fishing in Western Australian waters. I certainly must oppose the second reading of the Bill. The legal objections raised by the Crown Law Department appear to be well founded. We are doubtful about the authority we, as a State, have over the coastal waters and if powers are delegated that are ultra vires, the local authorities will not be able to exercise the control that they desire.

Although it is not permissible at this stage to discuss the other Act, the amendment of which the hon. member desires to effect, it can be stated that here again powers are sought for the local authorities merely in respect of regulations. If that were agreed to, it would mean that the control of fishing in the inlets would depend on regulations issued by the local authority. I do not know that I have ever taken as strong exception to legislation by regulation as some other members have, but if it is undesirable in respect of Governments, surely it is more undesirable to delegate to local authorities the power to make regulations, which, so far, has been vested only in the Crown. More particularly is that so when we consider the competitive aspects. Most decidedly the Fisheries Department will not cease to function and with the local authorities operating at the same time, there will be endless confusion, duplication, and uncertainty, than which nothing could be worse as affecting the control of fishing along our coast line. For those reasons I oppose the second reading, because the Bill would have the effect of giving the road board power to make regulations which at present are made under the Fisheries Act, and are controlled by a Government department with expert officers. In the circumstances, it would be unwise to take away from the Fisheries Department the control that it now has and confer it upon the local authority, even though the control has not been entirely satisfactory in the past. The way out of the difficulty is for the department to exercise better control. Even if sufficient funds are not available for an increase in the staff of the Fisheries Department, the work could be done better by the Fisheries Department with the aid of honorary inspectors. I hope that will overcome the difficulty which has prompted the introduction of the Bill. The method is certainly better than that proposed by the Bill.

On motion by Hon. C. G. Latham, debate adjourned.

House adjourned at 10.7 p.m.

Legislative Council,

Thursday, 27th October, 1938.

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

MOTION—WORKERS' COMPENSATION ACT.

To Disallow Regulation.

HON. C. F. BAXTER (East) [4.34]: I move—

That Regulation No. 19, made under the Workers' Compensation Act, 1912-1934, as published in the "Government Gazette" on the 30th September, 1938, and laid on the Table of the House on the 12th October, 1938, be and is hereby disallowed.

This regulation is one of a series that was tabled on the 12th October. As a matter of fact, there were 20 regulations, but the others were quite in order. The regulation to which exception is taken, however, imposes upon the employers a heavy burden that they should not be asked to bear. The trend of legislation and regulations of this description is towards the overburdening of the employers.

Paragraph (b) of Regulation 19 provides that upon the prosecution of an employer, it shall be no defence to the charge that the employer relied upon the insurer to make the payment. Paragraph (c) of the regulation provides that the weekly payments may be withheld where a progress certificate from a medical practitioner has expired, until such time as a further progress certificate is obtained. The new regulation will probably operate in an extremely harsh manner against employers. For example, even where an employer or an insurance company bona fide disputed his or its liability to pay weekly compensation, the employer would apparently be liable to prosecution under the regulation if it were ultimately held that the payment should have been made.

The point to be noted is that in all instances the employer and not the insurance company is to be deemed guilty of a breach of the regulation. An insurance company may, negligently or otherwise, fail to make a payment of weekly compensation within the necessary time. In those circumstances the employer would be liable in a prosecution brought against him under Regulation 19. The regulation is very unfair and one-sided and therefore should be disallowed. Surely the tendency of all Acts and regulations of this kind should not be to place upon the employers the necessity for policing everything. An employer insures for his own protection; in some instances he is forced to do so, and naturally he relies upon the insurance company to fulfil its obligation under the policy. But a regulation such as this, and other proceedings of the kind, deprive him of that protection.

Hon. J. Nicholson: In the policy the employer is called "the assured." Under this regulation he will be "the uninsured."

Hon. C. F. BAXTER: Yes, and that should not be so. Regulation 19, in my opinion, is badly drafted. The other regulations are so reasonable and sound that I cannot reconcile No. 19 with them. There seems to be an error in drafting that inflicts the injustice.

Hon. J. Nicholson: What are the existing regulations?

Hon. C. F. BAXTER: They vary but slightly from these regulations, except as regards No. 19. The House will, I hope, see the fairness of not imposing too heavy a burden on the employer. Let the insurance company live up to its obligations, instead of making the employer bear the responsibility of omissions on the company's part.

On motion by the Chief Secretary, debate adjourned.

BILL—SUPPLY (No. 2), £1,200,000.

Third Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [4.42]: I move—

That the Bill be now read a third time.

HON. A. THOMSON (South-East) [4.43]: In view of a statement which was made by the Chief Secretary yesterday, and in which he said he was giving me the lie direct—this, Mr. President, you caused to be withdrawn—I must make a few remarks on the third reading. Unfortunately, the statement in question appears in the Press; and therefore I desire to deal with the matter for the information of the House and also of the public. I propose to show that the present Government has done nothing in connection with the Federal grant for youth employment. The measure authorising the grant was assented to on the 16th September, 1937, and Section 4 reads—

> The amount granted to a State by this Act is granted upon the condition that it is used by the State, in such manner and subject to such conditions as the Minister approves, in providing facilities for the training for, and the placing in, employment of persons between the ages of 18 and 25 years.

That was the intention when the Federal Parliament passed the States Grants (Youth Employment) Act. The Assistant Minister for Commerce, Mr. Thorby, in moving the second reading said—

> This Bill is the outcome of a promise given by the Prime Minister (Mr. Lyons) that the Commonwealth Government would assist the States to overcome the problem associated with unemployed youths who had missed their opportunity during the years of depression through which Australia had passed . . . A considerable number of youths and young men between the ages of 18 years and 25 years had failed to secure any vocational training, and were now amongst the ranks of the unskilled unemployed. Each State undertook to carry out a comprehensive survey amongst that group, with a view to enabling the Commonwealth to assess the degree of unemployment in each State . . .
>
> This is not, in the first place, a Commonwealth responsibility, but we recognise that exceptional circumstances arose in the various States during the depths of the depression, when many young people, on leaving school, were unable to receive the vocational training necessary to enable them to be absorbed in employment. The Bill makes a substantial monetary contribution to assist the States in carrying out this work.

Then Mr. Ford, Deputy Leader of the Opposition in the House of Representatives, spoke as follows:—

> This is a belated measure, and makes inadequate provision for dealing with the problem of youth employment . . . Unfortunately, nothing was done for about 100,000 youths during a period in which they should have been able to learn a trade . . . Many of those who should have been receiving training in skilled trades were on the dole or were working one week in four on relief work . . . There has been no more tragic legacy from the depression than the spectacle of thousands of able-bodied young men being unable to find regular employment even of an unskilled character, quite

apart from the skilled work which we trust will become available as the result of this measure becoming law.

In replying Mr. Thorby said—

I assure hon. members that no conditions will be imposed on a State other than the obligation to see that the money is used for the purpose for which it is voted by this Parliament.

I wish to emphasise that sentence. No condition was to be imposed on a State other than the obligation to see that the money was used for the purpose for which it was voted by the Federal Parliament. A member of the House of Representatives, Mr. Holt, interjected—

Are the States making any contributions from their own revenues?

Mr. Thorby replied—

Yes, but we did not tie them down to a pound-for-pound contribution basis, feeling that even that would cause obstacles. I assure the hon. member that each State has agreed to vote a larger sum of money for this purpose than will be given to it by the Commonwealth. The scheme, therefore, will be comprehensive and will effect a tremendous amount of good throughout the Commonwealth.

In season and out of season I have stressed the unfortunate position in which many of these young men find themselves, but none of my criticism has been directed against the Chief Secretary. Still, I make the charge against the Government that this is the only Labour Government in Australia that has shown what I might describe as a callous indifference to its duties and obligations to these young men who, by virtue of the depression, have been denied the right of earning a living in any trade or profession. When the Commonwealth made available the sum of £14,000 to this State, I had hoped that a similar amount would have been provided by the State, and that some such method as the one already adopted by the Government of New South Wales and proposed to be adopted by the Government of Victoria would have been put into operation here. I do not propose to repeat the details of the subsidy given by the Government of New South Wales, beyond saying that it has provided a subsidy for youths of 19 ranging from £1 a week over the period of four years, by the expiration of which time the young man is expected to be in a position to earn the basic wage, while to youths of 22, the amount paid is £2 18s.

I challenge the Minister to prove that the statement I made on the subject is false. I have been long enough in Parliament to realise that if a member desires his opinions to receive any consideration at all, he must not be so foolish as to make any statement that is incorrect. I challenge the Government to prove that it has trained one man under a system similar to that operating in New South Wales or Victoria. I challenge the Minister to get the department that so skilfully supplied the answers to my questions last Tuesday week to give information on the following questions:—How many single men between the ages of 18 and 25 have been trained? How much assistance by way of a subsidy has been granted in order that they might get the training? How many have been placed in positions that lift them out of the ranks of unskilled labourers? I felt that in justice to myself I should make this explanation to the House. I do not wish it to be broadcast throughout the length and breadth of Western Australia that I made an incorrect statement. I challenge the Government to cite any single instance of having trained or made any attempt to train a young man under such a system. I leave it to the Government to accept that challenge.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West—in reply) [4.53]: At no time has anybody said that this Government had adopted the scheme in operation in New South Wales. Regarding the hon. member's statement that £14,000 had been granted to the State by the Commonwealth, my remark was that the amount was granted for the purpose of providing buildings and equipment.

Hon. A. Thomson: I read the Act.

The CHIEF SECRETARY: And the Act proves that the hon. member's original statement was wrong.

Hon. A. Thomson: It does not.

The CHIEF SECRETARY: Nothing that the hon. member has read would indicate that the money had not been granted for the purpose of providing buildings and equipment.

Hon. A. Thomson: No mention is made of buildings and equipment.

The CHIEF SECRETARY: Yesterday, I consider, the hon. member himself proved that his original statement was not correct. I say that the £14,000 was granted to this State by the Commonwealth to provide buildings and equipment. If the hon. member is not prepared to accept my word, he can do otherwise.

Hon. A. Thomson: Well, I have quoted the Act and the statement made by the Federal Minister when introducing the Bill.

The CHIEF SECRETARY: The hon. member has quoted what he describes as the intention of the Commonwealth Government, but he said nothing that in any way contradicted what I have just stated.

Hon. A. Thomson: Show me that provision in the Act.

The PRESIDENT: Order! I should like the Minister to address the Chair.

The CHIEF SECRETARY: The State received a sum of money from the Commonwealth under certain conditions. The conditions were that the money should be applied to the provision of buildings and equipment in order to deal with this very vexed problem. The hon. member appears to assume that he alone is sympathetic to the unemployed youth. The Government has gone much farther than he has to help unemployed youth, and has just as much sympathy as he has for young men in that unfortunate position.

Hon. A. Thomson: Well, how many youths have you trained?

The CHIEF SECRETARY: The hon. member's remarks, I consider, call for no further reply from me. I can only reiterate that if the hon. member will not accept my statement, I cannot help it. Those are the conditions under which the money was granted to the State.

Question put and passed.

Bill read a third time and *passed.*

BILL—MINES REGULATION ACT AMENDMENT.

Second Reading.

THE HONORARY MINISTER (Hon. E. H. Gray—West) [4.57] in moving the second reading said: This short Bill seeks to repeal Section 55 of the principal Act which provides—

> The Governor may by notice in the "Government Gazette" direct that the wages due to all workmen employed on any mine shall be paid in two instalments each month.

In lieu thereof the Bill proposes to insert a new provision stipulating that the Governor may direct that such wages shall be paid fortnightly. The miners are the only wages men in this State who are not paid either weekly or fortnightly, the practice of the mining companies being to pay their workers on the 3rd and 18th of the month. This system has been a cause of discontent for a considerable time, and recently a petition signed by 4,070 residents of the Kalgoorlie mining area was presented to the Minister for Mines, requesting the Government to take action along the lines contemplated under this measure. Probably the strongest objections to the present system have been raised by housewives and traders. For example, at certain times of the year the housewife is called upon to find three weeks' rent out of two weeks' pay; and shopping is slack at the week-ends immediately preceding pay day.

We therefore propose that after a date to be fixed by proclamation, wages shall be paid on the last Friday of each successive fortnight. This provision will not disturb the existing practice whereby employers keep two or three days' pay in hand when measuring up the work of contract workers, and preparing pay sheets. The Bill, also, contains a proviso that will enable the Governor to exempt any particular mine from the provisions of the proposed new section. This will provide for cases in the back country where compliance with the proposal would be difficult. There should be no objection to the principle embodied in the Bill. It operates in other industries where wages are not paid on a weekly basis, and there seems to be no valid reason why it should not be extended to the goldmining industry. I am sure that members representing mining provinces will be able to speak to this measure, and point to the great benefit it will confer not only on the business people but on housewives also. I move—

That the Bill be now read a second time.

On motion by Hon. H. S. W. Parker, debate adjourned.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Second Reading.

THE HONORARY MINISTER (Hon. E. H. Gray—West) [5.1] in moving the second reading said:—The proposals embodied in this measure should commend themselves to all members of the House. The Bill is designed to rectify certain weaknesses and anomalies in the provisions of the principal Act, and to afford injured workers and their dependants a greater measure of security than that provided by existing legislation.

Amendments are proposed to those sections of the Act dealing with—

(a) The interpretation of the term "worker."
(b) Compensation payments and medical expenses.
(c) Alternative remedies of an injured worker.
(d) The liability of principals and contractors and sub-contractors.
(e) The registration of memoranda of agreements in respect of lump sum settlements.
(f) Insurance and references to medical referees.

It is also proposed to amend the Third Schedule. As to the interpretation of "worker," the Act lays down that the term does not include any person whose remuneration exceeds £400 per year. The corresponding amount in New South Wales is £750, and in South Australia and Queensland £520. Victoria is the only other State with a maximum below that of Western Australia. The Bill seeks to extend the definition to include persons whose remuneration does not exceed £500 per annum. Many workers, particularly those employed on the Goldfields, have been adversely affected by the present limit of £400, which is based on money wages only and does not take into consideration the question of real wages. This amendment will bring the Act into line with the legislation of other States.

As to compensation payments, and medical expenses and benefits, an important amendment is proposed regarding the amount of compensation to be paid to the dependants of workers who die as a result of injury sustained during the course of their employment. Under the present scale and conditions governing compensation, payments range from a minimum of £400 to a maximum of £600, according to the worker's earnings during the three years next preceding the injury. The Act provides that if a deceased worker has been in the employment of the same employer for three years, the compensation payable shall be equal to the sum of his earnings during that period, but shall be not less than £400 nor more than £600. A further provision is made regarding compensation to be paid in respect of a worker who has been employed for less than three years by his last employer. In that instance the amount of his earnings during the three years immediately preceding his injury is deemed to be 156 times his average weekly wage during the period of his actual employment with his last employer. Thus the problem of ascertaining the amount of compensation due to dependants is sometimes rather complicated, particularly where relief and seasonal workers are concerned.

This particular section of the First Schedule was inserted in the Act in 1924. Since then, the trend all over Australia has been to increase the compensation payable to dependants of deceased workers. In New South Wales dependants are entitled to four years' wages, provided they receive not less than £400 nor more than £800. Moreover, an additional amount of £25 is added to the lump sum for each child under the age of 16 years. In Victoria, the range is from £400 to £750, while in Queensland the provision is a fixed amount of £750. New Zealand fixes the maximum at £1,000. Our present maximum of £600 is considered little enough compensation to dependants whose breadwinner has lost his life through accident. The Bill therefore proposes to fix a maximum of £750.

Section 6 (3) of the Act deals with compensation payable for injuries mentioned in the Second Schedule. At present, any payments made to a worker under the First Schedule by way of weekly payments are deducted from the lump sum to which he is entitled under the Second Schedule, and this provision not infrequently creates serious anomalies. For example, a worker with a poor constitution who loses, say, a limb, may find by the time he is fit to resume work that almost the whole of his Second Schedule lump sum has been absorbed in deductions by way of weekly compensation payments. On the other hand, another worker suffering the same kind of injury may lose comparatively little employment either because he possesses a more robust constitution, or because he has received more expert medical treatment. It is not considered just that there should be a difference in the benefits received by injured workers. The Bill, therefore, provides that all workers who sustain injuries entitling them to lump sum compensation under the Second Schedule shall receive that lump sum irrespective of any weekly payments they have received under the First Schedule.

As to medical benefits, in the case of a worker incapacitated for work as a result of injury, the First Schedule lays down that an amount not exceeding £100 shall be made available to meet the cost of medical and hospital expenses, medical or surgical attendance, and of artificial limbs where re-

quired. While the Bill does not seek to increase the maximum amount set out in the schedule, it proposes to make available to a worker, when necessary as a result of injury, artificial teeth, artificial eyes and spectacles.

Another amendment relates to the provision of travelling expenses incurred by workers in submitting thebselves for medical treatment after they have been discharged from hospital. As these expenses are actually part of the cost of the medical treatment, it is only fair that the worker should be entitled to them.

A somewhat similar amendment is sought to another clause in the First Schedule, dealing with travelling expenses incurred by workers submitting themselves to medical examination by a practitioner nominated by the employers. Under Clause 4 of the First Schedule, when a worker has given notice of an accident his employer may require him to submit himself to an examination by a medical practitioner nominated by the employer. Although the worker may already be receiving treatment by his own doctor, he is frequently called upon to travel to Perth to be examined by a specialist, and as a result may incur heavy travelling and living expenses. As the injured worker is bound to comply with his employer's request, he should not be asked to bear the expenses thus incurred.

Hon. L. B. Bolton: The employer always pays them.

The HONORARY MINISTER: The Bill provides that where a worker is obliged to travel away from his home for the purpose, the employer shall pay the worker's reasonable travelling expenses, including the sum of 6s. per day—but not exceeding 35s. per week—for meals and lodging during the period of his absence.

Clause 16 of the First Schedule enables a worker or an employer to apply to the Local Court for the redemption of weekly payments by a lump sum settlement. The magistrate, in assessing the lump sum amount to be paid, ascertains the present value of the balance of compensation due to the worker on a five per cent. basis, and then makes a further deduction for certain other contingencies, which are set forth in the decision of the Full Court in the case of Nicholl and Co. Ltd. (Respondent) Appellant and Higgs (Applicant) Respondent. The decision was to the effect that in assessing the lump sum amount, it is not sufficient merely to calculate the present value of the balance of the compensation remaining payable over the period. Allowance should be made for the following possibilities:—

(a) That the incapacity of the worker may not continue throughout the whole period.

(b) That the worker may die during the period.

(c) That the employer may go into liquidation during the period.

The parties to the case quoted expressed a desire that, instead of the court remitting the matter, the court itself should fix the allowance to be made; and the court ordered the deduction of £50 from the actuarial calculation. That rule has been followed ever since. As most employers are covered by insurance, these contingencies have very little real application in practice and the Bill therefore proposes that no deduction of any nature shall be made by the court from the Government Actuary's assessment.

As to the alternative remedies of injured workers, I shall deal first with the liability of employers independently of the Act. Section 6 deals with the liability of employers to workers for injuries arising in the course of employment. Subsection 2 (b) provides that where a worker is injured in circumstances that would entitle him to take an action at common law against his employer, he may, at his option, claim compensation under the Act, or take proceedings independently of the Act. It has been decided by case law, however, that once a worker elects to claim under the Workers' Compensation Act, he is debarred from exercising his civil remedy, and vice versa. Experience has shown that this not infrequently results in grave injustice to the worker. Very often when a worker is injured, he is too ill to consider his legal remedies, and his wife, or someone else on his behalf, claims compensation without stopping to consider whether this course of action is really the more favourable to the worker. There is always the tendency, too, for poverty and illness to combine in inducing a worker to take the line of least resistance by claiming under the Act, with the result that he may thereby lose benefits that he could have obtained had he exercised his civil remedy.

The Bill proposes to alter this position. It provides that where a worker has been

injured through the personal negligence or wilful act of the employer, he may claim and accept compensation under the Act without affecting his right to commence proceedings, within three months from the occurrence of the accident, for any available civil remedy. Failure to succeed in such civil proceedings will not affect or limit the worker's right to proceed with his claim for compensation, or his right to continue to receive compensation payments under the Act. The Bill also provides that where the worker's civil remedy is successful, any compensation paid under the Act shall be deducted from the amount recovered in the civil proceedings. These proposals add no new burden to industry. Employers are always under this liability, although, as I have explained, circumstances have often enabled them to escape it.

A somewhat similar amendment is proposed to Section 13, which deals with the remedies of a worker who is injured in the course of his employment in circumstances that entitle him to claim compensation from his employer or to claim damages against a stranger. The section provides that the exercise by the worker of one remedy automatically debars him from availing himself of the other. Generally speaking, civil damages are much more beneficial than workers' compensation. For example, the worker usually becomes entitled to full pay during the period of his total incapacity. Permanent disabilities are, as a rule, compensated on a scale approximately the same as under the Second Schedule of the Workers' Compensation Act, while special and general damages may be granted as well. However, as I have already pointed out, the injured worker is often obliged by circumstances to accept compensation, although the impartial observer might consider this a short-sighted policy.

The Bill proposes to amend Section 13 to enable a worker to receive compensation pending the recovery of any damages from third parties. The employer's liability to pay compensation will be determined, should the worker be successful in such proceedings, to the extent of any damages actually recovered by the worker from a third party. Any compensation paid by the employer will be a charge upon the damages actually recovered by the worker. In the event of the worker not enforcing judgment or being unable to do so, the employer may proceed against the third party for the recovery of the amount due to the injured worker. Damages recovered in excess of compensation payments made to the worker shall be payable to and received by him. I feel sure members will agree that there is no valid reason why a third party who is guilty of negligence should be excused from his liability simply because the worker elects to accept compensation from his employer.

The liability of principal and contractors and sub-contractors has been a bone of contention for a long time. Section 11 provides that principals and contractors shall be jointly and severally liable to pay any compensation that any worker employed is entitled to receive. There are, however, two provisos to this section that exempt principals from their liability where the contract relates to—

(a) Threshing, ploughing, or other agricultural or pastoral work, and where the contractor uses power-driven machinery, and

(b) Clearing, fencing, or other agricultural or pastoral work.

We have previously argued the principles involved, and I hope that on this occasion the House will accept the proposed amendments, because experience has shown the weaknesses of the Act as a result of which a number of workers have suffered serious losses and injustices. Quite a number of workers who have suffered injury have been deprived of the compensation to which they were justly entitled.

Hon. J. Cornell: That refers to ploughing and threshing.

The HONORARY MINISTER: Yes. Mr. Holmes has had extended experience in the pastoral industry, and he must be aware that at times workers employed by contractors have been left lamenting. That is bad enough when the men are defrauded of wages, but it is much worse when workers meet with accidents and are deprived of compensation. The contractor or sub-contractor in such instances has failed to insure his workers, and has not had sufficient means to make it advisable for the injured worker to take legal proceedings to recover compensation. The Bill, therefore, seeks to extend to workers employed at the classes of work mentioned in the provisos the protection already enjoyed by other workers under Section 11. That is a perfectly reasonable proposition. The principal shall, of course, be still entitled to be indemnified by the

contractor against his liability under this section.

The Act requires a memorandum of any agreement compounding claims or rights of compensation under the Act to be presented to the Clerk of the Local Court for registration. The clerk may refuse to record the memorandum where, on any information which he considers sufficient, it appears that the settlement is inadequate or that there has been brought to bear undue influence, fraud, or improper practice. The existing provision does not always afford a worker the protection to which he is entitled. Experience has shown that agreements to compound are often entered into by a worker dazzled at the prospect of a lump sum settlement of £100 or so, notwithstanding that the amount, in the circumstances, may be quite inadequate. In the interests of such workers, the Bill proposes to place a definite obligation on the Clerk of the Local Court to make all necessary inquiries upon the receipt of the memorandum, and to be positive that the agreement is genuine, and has been properly obtained, before he finally records it.

Regarding the obligation of employers to insure, the Act provides that premiums may be paid upon the basis of the aggregate wage payments made during a specified period. The proposal now is to give the insurance companies the discretionary right to ask for a statutory declaration in support of any statement furnished by an employer in this connection. Another amendment relates to medical referees. The Act prescribes no limit for the period in which the party desiring the reference of a matter to a medical referee shall make the necessary application. As a result, the finalisation of claims is often unnecessarily delayed. We propose to insert a provision in the First Schedule stipulating that any party desiring such a reference shall make application within one month after the date of receipt of the copy of the medical report furnished by the other party.

Hon. J. Cornell: That is all right if it cuts both ways.

The HONORARY MINISTER: This provision will cut both ways.

The question of approved offices has given rise to much discussion. Under Section 10, it is obligatory for every employer to obtain from an incorporated insurance office approved by the Minister cover for the full amount of his liability under the Act. The Bill includes an amendment that will enable any duly incorporated company carrying on insurance business in this State under the provisions of the Commonwealth law to be eligible for approval under this section. I trust members will find that provision acceptable.

Hon. L. B. Bolton: Will provision be made for private firms that carry their own insurances?

The HONORARY MINISTER: I think so.

Hon. L. B. Bolton. There is quite a number of firms in that position.

The HONORARY MINISTER: I think they do that under the existing Act. In any event, I will make inquiries about that point. In the Third Schedule are set forth certain diseases covered under the processes of mining, quarrying, stone crushing, and stone cutting. From a health point of view, the screening of stone or metal is believed to be even more injurious than either stone crushing or quarrying.

Hon. J. Cornell: It all depends where the screening is done.

The HONORARY MINISTER: Screening is dusty work wherever it is undertaken, and is, of course, already covered by the Third Schedule if carried on at a quarry as part of the operations. Such, however, is not the case if the operation is carried out elsewhere, as is frequently the practice in certain parts of the State. This position is neither equitable nor satisfactory. The Bill makes provision, therefore, to add stone and metal screening to the processes covered by the Third Schedule.

One amendment incorporated in last year's Bill was ridiculed by some members, although those who have had experience of shearing will appreciate the necessity for including yolk boils in the Third Schedule. For that reason it is proposed again to include in the Third Schedule yolk boils contracted in connection with sheep shearing.

Hon. J. Cornell: That is the lead-swingers' disease.

The HONORARY MINISTER: The amendment is perfectly reasonable. Members who have had experience of the shearing industry know that the men frequently suffer from yolk boils, which are very painful.

Hon. J. J. Holmes: The high life they lead causes the trouble.

The HONORARY MINISTER: For years that was regarded as the explanation.

Hon. J. J. Holmes: They want the best of everything.

The HONORARY MINISTER: Shearers, because of the friction to which their legs are subjected during the course of their work, develop a condition favourable to the entry of the germ into the body.

Hon. J. Cornell: A course of salts or senna will clear up that trouble.

The HONORARY MINISTER: The trouble is painful, and as it arises from the occupation, the payment of compensation must surely be regarded as reasonable. Shearers are always anxious to work, and they knock off only when compelled to do so.

Hon. J. J. Holmes: The shearer knocks off work when the last sheep is shorn at the last station he visits. Who, in those circumstances, is liable for the payment of compensation?

The HONORARY MINISTER: That would work itself out. However, with the development of the disease, the affected worker is unable to continue at his occupation.

Hon. J. Cornell: You will want to include barcoo rot next.

Hon. C. F. Baxter: No, the next will be biliousness.

The HONORARY MINISTER: Under the present schedule, the worker, suffering from yolk boils, receives no compensation, although he may lose work and wages as a result of contracting this occupational disease. In view of the short duration of the shearing season, it is particularly desirable that this class of worker should be entitled to protection.

Hon. J. J. Holmes: The shearers have a longer run in this State than anywhere else in Australia; a run that takes them from Kimberley to Albany.

The Chief Secretary: How many of them?

Hon. J. J. Holmes: Quite a number.

Hon. J. Cornell: A lot of them do not wash their trousers often enough. That is one reason for yolk boils.

The HONORARY MINISTER: I commend the measure to the favourable consideration of the House.

Hon. J. J. Holmes: It will be given serious consideration.

Hon. H. S. W. Parker: It will be serious all right.

The HONORARY MINISTER: I hope that members will place on the notice paper any amendments they desire to move so that the Bill may be dealt with as quickly as possible. I move—

That the Bill be now read a second time.

On the motion by Hon. C. F. Baxter, debate adjourned.

BILL—LAND TAX AND INCOME TAX.

Second Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [5.30] in moving the second reading said: This is the usual bill brought down each session for the purpose of fixing the rates of land tax and income tax for the current financial year. The rates prescribed are the same as those levied last year and for several years past, and are set out in Parts I. and II. of the schedule. Last year we passed an Act providing for the amalgamation of income tax and dividend duty collections. Section 5 of the Land Tax and Income Tax Act, 1937, obviates the necessity for including in this Bill provision for the imposition of the appropriate rates of tax on company income, racing stakes and interest paid to absentees. As to these matters, Section 5 provides that, unless and until Parliament otherwise determines, the rates of tax set out in the Act shall apply to the year of assessment ended the 30th June, 1938, and to each year of assessment thereafter.

Last year land tax yielded £124,083, while income tax and dividend duty collections amounted to £667,811. The estimated receipts for the current financial year are as follows:—

	£
Land tax	113,000
Income tax and dividend duty ..	679,000

Last year's land tax collections were inflated by the inclusion of a substantial amount of arrears paid by pastoralists.

Similar payments are not expected this year, and accordingly the Treasurer has budgeted for a decrease of £11,000 in land tax revenue. This decline, however, will probably be offset by an increase of £11,000

in collections from individuals and companies. I move—

That the Bill be now read a second time.

On motion by Hon. J. Cornell, debate adjourned.

BILL—SAILORS AND SOLDIERS' SCHOLARSHIP FUND.

Second Reading.

THE HONORARY MINISTER (Hon. E. H. Gray—West) [5.34] in moving the second reading said: This Bill deals with a fund established in 1920 to provide scholarships and education facilities for children of A.I.F. men who died on active service. The fund was established by contributions of recipients of war gratuity bonds, following an appeal made by the Federal President of the Returned Sailors and Soldiers' Imperial League of Australia. As a result of the appeal, war gratuity bonds amounting in value to £2,623 8s. were handed over to three local trustees appointed by the Federal Executive of the R.S.L., namely, the late Sir Talbot Hobbs, Rabbi D. I. Freedman, and Colonel C. H. Lamb.

To-day the fund is represented by 4 per cent. inscribed stock of a value of £2,670; cash at the Commonwealth Bank, £1 1s. 10d.; and the sum of £111 15s. 11d., being undistributed income in hand. This amount stands to the credit of the fund's current account with the Commonwealth Savings Bank. Should members so desire, particulars of the inscribed stock are available to them. The capital of the fund has remained intact since its inception, the income only being utilised for the purposes of the trust.

As twenty years have elapsed since the termination of the war, there are now no more children to be educated whose fathers died on active service. The trustees therefore desire to apply the income from the fund to educational benefits for the children of ex-A.I.F. men who—

(1) Have died since the war as a result of injuries.

(2) Have become incapacitated as a result of injuries suffered during the war or otherwise, or

(3) Are, from any cause whatever, in poor or indigent circumstances.

Provision is made in the Bill to enable the trustees to carry out their desire. It is estimated, however, that in 25 years there will be no children eligible to participate in the benefits I have mentioned. The Bill accordingly provides that when there are no longer any such children, the trustees shall be empowered to hand over the fund and any unexpended income to the Aged Sailors and Soldiers' Trust Fund. Although the original trust was not constituted by deed, the trustees feel it is advisable to secure statutory authority to deal with the fund in the manner proposed by the Bill. I therefore commend the measure to the House and move—

That the Bill be now read a second time.

HON. J. CORNELL (South) [5.38]: I second the motion and hope the House will pass the Bill. As the Honorary Minister has said, the money in question is a voluntary gift by ex-service men, and was donated by them out of the gratuities that they received. An appeal was made to ex-service men to donate part of their gratuity to a fund for the education of children of soldiers killed in action. As a result of the appeal, this fund was raised. The trustees now find that, owing to the lapse of time since the termination of the war, there are no more children to be educated whose fathers were killed on active service. I personally know that Col. Lamb, Rabbi Freedman and the late Sir Talbot Hobbs exhausted every avenue to ascertain the best possible way to deal with the fund without recourse to Parliament. They failed, and consequently approached the Premier on the matter and the Government was good enough to introduce this Bill. The fund is diggers' money and is controlled by ex-officers of the A.I.F., including the President of the R.S.L. The House can therefore rest assured that the Bill is warranted and that the trustees will do their best to administer their trust.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—BASIL MURRAY CO-OPERATIVE MEMORIAL SCHOLARSHIP FUND.

Second Reading.

THE HONORARY MINISTER (Hon. E. H. Gray—West) [5.42] in moving the second reading said: This short Bill has

been brought forward at the request of the trustees of and the contributors to the Basil Murray Co-operative Memorial Scholarship Fund, who desire to alter the terms of the trust. The trust was established in 1926 for the purpose of administering a memorial fund subscribed to perpetuate the late Mr. Basil Murray's association with the co-operative movement. A sum of £1,189 12s. was collected and vested in trustees to provide scholarships at the Muresk Agricultural College for the sons of qualified members of any co-operative society or of shareholders in any co-operative society or company affiliated with the Co-operative Federation of Western Australia. The rules of the fund provide that the scholarships may not exceed an annual value of £70, nor be for a term exceeding three years.

The trustees are not satisfied that the services of scholarship holders are being utilised to the best advantage of the co-operative movement, and, supported by all the contributors who can be traced, they have presented a memorial to the Minister for Agriculture, requesting that a Bill be introduced to alter the purpose of the fund. The Government, being convinced that all parties concerned desire an alteration in the rules of the fund, has brought forward this measure, which provides that it shall be lawful for the trustees to apply the trust moneys in training and educating scholarship holders in co-operative principles and business practice. The trustees feel that this purpose will be more satisfactory than the existing one, as it will enable scholarship holders to be trained for service in the movement with which the late Basil Murray was so closely associated. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—AUCTIONEERS ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [5.45] in moving the second reading said: The purpose of the Bill is to remove a difficulty that occasionally arises in magisterial districts where there are no district auctioneers. Section 4 of the principal Act provides for the issuing of three types of auctioneers' licenses—

(1) General—extending to the whole State.
(2) Country—covering the whole State except the metropolitan area.
(3) District—covering a magisterial district.

A further type of license may be issued under Section 14, which enables a magistrate to grant a temporary license to the clerk or deputy of a licensed auctioneer where the latter is unable, through illness or any other sufficient cause, to carry on.

The Act as it stands does not operate satisfactorily. In some of the magisterial districts there are no licensed auctioneers. Should a person desire to sell property by auction in one of those districts, he must necessarily engage a license-holder from an adjoining district. This man is then required to take out another license covering the district where the proposed sale is to be held, which means that the client is saddled with additional costs to the extent of £5.

We propose to overcome this hardship by providing for the issue of occasional district licenses. The Bill provides that the holder of a current district license may apply for an occasional district license to conduct a sale in any district, contiguous to the area in which his license applies, on a specified date and at a stated place. The magistrate shall give the police the opportunity, if they so desire, of objecting to such application. Then, if he is satisfied there are sufficient reasons for granting the license, he may approve the application.

The Bill sets out that in no event shall an occasional license be granted in relation to any sale to be held in the metropolitan area, nor shall any person be entitled to a grant of more than five occasional licenses in respect of the same magisterial district in any one year. In order to provide for cases where auction sales cannot be completed in one day, we propose to authorise the magistrate to grant a license covering one sale, but extending over a period up to seven days. The new type of license will not be transferable. It will, however, be of great advantage.

Hon. J. Cornell: I am certain about that.

The CHIEF SECRETARY: I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

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

House adjourned at 5.50 p.m.

Legislative Assembly.

Thursday, 27th October, 1938.

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

NATIVE ADMINISTRATION ACT.

As to Regulations.

THE PREMIER (Hon. J. C. Willcock—Geraldton) [4.32]: I gave an assurance to the House earlier in the week that I would be able to lay on the Table the regulations dealing with native affairs. It was impossible to have these regulations ready to-day, but I assure members they will be ready on **Tuesday next.**

MOTION—URGENCY.

Drought Stricken Wheat Areas.

The DEPUTY SPEAKER: I have received the following letter from the member for Mt. Marshall (Mr. Warner):—

I desire to inform you that it is my intention at the sitting of the House to-day to move, under Standing Order 47A, "That the House do now adjourn" to call attention to the position of the people in the marginal or drought-stricken areas, particularly in the north-eastern wheat belt.

It will be necessary for seven members to rise in their places to support the proposal.

Seven members having risen in their places,

MR. WARNER (Mt. Marshall) [4.33]: I move—

That the House do now adjourn.

In moving this motion I wish it to be understood it is not my intention to harass, annoy or embarrass the Government. My desire is to make known the dreadful conditions that exist in the north-east wheatbelt, particularly the position now prevailing in the marginal areas. In other words, I refer to that portion of the wheatbelt which has again this year suffered from drought conditions. Probably many members have read the Press reports on the subject, and have heard the situation discussed outside the House. I wish to reveal the position as it is so that members may draw their own conclusions concerning the mental anguish suffered by those persons who, through no fault of their own, have again experienced these terrible conditions. They have been to all the expense of putting in crops that Nature determined should never be garnered. They have given of their labour in vain, incurred the cost of superphosphate, suffered the loss of seed wheat, had the wear and tear upon their machinery, and in many instances have done their farming work either on borrowed money or on credit. In this way they have added to the burden that already bore heavily upon them. I do not intend to labour the question further than is necessary. Beyond the boundaries of the Mt. Marshall electorate I do not intend to go, but will leave to members representing adjoining districts the presentation of the situation existing there. In my remarks I am not including that which might be termed poor crops, that is, in the area below a line drawn from Nungarin on the east to about ten miles south of Koorda on the west. Most of the crops sown north of that line will yield little per acre for sale. Some farms will produce a little wheat over and above seed requirements, but not many will do so. A crop that goes under two bushels per acre will not pay