he was referring to the sum of £13,500—

The Premier: No, he was referring to the sum of £34,000.

Mr. WATTS: The only reference to an amount in that statement is £13,500. Then he went on to say—

If it (the system of fees) is not imposed, then the minimum appropriation in the light of the existing circumstances is estimated at £42,000.

So there we find justification for the appropriation of a minimum amount of £42,000, because no fees are to be charged. Then he goes on to say—

Even if fees are imposed, the University will need some help in the transition period. I recommend that the annual grant be increased to £42,000 for a period of five years on the assumption that fees are imposed.

So, first of all, if there are to be no fees, it should be £42,000, and it is to be £42,000 if fees are charged, and he assumes the fees would produce £15,000. The more I read of the financial recommendations in this report, the less I am able to understand what the Royal Commissioner intended to convey as his opinion.

The Premier: The Chancellor said £40,000.

Mr. WATTS: The idea of the Premier is to accept substantially the recommendations of the Royal Commissioner, and I want to know what his recommendation in this respect is. At one moment it is £42,000 without fees, and at the next moment it is £42,000 on the assumption that fees are charged, which would mean a total of £57,000. As fees are not to be imposed for tuition, therefore, the grant of £42,000 on that basis would, in the Royal Commissioner's view, be totally inadequate. My lack of knowledge of University affairs was not assisted by the report of the Royal Commissioner in the one department in which I required information. I find on page 96 something which has a more immediate bearing on my amendment, where the Commissioner says—

I recommend the amendment of Section 37 of the University Act and the provision of a fixed annual sum, to be reviewed at quinquennial periods, together with a further provision that any extra appropriation desired by the University within the quinquennial period should be put on the Parliamentary Estimates and be subject to debate in the same way as any non-permanent appropriation.

The idea of a quinquennial review, coupled with my sentiments on the lack of knowledge of members and the need for knowledge of University affairs, is the underlying

reason for submitting the amendment. I do not wish to convey the impression that I desire to move a motion of no confidence in the present Executive. Nothing but good could come from the appointment of a Parliamentary committee representative of all parties who would be authorised to investigate the affairs of the University, and, by tabling a report, express an opinion on any facts which in the view of the committee justified an increase in the appropriation. That would keep members in touch with the affairs of the University and would enable the Government to be assured of support if it brought forward a measure to implement the opinion of the committee. If the Government did not take that course, there could be no more serious conflict than there is over the report of a Select Committee when dealt with on similar lines. The University staff, Convocation and everyone associated with the University would have direct contact with representatives of the people in the Assembly, and would be justified in believing that Parliament was taking a great deal more interest in them, and that they would have to accept a considerably greater responsibility to Parliament than has been the case in the past.

The PREMIER: If accepted, this amendment would put the University in a specially privileged position as against every other public utility. When one investigates the needs of a particular institution with the idea of wanting to exercise towards it a measure of justice, if not generosity, without investigating other organisations somewhat similarly placed, one gets the impression that that particular institution can do with more money. I used to think that in regard to several phases of public life; but since I became Treasurer and have had to look at a hundred different activities and to try to spread evenly and with justice over all of them the amount of money received by way of revenue, I have perceived the importance of all the claims made. If the amendment were agreed to we would have members of Parliament who did not investigate any other governmental activity presenting a special report about the University but about no other department; and other public utilities would not have the same mention and special attention would not be drawn to their needs except by the Ministers introducing the estimates of their respective departments.

Mr. Rodoreda: It would be priority No. 1.

The PREMIER: Yes. Other institutions might have even more merit than the University.

Mr. Watts: It could have a priority set of critics, too.

The PREMIER: It might, but that has not been experienced. There are other activities that might be considered worthy of further financial support. There are such things as the Zoo and the Art Gallery, amenities for people in Government workshops, technical education, high school education, and so on. No Parliamentary Committee is appointed to present schemes for their betterment. They are all dependent upon the judgment and fairmindedness of the Treasurer, who submits a report to Cabinet when the Budget is being prepared, after which Cabinet takes responsibility for what is done. It is proposed in this instance, however, that instead of that system applying there should be a special committee of five who would probably not be on the committee unless they were specially interested in the University. The members of that committee would get up one after another in this House and make a special plea on behalf of the University, and that would give the University a big advantage over other institutions which would not be justified.

We have a much better understanding of University finance than we had previously, because the Under Treasurer is on the finance committee, and he reports directly to the Treasurer. Although people might think that the Under Treasurer has a tendency to knock them back, I assure members he is anxious to do a fair thing by the people of this State. Then we have on the Senate the Director of Education who is an enthusiast in respect to educational matters generally, and who, it is presumed, would have a generous feeling towards the University. If we had a finance committee to go into all the different phases of public administration so that every single item of our social services was considered by different members, it might be all right to have the same sort of committee for the University. There are many matters considered when the Estimates are being discussed and members refer to

directions in which they consider more finance should be expended. Technical education, child welfare, aborigines, and other subjects are freely discussed. We had a special investigation into the condition of the aborigines but it was not suggested then that there should be a quinquennial review of the Aborigines Department.

So far as higher education is concerned, I am more than anxious to do a fair thing; but I do not propose to be generous at the expense of other and perhaps more utilitarian aspects of our social life. Members of the proposed committee might succeed in influencing the House—and perhaps the Treasurer—with their argument in favour of the University, as a result of which equal justice would not be done to other departments deserving consideration. Since the debate on the University has begun, we have learnt a good deal more than we knew before. The Government will in future know more than it did in the past. We used to leave the University to manage its own affairs and make a special plea when it considered necessary an augmentation of its grant. Now we shall have an investigation all the time, as a result of the Under Treasurer being on the Senate, and we shall also have the Auditor General reporting on the University's finances, whereas previously private auditors were employed. If the Auditor General finds that the finances of the University are out of joint with those of other educational institutions, he will be able to report on those lines and Parliament will be so much more informed than previously.

Mr. McDONALD: It seems to be unfashionable now to refer to the Royal Commissioner's report. If it were fashionable, I would repeat that he recommended a quinquennial review of the appropriations to the University from Consolidated Revenue. He considered that once every five years the matter of financial assistance to the University should be brought up automatically and considered by somebody.

The Premier: By the Treasurer.

Mr. McDONALD: Sitting in his elevated position, the Premier cannot review everything and presumably he would have to get some other people to do it. I still think that the Treasurer might do worse than obtain the services of three or four members of Parliament to make an investigation. If we have not done this very much in the past, why not do it in the future? Government departments are under the Premier and the Ministers and they have their direct advocates in the House, but the University is—or is supposed to be—an autonomous body which carries out a most important function but has no representation in the House. It has no Minister and no place in the Governmental structure. The Government has already, and quite properly, gone out of its way to distinguish this particular social organisation by appointing as a Royal Commissioner a Supreme Court judge to inquire into what money the University should have and what its activities are. That has been done for hardly any other activity in the State, so we have singled out this organisation for special favour.

The Premier: Do you want to continue spoiling the child?

Mr. McDONALD: No; I want to see the same treatment extended to other organisations representing similar services to the community, either in the educational sphere or in the matter of social benefits to the community, and I see no reason why we should not make a start with regard to this organisation. The Government found it necessary to appoint a Royal Commission, and there seems to be every reason to follow the suggestion of that Royal Commissioner and provide some means for a periodical review. I do not say that there should be a review every three years, but perhaps every five or six years, or even every ten years so as to make certain that the affairs of the University will be scrutinised, not always by advocates but just as often by critics. By that means the University and Parliament will be informed, and the whole position will be much better.

Mr. RODOREDA: I gathered from the Premier that he is opposed to the amendment, and I think he is on fairly sound ground. On the other hand the proposal under discussion is not without some merit. The idea underlying it would be beneficial to both Parliament and the University. Throughout the period of my membership of this Chamber, we have had no opportunity to discuss matters affecting the University, and although I have made numerous attempts to do so the Chairman of Committees has always called me to order.

The Premier: A small amount could be put on the Estimates to enable a discussion to take place.

Mr. RODOREDA: I am glad of the Premier's interjection regarding the intention to place a small amount on the Estimates. As no opportunity has been afforded us in the past to deal with the University, it is small wonder that members have not taken much interest in the affairs of the institution.

Mr. SEWARD: I agree that it is desirable that members should have an opportunity to discuss matters affecting the University, but the provision of a small amount like £10 on the Estimates merely to enable members to discuss the University will be of little avail unless we have further information placed before us. The Royal Commissioner pointed to certain activities of the University which he suggested had been undertaken prematurely. If the proposed Select Committee were appointed, the inquiry would result in information being provided for members. We would hardly know much about the finances of the institution merely because the Under Treasurer was appointed to the Senate.

The Premier: We propose to put the Director of Education on the Senate too.

Mr. SEWARD: But he is an educationist and I can understand that he too would favour a grant for the extension of university work.

The Premier: Not at the expense of his side of the educational system.

Mr. SEWARD: With regard to the suggestion for a medical school, the Royal Commissioner indicated that nothing should be done along those lines for at least 10 years. If the Select Committee suggested were appointed it could go into that question in three years' time and might recommend that the Royal Commissioner's findings should not be followed and that some provision should be made for a medical school. It might be that owing to existing circumstances the Select Committee might recommend no further expense should be incurred regarding various activities and that the Vote could be reduced. By that means Parliament would be given a guide.

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

Ayes	15
Noes	24
Majority against ..	9

AYES.

Mr. Berry	Mr. North
Mrs. Cardell-Oliver	Mr. Owen
Mr. Hill	Mr. Seward
Mr. Keenan	Mr. Thorn
Mr. Leslie	Mr. Watts
Mr. Mann	Mr. Willmott
Mr. McDonald	Mr. Doney
Mr. McLarty	*(Teller.)*

NOES.

Mr. Collier	Mr. Needham
Mr. Coverley	Mr. Nulsen
Mr. Cross	Mr. Panton
Mr. Fox	Mr. Rodoreda
Mr. Graham	Mr. Styants
Mr. J. Hegney	Mr. Telfer
Mr. W. Hegney	Mr. Tonkin
Mr. Hoar	Mr. Triat
Mr. Holman	Mr. Willcock
Mr. Kelly	Mr. Wise
Mr. Leahy	Mr. Withers
Mr. Millington	Mr. Wilson
	(Teller.)

Amendment thus negatived.

Clause put and passed.

Clauses 13 and 14, Title—agreed to.

Bill reported with amendments.

BILL—COAL MINE WORKERS (PENSIONS) ACT AMENDMENT.

Second Reading.

Debate resumed from the 16th November.

MR. McDONALD (West Perth) [9.10]: The Bill aims at amending the Coal Mine Workers (Pensions) Act of 1943 in order to make additions and alterations that are considered to have been found desirable since the parent Act came into force. I see no reason to oppose any of the provisions included in the Bill. The first amendment appears to be justified. It has been found that if coal miners who are entitled to retire at 60 years of age, continue to work after that age and then die, their dependants do not get the benefits that normally they would have obtained from the pension fund. As these men are remaining in the mines after 60 years of age in order to extend the output of coal, it would be very unjust if, by reason of their additional years of work, their dependants should be deprived of benefits they would have received had the miners retired at the age of 60 years. It is then provided that if a retired miner, to use the words of the provision, "engages in employment" and his earnings in that employment go beyond a certain figure his pension will be reduced according to the amount his earnings in employment exceed the figure set out in the Bill. That amendment seems not unreasonable because if the miner is so well able to earn a living by engaging in employment, there is no great necessity for his relying for his livelihood on the pension fund.

When moving the second reading of the Bill, the Minister said that the same situation would obtain if the miner engaged in business on his own account and if, as the result of his engaging in business on his own account his income was beyond a certain figure, the same reduction would apply as applied where the miner engaged in employment. I pointed out to the Minister that according to the wording of the Bill the reduction would only apply in the case of a pensioner who became employed, and would not apply in the case of a pensioner who earned his income by engaging in business on his own account. I want the Minister to take that point into consideration. I do not care very much what he does one way or the other, and consequently I told him I did not intend to move any amendment. If he proceeds with the Bill in its present form it means that a coalminer who is a single man and engages in employment at a wage exceeding the specified figure, his pension will suffer a reduction to the extent that the amount he earns in wages plus his pension exceeds £5. But the man next door who may be earning £10 a week will suffer no reduction in his pension because he is carrying on business on his own account. I do not care what the Minister does; he can cut it out altogether and make no limitation of pensions if a pensioner earns additional income after retirement; but I venture to say that if he is going to cut down the pension of a man who takes a job and allow the man who engages in his own business to earn any amount of income without reduction of pension, he is looking for a certain amount of trouble with the Collie miners.

The next provision lays down that if a man is in receipt of a war pension in respect of injuries received on war service, that shall not be the occasion of any reduction of his pension under the Coal Mine Workers (Pensions) Act. As it is now, the war pension may either reduce or entirely eliminate the right of a coalminer to receive a pension under the Act even though he may have contributed for many years to the pension fund in order to qualify for a pension as a miner. This limitation as to a war pension does not apply in the case of the Public Service superannuation system, and I agree with the Minister that there seems no reason why it should apply in the case of the coalminer's pension now.

The Minister for Mines: That got in there by accident! We all went to sleep on that.

Mr. McDONALD: I see no reason why the returned soldier who has suffered disabilities through service in a war, and is receiving a pension from the Commonwealth, should be under a penalty in respect of a pension under the Coal Mine Workers (Pensions) Act in respect of the pension he has himself qualified for by his contributions from his wages. The last matter in the Bill also appears to be reasonable, but has an effect to which I do not doubt the Minister will give consideration. Again I shall move no amendment, because I do not care very much about what the Minister decides to do. The last provision is that any coalmine worker who is receiving less than the basic wage and therefore must, of course, be less than 21 years of age, may contribute half the usual amount to the pension fund, and that if he becomes incapacitated he will then receive only half the usual pension benefits. When he becomes 21 and receives the basic wage, then he must contribute the full ordinary quota and would be entitled to the full pension benefits.

The Minister said in his second-reading speech that any miner who under this amending legislation elected—and of course it is a matter of election or choice on the part of the under-age miner with less than the the basic wage—to pay half the usual contribution to the pension fund, and if he subsequently came on to the full contribution, his pension would be adjusted to allow for the fact that for a certain period he did not pay the full pension contribution; in other words, by some actuarial adjustment he would, if he became entitled to a pension, receive an amount not much, but something, less than the pension paid to a man who had paid the full contributor's rates during the whole period of his service on the mines; but in my opinion, as the clause in the Bill is now worded, a miner may elect to pay, and for some years pay, half the usual contributor's rates, but if he later, in due course, goes on to full contributor's rates and then becomes entitled to a pension, he will be able to command the full pension. He might be four or five years on the half rate and only one year on the full rate.

I am not raising any objection; it is a matter of the ability of the fund to pay; but if the actuarial basis of the fund is that

all people who participate shall pay contributions at a certain rate, and by this Bill a certain proportion of the miners for some years can pay half contributions and they ultimately become entitled to full pension, the fund may not be able to stand the strain. It may not be able to meet the case where the number of miners will pay only half the contribution for possibly a period of years during their service. The Minister says that in cases such as this the miner who elected to pay half rates would not get the full pension, that it would be adjusted in proportion to the years during which he paid half the rates that other miners were paying. In my opinion, as the Bill is drawn, that would not be possible, and the miner who paid half rates would, if he became entitled to a pension after 21, be able to get a full pension, and would be able to say that no reduction could be applied in his case. If the Minister still wants the fund to be able to make an adjustment of pension in the case of those who have to pay half rates during a certain period of time, then I think he will need to make an amendment to the Bill.

Mr. Marshall: I do not think the Bill ever intended that.

Mr. McDONALD: According to the drafting of the Bill, it did not intend that. But the Minister for Works said, speaking of the mine worker who paid half rates, that if for any reason he did not wish to make up the difference between the lesser contribution and the general contribution, then the benefits to which he would ultimately be entitled would be adjusted accordingly. All I want to say is that as the Bill is drawn, there would be no power to make any such adjustment as the Minister said would be made.

The Minister for Mines: After the miner turned 21.

Mr. McDONALD: If he becomes pensionable before and while paying half rates, then under the Bill he would get half pension. Therefore I would ask the Minister for Mines, representing the Minister for Works, to take those matters into account. They are not matters of objection; they are only matters where it seems to me the Bill does not carry out what the Minister thought or said it did, in some respects. With those comments I am prepared to support the second reading.

Question put and passed.

Bill read a second time.

BILL—WESTERN AUSTRALIAN TURF CLUB (PROPERTY) PRIVATE.

Second Reading.

Debate resumed from the 21st November.

THE MINISTER FOR EDUCATION [9.25]: It has been said that the Bill before the House is quite a simple measure because it only provides for giving the Western Australian Turf Club power to acquire certain land. It has also been said that because of its simplicity, discussion should be confined to whether or not it is advisable to give this power to the Turf Club to have sufficient land. I draw the attention of members to the fact that when the chairman of the Turf Club was giving evidence before the Select Committee, he said that the object of the purchase is ultimately to give the club operational control of all thoroughbred racing in this State; for it is intended that, when this land is acquired, the rights and privileges and the power to impose restraint shall all be exercised by the club with regard to the new land. I submit that the Bill throws open to discussion all matters concerning the administration of the Turf Club and the power conferred upon it under its Act of 1892. When Parliament saw fit to give the Turf Club certain statutory powers, it defined the extent of those powers.

We frequently notice that when public companies endeavour to extend their statutory powers by regulation, they find themselves in serious trouble. Yet nobody seems to have worried because the Turf Club extended its statutory powers by regulation. The Western Australian Turf Club Act of 1892 gave the club power to make bylaws for the running of the club. It conferred upon the club no power to make rules of racing as distinct from bylaws. Now, in this matter it does not differ from the racing bodies in other States. They have all extended their statutory powers by means of racing. I consider that is something which ought to be prevented. When Parliament defines what powers are to be conferred, surely Parliament does not believe that it is conferring a right to go beyond those powers.

Mr. Marshall: Does the Act expressly debar the club from going beyond the powers?

The MINISTER FOR EDUCATION: As a matter of fact it does, because it imposes upon the club certain regulations to submit its bylaws to scrutiny; but the club makes rules of racing, which I say it has no power to make. It extends its powers under those rules, and those rules are not subject to any scrutiny. Some years ago the Australian Jockey Club disqualified a man named Rufe Naylor under its rules of racing. Naylor appealed to the courts, taking out an injunction against the club to prevent it from exercising this disqualification. Justice Long Innes heard the case and decided that the disqualification of Naylor under the rules of racing was invalid, because it was done without jurisdiction. What the club intended to do was to disqualify Naylor under a rule of racing and then exclude him from the club's course under a bylaw. The judge held that the club had no right to disqualify Naylor under the rule of racing and the disqualification was therefore invalid, and Naylor was permitted to go on the course. That case and the point involved have a very distinct bearing on a similar position here. Mr. Justice Long Innes quoted the case of Myers v. Casey. He said—

> In Myers v. Casey, a somewhat similar case to the present, Isaacs, J., said—"It may at some time become a serious question, should it ever be raised, whether a mere rule of racing affecting the land, made without the formality and free from the supervision provided by the Act, . . .

Hon. N Keenan: What judge's decision are you quoting?

The MINISTER FOR EDUCATION: The judgment continues—

> ". . . is consistent with the statutory trusts upon which Parliament vested the land."

That is the decision of Mr. Justice Isaacs in the case of Myers v. Casey. I repeat that he said, "It may at some time become a serious question," and that he referred to the fact that rules of racing were made without the supervision required by the statute. Mr. Justice Innes, continuing his judgment in the case of Naylor v Stevens, said—

> That precise question calls for decision now. I am far from suggesting that the rules of racing may not affect the legal or equitable rights of persons not subscribers to such rules, etc. But as regards the question stated by Isaacs, J., I think the rules of racing, unless incorporated by by-law, have no greater effect upon a person who has not agreed to be bounded thereby, and who is not estopped from asserting that he is not so bound, than the rules of any other club or voluntary association.

Any member of the public who goes upon a racecourse is not deemed to be bound by the rules of racing because he is not a party thereto. It was on that ruling that Mr. Justice Long Innes decided that the disqualification of Naylor was invalid. I could, if I thought it desirable, quote a number of rules of racing, which, in my opinion, extend the authority of the club beyond the statutory powers conferred upon it by the Act. From time to time the club has done things which have caused complaints outside; but we are a very tolerant people, and beyond saying that we do not think it is right, action is not taken. It is only occasionally that some man is prepared to spend his money to test the matter in the courts. Many years ago—in 1909, to be precise—during racing on the Goldfields there was a case where a racehorse named "Ellis" ran second to a horse named "Hateras." The jockey was Joe Trenoweth. After the race the stewards called the jockey into the room without the owner or trainer and disqualified him for two years. They then called in the owner, T. K. Lauder, alone, and disqualified him for two years. Lauder subsequently asked the club to give him a hearing in accordance with the law of the land; that is to say, give him the opportunity to have witnesses present, hear the evidence and cross-examine the witnesses. The Turf Club refused to do so. It said it had disqualified Trenoweth and Lauder in accordance with its rules of racing and was not going to be bothered about any other procedure. Lauder applied to the court for an injunction against the Turf Club restraining it from putting the disqualification into effect.

The Turf Club immediately applied to the court for a summons to dissolve the injunction, but the court disallowed the summons. The injunction stood and Lauder was able to race his horses from that hour. Subsequently the matter came before the Supreme Court in an action and the court decided that the disqualification was of no effect, as the Turf Club had not the power

to hold an inquiry or to disqualify a man in a manner contrary to the law of the land. After that the Turf Club had to circularise the various racing clubs in the State pointing out that, unless the clubs in future afforded persons the opportunity to be present at inquiries, to hear the evidence and question the witnesses, the disqualifications imposed might not stand. I quote that to show an instance where the club had taken to itself powers which it had no right to take, powers which were repugnant to the law of the land. There are many rules of racing which have been drawn up both by the main Australian body and by the club here which, in my view, are repugnant to the law of the land. In that way the club has exceeded the statutory authority given to it. Take, for example, the way in which the benefit fund is run in this State. There is a fund known as the benefit fund, into which contributions are paid both by owners and trainers.

Mr. Cross: Whom does it benefit?

The MINISTER FOR EDUCATION: At times that fund has had an income of about £2,000 a year. It is much less now because races are held fortnightly instead of weekly. From this fund are supposed to be paid moneys necessary to indemnify owners and trainers against claims made on them under the Workers' Compensation Act. That is the first reason for the establishment of the fund. The second reason is that if the club sees fit—and it is under no legal obligation to do so—it may pay benefits to injured and disabled jockeys. I will read portions of the rules dealing with this fund. One is as follows:—

"The Benefit Insurance Fund" shall be applied by the committee in indemnifying employers, being persons from time to time notified as aforesaid against liability for accidents to jockeys and apprentices under the provisions of the Workers' Compensation Act, 1912, or any amendment thereof.

Another rule is—

"The Benefit Insurance Fund" may also from time to time be applied by the Committee, so far as they in their uncontrolled discretion shall consider expedient, for the benefit of jockeys and apprentices injured by accident, and of the dependants of jockeys and apprentices killed by accident, arising out of or in the course of their employment, whether any such person be legally entitled to compensation under any Act of Parliament or not.

So the committee, in its uncontrolled discretion, whether a man is legally entitled to compensation under an Act of Parliament or not, may pay him something from this fund.

Mr. Withers: The committee may not, either.

The MINISTER FOR EDUCATION: This fund does not cover stable boys. If a man is working about a stable and is not a jockey or an apprentice, and is injured, he gets nothing from the fund. There was the case of a man named Davies who was killed off the racehorse "Gallant Airman." His widow applied to the club for compensation, but no money was forthcoming—he was not covered. She then applied to the trainer of the horse, but he had no money and so she got nothing from that source. She then issued a summons against the owner of the horse and joined him and the trainer as joint defendants. The case was settled out of court. I think she received £400, but it has never been satisfactorily explained to me whether the owner was legally liable or not. As he was a man of some wealth and reputation, he paid the money.

Mr. Doney: He at least was the employer.

The MINISTER FOR EDUCATION: I do not think he was.

Mr. Thorn: Are not those men insured as workers?

The MINISTER FOR EDUCATION: No. This man was not insured as a worker. That is the whole point.

Mr. Cross: What was the amount of the compensation at that time?

The MINISTER FOR EDUCATION: What I am trying to establish, Mr. Speaker, is that this fund, which is conducted by the Turf Club, is only half a fund and that the Turf Club is satisfied with it. It is a pretty expensive fund to run. I quote from the accounts issued by the Turf Club —its printed balance sheet. These accounts show that the subscriptions to the benefit insurance fund amounted to £1,362 and interest to £136, making a total income of £1,498. The total relief granted and medical and hospital expenses amounted to £173. To collect the income I have mentioned and to pay out the amount of £173 cost £352 in salaries and administration expenses, or about 25 per cent. of the fund. This money has not to be sought all round the place, because the owners and trainers pay it in. The owner pays in £2 and the trainer £1

to start with, and then 2s. each time they start a horse. So there is not very much expense in collecting the income. What did the Chairman of the Turf Club say when he was giving evidence? If members will turn to the report of the Select Committee they will find that he said that if the fund were run outside the Turf Club it would cost £1,000 a year.

Mr. Cross: And he expected us to swallow that!

The MINISTER FOR EDUCATION: I ask members to read that evidence.

Mr. Doney: Could you itemise the £352?

The MINISTER FOR EDUCATION: I certainly could not. The Chairman said that the business associated with the fund required considerable attention in the office, and that if it were controlled by an outside body it could not be done under £1,000 a year. I make him this offer: I could find a dozen accountants in the Terrace who would take the job on for £100 a year.

Mr. Rodoreda: And they would be well paid then, too.

The MINISTER FOR EDUCATION: And yet he comes along and tells responsible men that to run this tiddly-winking fund would cost £1,000 a year! The club debited £352, or £7 a week, to pay out £3 a week. The A.J.C. has a fund. It is a licensed insurer and insures everyone working in connection with racing, such as jockeys, apprentices, stableboys and other workers directly concerned with racing. They pay their benefits in accordance with the rules and regulations of the Workers' Compensation Act. That is what should be done here. If this club wants to run its own fund I have no objection, but the fund should cover everyone liable to injury, and they should be able to look to it for compensation. What is more, it should be run economically. It should not be debited with expenses in the ratio shown, which is out of all proportion to the amount of work done.

That is another reason why I say that opportunity should be taken to exercise some control over this body so that it will do the right thing. If the club gets power to acquire this additional land it will then be on the way to getting operational control of all racing in this State and it will not look kindly upon any proposition to curb its powers or to limit or restrict them in any way. Once this power is given to the club it will be extremely difficult, if not impossible, to effect any alteration in the way the club is being run and the provisions made by it. I have long cherished the hope that an opportunity would arrive when it would be possible to tighten up the control of racing in this State so as to put these people properly on the rail. When I noticed that a move was being made to acquire certain proprietary courses I said, "Here is the opportunity. This club will want certain things done and it will be a good chance to say to the club, 'Now what about straightening out a few things? If we give you this power we think it is only right to rectify certain matters.'" It seems, however, that that is not to be the case. We get this proposition before us, which I have no doubt will be carried, and then gone will be all chance of remedying anything at all.

If the House agrees to giving the Turf Club the power to acquire this land it will mean the end of proprietary racing in this State. That is a good thing and I welcome it. Anything I can do to hasten that will be done, but we are getting this Bill when we are finishing up the session, and there is a fear that if we do not pass it quickly the opportunity will be lost. The Turf Club has paid certain amounts in deposits and it will lose that money—that is of no benefit to anybody except the proprietors of the courses—so I am very diffident about doing anything which might make it possible for proprietary racing to be continued. But at the same time I am disappointed because this will mean the loss of opportunity to do anything to control the club properly and to see that the sport is run as it ought to be run. The chairman of the club was not quite honest with the members of the committee who inquired into this Bill because he made some conflicting statements. It was suggested to the chairman that something should be done to reduce the admission fees to the course, and he had this to say—

> The matter of admission charges opens up a very big question. The point is whether racing clubs should try to entice people to go to the races, because this generally ends up as disastrous to the man who spends money that he cannot afford.

He indicates there that he did not believe that we should entice people to the course, and that if admission fees were reduced

they would be so enticed. A little later in his evidence he said this—

> There are other amusements in the city. The Turf Club made a loss in the year prior to the war of £1,500, although the club did everything possible to entice people to the course.

What are we to assume from that? One moment he tells the committee that we should not reduce the admission charges because we would be enticing people to the course, and later he said that the club did everything it knew to entice people to the course. I draw the attention of members to those statements to show that the evidence given was not altogether reliable. It was misleading. I think the club could reduce admission fees without any danger of enticing to the course people who should not be there. One of the arguments frequently used by those who rail against S.P. betting is that the people who do their S.P. betting should go to the course if they want to bet. A number of people would go to the course if the admission charges were not so high. Many of them do not wager in an afternoon half as much as it would cost them to get entrance to the racecourse. If admission charges were lowered there would, therefore, be less people betting S.P., but the chairman says that we must not do that because we would entice people to the course. In the same breath he points out that the club did everything possible to entice them there.

Mr. Thorn: What is the admission to the leger?

The MINISTER FOR EDUCATION: I am not dealing with the admission charges to the different places, but with the evidence given by the chairman of the club.

Mr. Thorn: You know it is only about 2s., so that gives everyone a chance to go to the course.

The MINISTER FOR EDUCATION: Yes, but we all like to be in the grandstand.

Mr. Thorn: I do, because I get in for nothing.

The MINISTER FOR EDUCATION: I would like to mention one or two other aspects. Frequently we see where some horse or some jockey is disqualified, and that some horse we think should be is not disqualified. We hear a lot of talk among the men who attend racing and occasionally we hear protests on the racecourse, but of course they end there. The club being an autocratic body is on the box seat and protests do not get very far. I see no reason why the Press should not be admitted to all inquiries. After all, an inquiry in the turf is a tinpot affair compared with the case of a man on trial for his life.

Mr. Thorn: Of course you hoot when you are not in the know and cheer when you are.

The MINISTER FOR EDUCATION: When we have murder trials, or trials of any other kind, we do not exclude the Press because we believe it is right that the members of the public should know what is going on; but if it is an inquiry in the Turf Club, then the members of the public should not know what is going on; the Press must be kept out! I have never heard a sound argument in support of it. Surely we have reached the time when we can say, if it is right that in all the police court trials in the land the Press should be admitted, then the Press should be admitted to inquiries in the turf. Under the rules of racing, which the club sets up for itself, the committee of the club has power to fine a man £100 and to disqualify him for lengthy periods. How do we know that the methods adopted are not star chamber methods? We get no information outside. We do not know whether inquiries are properly conducted. I have frequently heard jockeys say that they did not have a fair go in the inquiry, but how can anything be proved? No outsiders are permitted to attend.

Hon. N. Keenan: Have you heard the public say that?

The MINISTER FOR EDUCATION: How can the members of the public say it?

Hon N. Keenan: They do say it.

The MINISTER FOR EDUCATION: I have heard the men concerned complain that they did not get a go.

Mr. Thorn: What outsiders would you call as witnesses?

The MINISTER FOR EDUCATION: I would call in the Press so that we would know what was going on and be able to see that the inquiries are properly conducted. No member present would say that we should exclude the members of the Press from the courts. We know that if we can throw the spotlight of publicity on what is being done there is less likelihood of hole-in-the-corner methods being adopted. I

make no charges against anyone, but I am saying that some of the cases I have heard about have left me very doubtful as to whether the inquiries are being properly conducted. Let me mention one item of recent occurrence—the disqualification of the horse Sansea. I do not know whether it is generally known that the disqualification of that horse was lifted in April of this year, but the horse has not raced. I have papers in my possession indicating that, had the owner of the horse done as the committee wanted her to do, the horse would be racing. But as she declined to follow its directions it refused to sanction her. There may be a perfectly logical explanation.

Mr. Leslie: Was that after lifting the disqualification?

The MINISTER FOR EDUCATION: The disqualification was lifted in April and this is nearly the end of the year, but the horse has not yet raced. The information in my possession shows that it has not raced because the owner declined to send the horse to a certain trainer nominated by the committee. Because she wished to give the horse to some other trainer it would not allow the horse to race. Had she been prepared to give it to this particular trainer the horse would have been racing long ago. I do not like that. It is something which calls for an explanation. But what chance have we of knowing what really did transpire? We have no chance whatever. We accept the explanation given by the Turf Club because no outsider is allowed an opportunity to find out anything different.

It is because of these matters and because the club has extended its statutory powers by its rules of racing and has such tremendous power over certain people, that I think some restraint should be exercised. A steward can disqualify a man. A single steward can prevent a man from carrying on his ordinary occupation. Suppose a man is not fitted for hard work and has not sufficient education to do clerical work but earns his living by assisting in a stable, then a steward can disqualify him because of some alleged offence and no appeal can be lodged at any court, and no reason need be given for the disqualification.

Mr. Thorn: He can disqualify a stable boy?

The MINISTER FOR EDUCATION: Yes. He can say that no one can employ him unless he gets a clearance from the man for whom he is working. The steward can say to the man employing him that he is to employ him no longer, and in that way can take away the livelihood of that individual. There is no appeal to a court and no reason need be given. Surely we have gone a bit beyond that. Most of us are satisfied if we can get a decent reason for what is done, but we do not like to sit down under something without a reason being given. I would therefore like to see the opportunity taken to impose some control over racing in this State and tighten up the control generally. I cannot do it on this Bill without seriously hampering its passage. I want to see the Turf Club given the power to acquire this land. I think it should have the power. I think the Turf Club should be in control of racing in this State, but it should be proper control under supervision, not as at present with liberty to make whatever rules of racing it likes, thus extending its statutory authority and with no-one to control it.

Mr. Doney: When you talk of proper supervision, you mean statutory supervision?

The MINISTER FOR EDUCATION: Yes. We should provide in the statute that cerain requirements shall be complied with. The law already provides that if the club makes a by-law, it shall be submitted to the Colonial Secretary. If this were done and the club were endeavouring to take power that it should not have, the by-law could be disallowed. But the club makes the rules of racing; other clubs in other States have done the same thing.

Hon. N. Keenan: The Australian rules of racing, which are all the same.

The MINISTER FOR EDUCATION: But there are as many local rules as there are Australian rules.

Hon. N. Keenan: They are nothing like the same.

The MINISTER FOR EDUCATION: There is very little difference in the number. The local rules exceed 100 and so do the Australian rules.

Mr. Marshall: Anyhow that is not the point. None of them has statutory power or authority.

The MINISTER FOR EDUCATION: I repeat that the opportunity should be taken to exercise control to prevent a body, whether it be the Turf Club or anyone else, from extending its statutory authority by means of regulation. If a public company attempted to do that, it would soon be told that what it was attempting was ultra vires and it would have to amend its regulations. The Turf Club, however, makes the rules of racing, many of which are ultra vires the Act. But who challenges them? Only now and again is there a challenge by somebody like Lauder or Naylor. One or two in a quarter of a century do challenge them in the courts and each time the decision is against the club. But nothing is done. The rule remains in force until someone else challenges it. If the rules extend the statutory authority, the club should be told that the rules are invalid and must not operate.

It looks as if any chance of remedying this situation is now slipping by. I am not going to believe that once the club gets the power to acquire this land, it is going to take kindly to any attempt to curb its authority. Ten years ago I introduced into this House a Bill to make it obligatory on the club to submit its rules of racing. If the club had had nothing to fear, it would not have put up any opposition to the passage of that Bill. It would have been necessary to submit the rules of racing to scrutiny, but the club knew that a number of them would have been disallowed and did not want that. So it took steps to have the Bill defeated, and it was defeated on the third reading in this House by one vote. Had it reached the Council, it would have got short shrift there. That is what will happen to any Bill introduced here in future to effect any alteration in the control of racing in this State. So, when we hand over to the club power to acquire this land and it gets complete operational control of racing, the position will be worse.

Mr. Doney: I cannot see why, in the circumstances, you are speaking in support of the Bill.

The MINISTER FOR EDUCATION: There is only one reason for that; I do not want proprietary racing to continue. Proprietary racing is bad for the country generally. It does not give a fair deal to the men who race for a living. It takes profits out of the game and puts them into private pockets. With other clubs, the money goes back into the courses, and the men who race horses and the jockeys get benefit from it. I do not want to do anything that would have the effect of perpetuating proprietary racing.

Mr. Doney: But are not you exchanging one ill for another?

The MINISTER FOR EDUCATION: There is a danger—how far it exists I cannot say—that if this purchase of land does not go through and the option is not exercised, some syndicate might come along and offer the owners a larger sum of money than the club has offered, and thus privately-owned courses might pass into the hands of a syndicate. In that event it would cost a good deal more money to buy them out, and that would affect the men who are racing for a living. I do not want that to occur. I have heard the argument that this is an opportunity to get rid of proprietary racing and, because members argue that way, this Bill will be passed. When it is passed, we can write finis to any opportunity to bring about any alteration in the existing control. The club will simply indicate to its friends that any alteration is unnecessary and no alteration will be made. Consequently, I find myself on the horns of a dilemma.

Mr. Thorn: Cannot you make provision in this Bill to give effect to your ideas?

The MINISTER FOR EDUCATION: If I did that, the House would not be able to pass the Bill this session. Once I started to amend the Bill and make certain provisions in it, there would be a big discussion and the Bill would still be with us when the House rose at the end of the year. Then I would be held responsible for having perpetuated proprietary racing. I do not want to do that. I want to see the end of proprietary racing, but I want to see a number of things tightened up. I want to ensure first of all that the benefit fund is put on a proper basis so that every person getting his living from racing, for example, stable boys as well as jockeys and apprentices, shall be able to come upon the fund for benefits, not at the absolute discretion of the members of the committee, but as a legal right if he could prove that his injury was sustained during the course of his employment. And I see no reason why a club here should not be licensed insurers.

The club applied to get exemption from the Act, especially. It did not have to put down a deposit when running its fund under the Act, and it is not a body of licensed insurers. I see no reason why the club should not do as the Australian Jockey Club has done—become licensed insurers, start a fund upon a proper basis, and make payments to all entitled to receive something under the Workers' Compensation Act obligations.

Mr. Marshall: It should be an obligation.

The MINISTER FOR EDUCATION: Yes, an obligation to cover everybody. Unless some attempt is made to render it applicable, there is no hope of the club doing it. I pointed this out, as I have already said, ten years ago; but the position today is the same as it was then, and we get the chairman of the club defending its position and talking about the generosity of the club. I can say something about that, too. It is not a question of generosity, but of doing the right thing and making compensation. I can tell members a story about that. There was a jockey named Len Hall, who was thrown off a horse named "Grey Label." He fell on his head, and was badly hurt. A short time afterwards he went blind and applied for compensation. Surely there was a case for compensation from the benefit fund or from the disabled jockeys' fund! My information is that it took Hall eight months before he got anything from the club, and that it was only public opinion which forced the club to pay. That should not be. To prevent such things as that it is imperative that some tightening up should take place. So I deplore the fact that in order to get rid of proprietary racing it looks as if we have to take a risk with it and pass the Bill, although I fear that when we do pass it we can say that is the end of all chances of effecting any alteration.

HON. N. KEENAN (Nedlands): This is a Bill for the sole purpose of giving authority to the Western Australian Turf Club to enter into a contract of purchase. It has nothing else in it. I think it is probable, Mr. Speaker, that under a ruling you gave very recently, there would be no likelihood of your allowing any matter to be introduced which is entirely foreign to the purpose of the Bill, if I may recall your language.

Mr. SPEAKER: I think the Bill goes further than the hon. member suggests.

Hon. N. KEENAN: I can see nothing—

Mr. SPEAKER: The Speaker rules what is in order and what is out of order. The Speaker has ruled that the Bill has gone further than the hon. member suggests, and he is allowing full debate on the Bill.

Hon. N. KEENAN: Then, of course, Mr. Speaker, I bow to your authority. It is very much to be regretted that these matters are brought up in the way they are brought up, because nobody has had an opportunity to get information which would enable him to make an effective reply. No one expected these statements to be made, and therefore no one could get any information in regard to them. I should like to quote that report of the case Myers versus Casey, 1934, C.L.R. It is an old decision, but if my recollection of it is correct—and I have some kind of recollection of it—the effect of the judgment was to uphold Mr. Casey, who was chairman at that time of the Victoria Racing Club. Mr. Myers was ordered off the course and disqualified because, in the opinion of the stewards, he had committed a fraud—that is what it amounts to—by pulling a horse that he owned.

Mr. Marshall: Is not that a daily occurrence on every racecourse?

Hon. N. KEENAN: The Turf Club does its best to prevent that. Of course it is not always successfully done. I would like to refer to the report, if for nothing else, for the purpose of congratulating myself upon remembering it. I am perfectly certain, in my own recollection, that the judgment of the High Court sitting in appeal consisted of five judges, and that with the exception of Mr. Justice Powers not a single judge questioned the decision of the Victoria Racing Club—not one. Mr. Justice Powers had some idea of a sketchy character that the decision was not correct; but he was the only one, if my recollection is right. So instead of being a matter that could be cited for the purpose of this attack on the Western Australian Turf Club, it is the very reverse. Racing is a peculiar form of sport, lending itself, unfortunately, to practices that are far from being commendable, and which, also unfortunately, involve the public in considerable loss. Therefore racing requires a form of gov-

ernment of a peculiar character. I may remind the House that all sports have their own rules—not only racing, but all sports. They are obliged to have rules, and they make their rules fit with the particular sport that is being at the time followed. And of course racing is on the same basis.

As I understand racing, the Australian rules governing it were arrived at by conferences that were held between all the principal racing clubs of all the Australian States—between the Turf Club of this State, the Victoria Racing Club, the South Australian Jockey Club, the Australian Jockey Club in New South Wales, the Queensland Racing Club and the Tasmanian Racing Club. The rules were discussed by the delegates from all the different States. That is why their application as expressed in the Australian rules of racing is distinguished from mere club rules, which deal with a great many minor matters, and do not deal only with the rules of racing, unless my recollection is entirely wrong. I do not pretend to be at all fully informed of the matter. The Australian racing rules cover all the racing rules. They are rules which the clubs, having met for that purpose, adopted. The late Mr. C. B. Cox told me on one occasion that the delegates had to sit for a week for the purpose of coming to a decision on certain rules.

I am sorry I am not in the position to produce the report of Myers versus Casey, because it is not supplied in the library here. I am absolutely certain of this, that Mr. Myers was unsuccessful; and I am also certain of the fact that the whole of the Bench, except Mr. Justice Powers, supported the decision of the stewards of the Victoria Racing Club. Mr. Casey was only a nominal defendant, being at the time chairman of the V.R.C., so proceedings were brought against him as the nominal defendant. The real defendants were, of course, the stewards. It illustrates what I have just said, that one cannot have rules of racing which can be submitted to the same scrutiny as are rules governing trades, professions or companies. The whole matter of the government of racing depends almost entirely on information which it is never desirable to discuss in public, because what happens is this: From my knowledge, as far as it extends, the stipendiary stewards frequently know before the race what is going to happen.

[The Deputy Speaker took the Chair.]

The Minister for Education: Yes, unfortunately.

Hon. N. KEENAN: The stewards hear through some channels that some horses are possibly not going to try in a race. It is because of that fact that their watch of the race is intensified. The result is that they do see something happening which you, Mr. Deputy Speaker, or I would not see because we have not that information and knowledge. The stewards use that information and knowledge to vindicate the right of the public to have a fair go. I do not know of any single reason why it should be suggested that the stewards should have any other motive, or that the committee, to whom appeals from the stewards' decisions may be made, would have any other motive. What does the club consist of? Anyone in the community can join it. Its doors are wide open, and there is no selection. I never heard of anyone being refused membership and I venture the opinion that no person applying for membership has been refused. When a person joins, he pays a subscription. The subscription is slightly less than the amount a person would have to pay if he went to the racecourse and paid the entrance fee at the gate. So he gets his subscription back in attendances. He has some other rights, such as the right to use a special part of the stand and the right to have some ladies' tickets issued to him. I should know, because I have been a member of the club for nearly fifty years, but I do not yet know all the privileges to which I am entitled.

It is said that not only are the by-laws and rules of racing something that deserve condemnation, but that a steward might disqualify a man employed in a stable away from the course. That is astonishing information to me. I have never heard of any action by a steward except in respect of something that has happened on a racecourse. I have never heard of any action by a steward in relation to a man outside a racecourse, and having nothing to do with the conduct of racing. Then it is said that every time the rules are challenged the result has always been successful. I do not know anything about Nay-

lor's case, but I am certain that Myers' case was not successful.

Mr. Rodoreda: What about Tom Lauder?

Hon. N. KEENAN: Undoubtedly! The member for Roebourne must recollect that the decision was made perfectly bona fide, but the case was dealt with irregularly. It happened on the Goldfields.

Mr. Rodoreda: That excuses it!

Hon. N. KEENAN: No. Although there was some irregularity, the penalty was very well deserved, because the stewards on the Goldfields were no doubt convinced that something had happened which deserved the penalty. Unfortunately, the stewards did not go the right way about the case. It is also said that there should be some kind of Press attendance at these inquiries and a publication of what happens at them. I should say that that is the most undesirable thing possible because very often these inquiries are decided on evidence which suggests a considerable amount of doubt, and there is nothing which can destroy a man's reputation more than to have that evidence published. The people who would be the first to complain about the publication of such evidence would be those against whom the charges were brought, because the stewards, in giving evidence before the committee, would say, "I watched a certain horse in the race and that horse did not try." The stewards might allege that, in their opinion, the horse wanted to try but could not, because it got behind another horse and was in such a position that it could not possibly get out, all of which is a matter of judgment. Notwithstanding such evidence, the committee might decide that it was not sufficient to warrant the imposition of a penalty. The man who would be damaged by the publication of that evidence would be the man against whom the charge was brought. It would do him a very bad turn indeed if we insisted on the evidence being published. I turn now for a moment to the disabled jockeys' fund. I understand there are two funds, but I do not know the name of the other. Perhaps the Minister can tell me.

Mr. Needham: The distressed and disabled jockeys' fund.

Hon. N. KEENAN: There are two funds.

The Minister for Education: There is the benefit insurance fund and distressed and disabled jockeys' fund.

Hon. N. KEENAN: One fund is used to pay the proper amount to every jockey who is injured, on the basis of workers' compensation, in full. To every person who has a claim against that fund, workers' compensation in full is paid. The distressed and disabled jockeys' fund is a fund under which payments entirely in excess of the amount recoverable under the Workers' Compensation Act are made, as in the case of illness, and any other case not covered by workers' compensation insurance.

The Minister for Education: Are you saying what ought to be done or what is done?

Hon. N. KEENAN: It is done to my knowledge to a certain extent. As I said, I have not come here properly briefed. I do not know what has happened but I know that payments are made to jockeys irrespective altogether of legal claims.

Mr. Fox: Have they got any legal claims?

Hon. N. KEENAN: They have a legal claim against the one fund the name of which I am not certain, of which I have spoken.

The Minister for Education: They have no legal claim at all.

Hon. N. KEENAN: From the distressed and disabled jockeys' fund payments are made as gifts. Payments are made not only to jockeys who are injured but to jockeys who cannot follow their profession. I know of one such case, because the chairman of the club told me of it. Some time ago the club actually paid £900 to a jockey who had suffered from a very long illness and was unable to recover and follow his profession. Of course, such a payment must be at discretion. One cannot imagine a fund of that kind being subjected to rules. The money must be granted absolutely at the discretion of the committee and because the committee thinks the case is a deserving one.

Mr. Cross: They pay the jockey £2 a week while in hospital.

Hon. N. KEENAN: I have not a copy of the accounts of the club and am wondering whether the Minister can tell me what amount the other fund costs to administer.

The Minister for Education: Unfortunately "Hansard" has borrowed the papers.

Hon. N. KEENAN: I should have thought the Minister would know. If there are two funds, the expenses may be put down to both.

The Minister for Education: From memory, I think it was £170.

Hon. N. KEENAN: There is no reason why the Turf Club should give money away to its office staff. This club does not exist to make profits. No member gets a single dividend, and it is absurd to imagine that the club is going to pay money which the staff does not work for and therefore does not deserve. I cannot see anything that would suggest that there is a gross overcharge without any reason to make a charge at all.

The Minister for Education: Do you think the debit is reasonable?

Hon. N. KEENAN: I do not profess to say. I would like to have an explanation of it. As the chairman was before the committee I wonder he was not asked something about it.

The Minister for Education: He said that it would cost £1,000 a year to run it outside.

Hon. N. KEENAN: Was he asked whether they spent £300 in one year in respect of one fund for the distribution of £170? I cannot say whether he was asked, because I have not read the report. Something was said about admission charges. At present every man and woman in uniform goes in free, and surely that is a low admission charge. But of course the attendance is colossal and the club derives indirectly—not at the gate—a considerable amount from that attendance. The people patronise the tote, and—I am afraid to say—they patronise something besides the tote. I am sorry this discussion arose in the way it did. I would have liked an opportunity to know the facts and investigate them. I am satisfied that those who constitute the committee of the club are doing their best to serve the public without fee or reward. All they get is the right to sit up in a very airy stand somewhere between other people and the horses.

The Minister for Education: They race horses, you know.

Hon. N. KEENAN: So do the public. So did I once.

The Minister for Education: How did the handicapper treat you?

Hon. N. KEENAN: In my opinion, very badly.

The Minister for Education: There you are! You were not a member of the committee.

Hon. N. KEENAN: I shared that opinion with every other owner and will always share that opinion with every other owner. I have never met anyone who did not think his horse was handicapped in a scandalous manner. This club is open to the racing world for anyone who wants to join. It is open at a figure that only approximately covers what he would pay if he entered at the gate. It is open to all who sit in this House to join. If they liked they could offer their services—as some do who have a public spirit—on the committee. If they did that it would be their duty to enforce the rules according to the best light of their judgment. That is what these men have done for years and on the whole they have kept the sport fairly clean. It is a difficult sport to handle, and such a committee is always up against clever men trying, as the saying is, to "put it over you." Nevertheless, it is a fairly clean sport in this State. We do not hear of any scandalous cases. Now and again one may have a doubt as to whether a horse ran exactly as one would have liked it to run, but on the whole I venture to say that those who go to the racecourse are satisfied that the sport is reasonably clean; and it is kept clean by these men for nothing. They should not be the subject of what I might call fatuous criticism.

MR. NEEDHAM (Perth—in reply): At the outset I want to say that I am not sufficient of a racing expert to reply fully to some of the criticism lodged against the measure, but I am sufficient of a parliamentarian to suggest that much of the criticism was not relevant to the Bill. The Minister for Education devoted considerable time to a criticism of the Bill, but I venture to say his speech would have been more appropriate on a measure to amend the 1892 Act than on a Bill of this nature, whose real object is to remove a legal doubt as to whether the West Australian Turf Club has the authority and the right to purchase certain land and also to validate any actions it might have taken in the past. That is my construction of the Bill; I may be wrong.

The criticism lodged against the Bill by some members would have been more appropriate on another measure to amend the 1892 Act, and it is possible that if there were such an amending measure before this House I would be one of the critics, knowing what I know now as a result of information given during this debate. I am sur-

prised that the Minister for Education has not taken the opportunity, in the years that have intervened since he first mentioned the matter, to bring in an amending Bill that would have rectified the wrongs now complained of. He is in a better position now because he is a Minister of the Crown. With the knowledge of racing which he has displayed tonight in his speech he may have sufficient influence on the Ministry to induce it to bring in an amending measure such as I have suggested.

Mr. Doney: Such a measure would be hardly fitting for a Minister for Education to bring down.

[*The Speaker resumed the Chair.*]

Mr. NEEDHAM: Reference has been made to compensation paid to jockeys at the time of injury. I venture to say that the member for Canning when dealing with this matter did not put the correct view before the House. I was under the impression that he was misinformed. The facts, so far as two jockeys are concerned, are as follows:—

	£	s.	d.
J. T. Miller (Jockey)—			
Re accident 24th August, 1935: Relief, etc., paid ..	53	19	3
Re accident 23rd September, 1939 (injured wrist and broken rib): Relief, compensation, doctors, hospitals, etc., paid	639	8	2
Relief £3 per week paid 23rd September, 1939, to 3rd April, 1940.			
Relief £3 10s. per week paid from 3rd April, 1940, to 2nd May, 1943.			
C. N. Higgins (Jockey)—			
Re accident 16th April, 1938: Relief, doctors, dentist, hospital, *oculist*, etc., paid ..	892	15	11
Relief £2 per week—still being paid from the distressed and disabled jockeys' fund.			

Furthermore, in regard to the question of payment to injured jockeys—and that is all I shall deal with because I have already said that I am not sufficiently versed in racing matters to discuss the many features raised by the Minister for Education—the exact position in connection with injured jockeys and apprentices must be clearly understood. The W.A. Turf Club has two funds. The first is the benefit insurance fund and the second the distressed and disabled jockeys' fund. Those are the names of the two funds about which the member for Nedlands was inquiring. Under the rules relating to the first fund—the benefit insurance fund—the club indemnifies the owners and trainers against all liability for compensation under the Workers' Compensation Act to injured jockeys and apprentices, so that any statement that less is paid to jockeys and apprentices than they are entitled to under the Workers' Compensation Act is not correct.

Mr. Cross: Is it true——

Mr. SPEAKER: Order!

Mr. NEEDHAM: It must be remembered that the occupation of a jockey is not permanent. It is fitful.

Mr. Cross: Other occupations are not permanent.

Mr. NEEDHAM: The member for Canning was a member of the Select Committee and he also had his say on the second reading. As a fact the club is generous in its treatment of injured jockeys and apprentices as an examination of individual cases will show. Under the Workers' Compensation Act an injured worker is, broadly speaking, entitled to receive 50 per cent. of his weekly earnings plus 7s. 6d. for each dependent child under 16 years of age, with a maximum of £3 10s. and a minimum of 30s. per week, or the amount of his wages if they be less than 30s. per week. There is a limit of £750 for weekly payments. I do not say that in all cases the club has paid exactly workers' compensation rates, and I am holding no brief for the club for any breach of that particular Act. I am simply stating what the club has done. The amount allowed under the Workers' Compensation Act for medical expenses is £100, but the Turf Club as a rule disregards that limit of £100 for medical expenses and continues with medical treatment until complete recovery or medical advice is received that further treatment will be of no avail.

Whilst there have been occasions, as has been suggested, when the Workers' Compensation Act has not been complied with in its entirety, there are other phases of the payment to jockeys from these funds which go beyond what is provided in the Workers' Compensation Act. I am informed further that when an injured jockey or apprentice has received the full £750 to which he is entitled by way of weekly payments under the Workers' Compensation Act, the Club,

if he has still not recovered from his injury, makes him payments from the second of the funds I have mentioned, namely, the distressed and disabled jockeys' fund. In one case a jockey has been receiving payments from this fund for nearly seven years. That is different from the position under the Workers' Compensation Act. Taking it by and large members will find that the jockey has been paid at least as much as he would have received under the Workers' Compensation Act. In another case recently assistance was rendered to a former trainer although he had not been connected with the sport for over nine years. In a third case the sum of £25 was given to the parents of a deceased apprentice towards the cost of a headstone over his grave.

As has been pointed out by the member for Nedlands, the members of the Western Australian Turf Club put in a considerable amount of their time without any fee or reward and do the best they can to conduct racing properly. That is all I have to say in regard to the criticisms raised against the Bill except in connection with one matter referred to by the Leader of the Opposition concerning Clause 4. With regard to the inquiry of the Leader of the Opposition as to whether there was any particular transaction in mind to which the retrospective operation of the Act might refer, I am able to assure the House that the clause has only been put in as a general precaution in view of the fact that the club has, over a great number of years, entered into many transactions concerning the validity of which there may have been some doubt. Furthermore, there is the agreement that the club has entered into which has to be completed by the 31st December this year which necessitates the payment of a certain amount of money. That in itself is an act which the club may or may not have the authority to perform. Mr. Stow, the agent for the W.A. Turf Club, referred to this very matter when he gave evidence before the Select Committee. He said—

> The Western Australia Turf Club operates under the 1892 Act, which was passed principally with a view to establishing a club to conduct the racecourse known as the Perth Race Course or Headquarters, the land for which had been granted to the club by the Crown. In the intervening period the area of the course has been extended by the purchase of adjoining land. The club has purchased its city property at the foot of Howard-street, and now the question has been raised as to its power to do so.

Those are the full facts in regard to this Bill. It simply seeks to remove any doubts as to whether the West Australian Turf Club can purchase these racecourses.

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 read a third time and transmitted to the Council.

House adjourned at 10.53 p.m.

Legislative Council.

Wednesday, 29th November, 1944.

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

ELECTORAL—SWEARING-IN OF MEMBER.

The PRESIDENT: I have received the return of a writ for the vacancy in the South-East Province caused by the death of the Hon. H. V. Piesse, showing that Anthony Lloyd Loton was, on the 18th November, 1944, duly elected. I am prepared to swear-in the hon. member.

Hon. A. L. Loton took and subscribed the oath and signed the roll.