

ready been dealt with by one of my colleagues. There are many other mineral activities, including the Lake Campion alunite, tin ochres, clays, greensand, vermiculite, gypsum, etc. These are all being produced and, generally speaking, mineral mining is more varied in this State than ever before. The Under Secretary for Mines, Mr. Telfer, was some 12 or 18 months ago appointed Deputy Commonwealth Controller of Mines for Western Australia, under Mr. Newman of Canberra. He is responsible together with the Mines Department for supervising the Wodgina, Yinnietharra and Nullagine mines which are being operated solely with Commonwealth funds. The Department has undertaken the buying and supplying of all plant, buildings and stores and is maintaining such supplies. This has been a job of some magnitude, particularly under existing conditions. On these three properties, approximately £75,000 is being expended, so some idea can be obtained of the work entailed. These supplies all have to be purchased, overhauled and forwarded North.

The erection of a new Government chemical, analytical and mineralogical laboratory was completed early this year and we are now in occupation. This laboratory cost £43,000 and is modern in all its fittings. It will enable practically the whole of the Government chemical work to be done in addition to mineralogy. With the varied industrial activity taking place in the State, the research work into the many problems that will arise can also be done. Amongst the laboratory's functions at present are many chemical examinations for the Fighting Services and munition works. The Schools of Mines at Kalgoorlie, Wiluna and Norseman have continued to function very satisfactorily and have at the request of the authorities provided special tuition for servicemen.

The other functions of the department, such as the inspection of machinery, examination of miners by the x-ray laboratory, State Batteries, geological surveys, have all been carried on. The geologists at the laboratory have carried out considerable work on water supplies for Commonwealth and service authorities. We have to examine all the water taken on by transports leaving Western Australia. Unless it is examined by our officers the transports are not allowed to leave, and that takes a con-

siderable time. The department has also done a lot of work generally on strategic minerals. This has been undertaken in addition to the normal departmental functions, and several of the senior officers hold honorary Commonwealth appointments in order to assist the Commonwealth Government in its war efforts.

Progress reported.

House adjourned at 10.15 p.m.

Legislative Council,

Wednesday, 6th October, 1943.

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

QUESTIONS (2).

FARM BUTTER.

As to Exemption from Rationing.

Hon. G. B. WOOD asked the Chief Secretary—

(i) Did the Government make a request to the Federal Minister concerned to exempt small farm butter producers from the rationing regulations?

(ii) If so, when was the request made?

(iii) What was the reply received?

The CHIEF SECRETARY replied:

- (i) Yes.
- (ii) 1st September, 1943.
- (iii) The subject was under consideration by the Director of Rationing in order to ascertain whether it is possible to assist the small farmer in any way.

FRUIT CASES.

As to Seasonal Supply.

Hon. W. J. MANN asked the Chief Secretary:

(i) Is the Government aware that a very serious shortage of fruit-cases was experienced by fruitgrowers in this State during last season?

(ii) If so, will the Government take such steps as are within its power to ensure that an adequate supply of cases will be available for the packing of the coming season's fruit crop?

The CHIEF SECRETARY replied:

- (i) Yes.
- (ii) Every endeavour is being made in this direction.

PAPERS—ALUNITE.

As to Discovery at Northampton.

HON. J. M. DREW (Central) [4.37]: I move—

That all papers, including Bulletin No. 77, dealing with the discovery of alunite in Weebe Well at Northampton, be laid on the Table of the House.

I was pleased to hear the Chief Secretary say recently during the course of a debate in this Chamber that the Commonwealth Government, if prospects justify it, may open up mineral deposits that will be of service to the war effort and among them those that exist in the Northampton district. I hope that the alunite at Northampton will be added to the list. When I first read of alunite being used in the manufacture of certain equipment in connection with the war, my memory carried me back many years to the time when I read, and had published, a geological report on the discovery of alunite at Weebe Well, which is almost within a stone's throw of the townsite of Northampton. About two years ago I wrote to the Minister for Mines drawing his attention to this fact. I received a prompt reply from his Under-Sec-

retary which I will read in full. It is as follows:—

This department's report on the Northampton alunite deposits appears in Bulletin 77 and reads as follows:—

'Little is known of the alunite at Northampton beyond the fact that it forms a hard discontinuous wall to the jarosite lode at Weebe Well. A typical specimen contained 18.10 per cent. of insoluble sulphuric oxide equal to 46 per cent. of alunite. The alkalis were: Potash, 6.08 per cent.; soda, 0.30 per cent.'

"This occurrence," the statement in the departmental bulletin continued, "is worthy of further exploration as indeed is the whole of the Northampton district."

As members are aware, potash is a valuable fertiliser and its occurrence at Northampton is in the midst of a very fine agricultural district. Members will probably appreciate that fact when they remember that the late Mr. Patrick secured a large farm there and developed it into a remarkable proposition. I made further inquiries by telephone with a view to finding out from the Under Secretary whether the area had been protected. He informed me that all the mineral rights had been reserved to the Crown. He mentioned to me the area and to the best of my memory it was something like 30 acres around Weebe Well. It is to be hoped that the Mines Department will also test the surrounding country. I think it scarcely likely that the existence of valuable alunite will be confined to the immediate vicinity of Weebe Well. Mica is another mineral that the Commonwealth requires and indeed it is in demand, war or no war.

The PRESIDENT: Order! The hon. member has a separate motion dealing with mica, so he had better confine himself to alunite.

Hon. J. M. DREW: Very well; I submit my motion.

THE CHIEF SECRETARY: There is no objection to the motion, and I will lay the papers on the Table of the House as soon as possible.

Motion put and passed.

PAPERS—MICA.

As to Deposit at Northampton.

HON. J. M. DREW (Central) [4.43]: I move—

That all papers, if any, relative to the existence of marketable mica at Northampton be laid on the Table of the House.

Mica is a mineral that the Commonwealth Government needs and, in fact, it is always in demand, war or no war. In the early days it was greatly used in connection with telegraphy, according to what I read at that time. To be of use, the mica had to be four inches by three inches. When I was a boy at Northampton a statement was published in the Perth papers to the effect that mica was fetching 16s. a lb. in Great Britain. Many of the hills about Northampton were covered with mica, but it was mostly small and not marketable. It certainly was not found in large enough dimensions for use in connection with telegraphy.

The statement which appeared in the Perth Press led to a lot of talk and within a week or two an aborigine named Counsellor saw me. He had a capacious red handkerchief in which he had pieces of mica measuring six inches by four inches. He said I could have the mica. Counsellor was an honest, law-abiding and reliable aborigine, one of the best I have ever known. I took the mica to Capt. Mitchell who was a mining expert and at the time the greatest authority on minerals in the district. He examined the samples and was astounded, adding that he had never before seen mica of such size and quality. Many others saw the mica as well, including miners capable of forming an opinion. They held a view similar to that expressed by Capt. Mitchell. I made an appointment with Counsellor to meet me the next morning at sunrise in order that we might go on horseback to the place where he had found the mineral. The appointment was kept, and he led me over what was most difficult country in a manner that satisfied me he was going due east from Northampton. After passing through dense thickets and over rocky hills that considerably impeded our progress, we came to some jam country that would be splendid for agricultural purposes, but was certainly not a locality where one would expect mica to be found.

Counsellor dismounted and tied up his horse. He put his hand into a six-inch hole, but withdrew it instantly. He then broke off a branch from a jam tree and commenced probing the hole. When he withdrew it, he brought out a bob-tailed goanna which had grasped the stick in its jaws. I lost my temper at this exhibition, for the episode was certainly not on the programme. "What do you mean?" I roared at Counsellor, "Let

the unfortunate creature go! Where is this mica mine you said you would show me?" Counsellor at this stage trembled all over but he still retained the stick with the goanna. I again called him to let the unfortunate creature go. He did, and the goanna disappeared. I again repeated my request to him and he continued trembling, with his two hands pressed against his brow. "Answer my question," I repeated for the third or fourth time. Counsellor replied, "Master, me can't nowhere findem. I thinket some bally rogue stealem." To put it in plain English, "some blood-stained thief" had walked off with Counsellor's mica mine, with the mountain of treasure!

We returned to Northampton, I a very disappointed youth with all my hopes for financial fame dashed to the ground. I handed the bundle of mica back to Counsellor without saying a word. For years I have told the story to all and sundry in the hope of getting a solution of the problem that perplexed my brain. Among them was a geologist who had come from the East in order to make a mineral examination of the country around Northampton. This geologist had a very ready reply. He said, "The scoundrel stole the mica from another native." I told him that such an explanation would not apply, that Counsellor was not capable of such conduct. Finally I met an old shepherd, a very intelligent man who had had years of experience of natives on the Lower Murchison. He said that the place where Counsellor got the mica, or the mica itself, must have been sacred in black-fellows' eyes.

"I have known such cases," he said, "on the Lower Murchison. The place Counsellor took you to is sacred. I speak from experience. I know nothing about this particular district, but the spot must be sacred and anyone who abuses that sacredness will meet with a shower of spears. Counsellor took a risk in the first place, and then got frightened. He did not take you to the place where he found the mica." I was satisfied that that was the correct solution; but the bald, unshakable fact remains that Counsellor produced mica the like of which, for its excellence, no-one else in the Northampton district had ever submitted to the public gaze. Now Counsellor is long since gathered to his fathers. He had a small family of two or three boys, who are now over 30 years of age.

I have often wondered whether he communicated his secret to his sons, but I doubt it very much. I doubt whether he ever revealed his knowledge regarding the discovery he had made. The old shepherd had said that this was a sacred spot. I did not believe that, after getting in touch with other natives in the district on the subject. It was just the reverse of a sacred spot. It was controlled by the "Prince of Demons," by name Jingy, in whose existence early-day aborigines firmly believed. That was the extent of their religion. The time may come when some farmer between Northampton and Yana will uphold the honour and fidelity of Counsellor by dropping across the scene of his mysterious discovery. I commend my motion to the House.

HON. G. W. MILES (North): I second the motion, and am sure that it will be carried. Having heard Mr. Drew's interesting statement, I am of opinion that some bush native may have found mica in the district, and that Counsellor got the specimens from him. Possibly the place from which the mica was obtained was in the Yunatharra country in the Gascoyne.

THE CHIEF SECRETARY: I have no objection to the motion.

Motion put and passed.

BILL—WORKERS' HOMES ACT AMENDMENT.

Third Reading.

THE HONORARY MINISTER [4.58]:
I move—

That the Bill be now read a third time.

HON. H. TUCKEY (South-West): When replying to the second reading debate, the Honorary Minister said that my remarks on this measure were strange because of my attitude as a champion of State rights, and that I might have been inspired more with a desire to obstruct the intentions of the Government than to deal with the measure on its merits. I am a strong supporter of State rights, and that is why I suggest that the State Government might wait to see how far the Commonwealth authorities were going before committing Western Australia to this undertaking. No-one is inviting the Commonwealth Government to do anything in this matter. The fact is that

the Federal authorities have already made exhaustive investigations into it, and we might profit by waiting to see the result of those inquiries. I am not inspired by any desire to oppose the intentions of the Government, and did not come here for that purpose. I have never adopted that attitude.

I appreciate the treatment the Government has always meted out to me, but I am entitled to express my opinion in this Chamber and to seek such information as I require on matters of this kind. At present, it is not clear what is proposed to be done. I understand that the South Australian scheme is likely to be adopted. That provides for a cheap semi-detached class of house with only 9ft. walls, and these may be built on land with a frontage of less than 50ft. Already protests have been sent to the Road Board Association. As a representative of a country district, I contend that we do not want a scheme of that kind in this State. In Western Australia there is no need for us to build trashy houses or to erect them on small blocks. We have plenty of land available in this State for the erection of dwellings. The information I sought was such that I was entitled to obtain. If we pass this Bill, that will be all there is to it. The Government will be able to erect this kind of house anywhere, and that will be the end of the matter.

It is the responsibility of Parliament to check up on these schemes. That was the reason which actuated me in speaking as I did. I have no desire to hamper the Government in its activities; it has been my policy to do the opposite. I have always co-operated with the Government whenever I possibly could. The Honorary Minister said it was necessary we should have these houses ready against the time when our soldiers come back from the war. I point out that I cannot obtain a sheet of iron for use on my farm. How then can we construct these houses for our returned soldiers? It seems to me that undue haste has been shown in this matter, taking into consideration all the circumstances. That being so, I feel I was right in making the remarks I did. I am sorry the Honorary Minister should have taken them the wrong way. There is room for an amendment to the Bill, though I admit it is rather late at this stage to suggest such a course. I can-

not move to have this measure recommitted, but I have now made my views clear.

Question put and passed.

Bill read a third time, and *passed*.

BILLS (2)—THIRD READING.

1. Bulk Handling Act Amendment.

2. Albany Cemeteries.

Passed.

BILL—ELECTORAL (WAR TIME). *

Standing Orders Suspension.

On motion by the Chief Secretary, resolved:—

That so much of the Standing Orders be suspended as is necessary to enable the Bill to pass through its remaining stages at this sitting.

Report.

Report of Committee adopted.

BILL—COAL MINE WORKERS (PENSIONS).

Standing Orders Suspension.

THE CHIEF SECRETARY [5.8]: I move:—

That so much of the Standing Orders be suspended as is necessary to enable the Bill to be passed through its remaining stages at this sitting.

HON. J. CORNELL (South): I should like to know whether the Chief Secretary has consulted the Clerks?

The **PRESIDENT**: Yes.

Hon. J. CORNELL: If so, they will have given him an assurance that he can get the Bill re-printed, and that meanwhile it will be sufficient for him to be in possession of one copy of it, initialled by the Chairman of Committees. If the reprinted copies are not available when called upon, I presume there will be an adjournment of the next stage of the Bill.

Question put.

The **PRESIDENT**: There being an absolute majority of members present and there being no dissentient voice, I declare the question carried in the affirmative.

Question thus passed.

Report.

Report of Committee adopted.

BILL—MORTGAGEES' RIGHTS RESTRICTION ACT CONTINUANCE.

Second Reading.

THE CHIEF SECRETARY [5.10] in moving the second reading said: This Bill proposes to continue the operation of the Mortgagees' Rights Restriction Act for a further period of twelve months to the 31st December, 1944, the original Act having been in force since 1931. The provisions of the principal Act apply to mortgages and agreements for sale in existence at the date of its passing. Briefly, the Act provides that no mortgagee shall be entitled to enforce his security unless an order is obtained from the Supreme Court.

The Act sets out the principles to be taken into consideration by the court when dealing with any applications made. It must give its decision having regard to the nature of the security concerned, the conduct of the mortgagor, the financial circumstances of the parties, the economic and financial conditions prevailing generally, and other relevant circumstances affecting the application concerned. There is every justification for again introducing this continuance Bill. To discontinue the Act would cause hardship in certain directions, particularly in respect to the financial arrangements associated with properties. It is hoped, therefore, that Parliamentary approval will again be forthcoming for the continuance of this measure for a further period of twelve months. 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—TRAFFIC ACT AMENDMENT ACT, 1941, AMENDMENT.

Second Reading.

HON. G. B. WOOD (East) [5.13] in moving the second reading said: This is a small measure containing only one vital clause, which I hope will appeal to members. In 1941, because of the petrol restrictions, a concession was granted to owners of

vehicles that were driven by petrol of a reduction of 25 per cent. in their license fees. The idea was that a gas-producer vehicle would use the roads just as much as it did before the restrictions came into force. Now, owing to the tyre shortage, a man's mileage is based on his tyres and not on the question of whether he has a petrol driven or a producer gas-driven vehicle. I thought it only just that those who were using gas-producers should be brought into line with the owners of vehicles that use petrol and are participating in the benefit of the 25 per cent. reduction. This proposal was endorsed at the recent Road Board Conference. One of the particular reasons given there for supporting it was that the gas-producer vehicle travels much slower than does the motor vehicle and does less damage to the road. That is a good reason.

My purpose in advancing this proposal is that the users of those vehicles are restricted because of the tyre shortage, just as much as are vehicles driven by petrol. In this Bill I have left out reference to licensed carriers and to vehicles used for the carrying of passengers. I consider that a licensed carrier with a gas-producer, which is on a very good priority, would use the roads just as much as ever, while passenger-carrying vehicles, too, appear to be using the roads just as much as ever because they are given a high priority with respect to tyre supplies. In 1941, when the reduction was made, many thousands of owners had licensed their cars and trucks for 12 months. The benefit commenced on the 1st January, and road board secretaries found that they had to give refunds or make credits available to the owners who had licensed their cars for the full 12 months. In order to overcome that difficulty I have provided that the benefit, if this Bill is passed, shall commence on the 1st July, 1944—at the start of the new year.

Hon. L. Craig: Nine months hence!

Hon. G. B. WOOD: Yes.

Hon. L. Craig: The war will be over.

Hon. G. B. WOOD: I hope it will be. I have included that provision because a certain amount of inconvenience was caused on account of these credits. I commend the Bill to members and move—

That the Bill be now read a second time.

On motion by the Chief Secretary, debate adjourned.

BILL—MINE WORKERS' RELIEF ACT AMENDMENT.

Second Reading.

Debate resumed from the 30th September.

HON. J. CORNELL (South) [5.17]: As many of the long-standing members of this House will recognise, this is a subject which is not new to me. It is also one for which I can claim to have acted as midwife in Parliament. As a matter of fact, I was responsible for its birth.

Hon. L. Craig: Are you the mother or the father?

Hon. J. CORNELL: A midwife delivers the baby, and I delivered the goods. It is an important Bill because it seeks to overthrow the existing state of affairs and cuts across the recognised practice in connection with the miners that it will affect. In order to get a proper grasp of the situation it is necessary for me to review the present position. My interpretation of the existing law is, briefly, that any mineworker employed in, on or about a mine who is found by laboratory or medical examination to be suffering from pure tuberculosis or tuberculosis plus silicosis, is permanently excluded from further mining work. This Bill deals only with the pure tubercular man. Any excluded pure T.B. man, when he receives notice of his exclusion, can within 14 days of the receipt of the notice, appeal against the exclusion, provided that his appeal is supported by a medical certificate to the effect that he is not suffering from pure T.B. A board consisting of the P.M.O. and two medical officers—one is appointed by the Minister—reviews the case and if its decision is that the excluded miner is not suffering from T.B. he is free to return to mining work.

Hon. C. B. Williams: He would be a mug, would he not?

Hon. J. CORNELL: If he loses his appeal, he is precluded from returning to mining work. There appears to be no further machinery for an appeal for the pure T.B. man to undergo a further medical examination. Upon exclusion the pure T.B. man, or for that matter the silicotic plus T.B.—but in this case the pure T.B.—man is entitled to draw compensation on the same basis as the T.B. plus silicotic man, and the same amount. The silicotic T.B. man draws £750 workers' compensation. The T.B. man draws £750 workers' compensation from the Mine Workers' Relief

Fund to which he has been a contributor, and he can draw up to £3 10s. a week—in fact, both of them can—and he can draw more if the board considers it is a case of hardship. After the £750 is exhausted they can, in both cases, draw more.

Hon. C. B. Williams: How much?

Hon. J. CORNELL: That is a matter to be determined by the board.

Hon. C. B. Williams: It is not £3 10s.

Hon. J. CORNELL: No. I give way to Mr. Williams when it comes to the real administration of this Act; I am merely giving an outline of the case. That is the present position of an excluded miner. What does the Bill do? It deals entirely with pure T.B. miners. It overthrows the existing machinery with the object, I assume, of getting excluded pure T.B. mineworkers to undergo a course of treatment. The second subparagraph of Clause 2 introduces a further examination for the pure T.B. man. The object of that in my opinion, is to provide for a further medical examination in order to sort out those the medical authorities think may be curable cases, and jettisoning those they think are not. But it only applies to pure T.B. men. As I have already indicated, the basis of the proposal to bring pure T.B. men under the proposed new Section 49A is contained in paragraph (b) of Clause 2. It further provides that notwithstanding any provision to the contrary contained in the Mines Regulation Act, 1906-1938, and the regulations thereunder the excluded pure T.B. man shall be permitted to return to mining work, other than underground work, if, after medical treatment, he is found to be free from T.B.

A further proviso sets out that any such person shall submit himself to a medical examination at least every six months. If he were found to be suffering from T.B., I assume that he would be excluded again. If he had already been undergoing treatment, I do not know whether further attempts would be made to cure him, but as I have already pointed out the position today is that any excluded miner with silicotic T.B., or pure T.B., cannot return to mining work. The difference between the proposed and the present legislation is this, that if a miner is excluded because of pure T.B. and gets a certificate accordingly and appeals, and his appeal is supported by the advice of an eminent medical authority and is upheld, he can return to work in any part of a mine

at all, but now, when he is cured, or is said to be free from tuberculosis, he can only return to work on the surface. Members who know the mining industry and the findings of the various examinations since 1926 are aware of the fact that there have been, and still are, men excluded from mine work because of pure T.B., who had never worked underground in their lives. This part of the Bill proposes that if they are cured—I am not going to join with Dr. Hislop on that point—they can go back to the surface, from which they were taken. Is that reasonable? Under the South African law a miner, whether he be a pure T.B. or a silicotic plus T.B., who has been once excluded from mine work, can never return to the mine. If the diagnosis is found not to be wrong, the man cannot return to work on a mine.

Hon. E. M. Heenan: He could return to work on the surface.

Hon. J. CORNELL: He could not return at all. I have already pointed out that men who have never worked underground have become affected. I know one man who is suffering from pure tuberculosis and has never worked underground in a mine. Let us consider the proposed addition to Section 49 of the Act. It provides amongst other things that when a mineworker suffering from pure tuberculosis has been issued with a certificate that he is free from the complaint, the compensation he is receiving shall cease as soon thereafter as can be determined by the board; but should the mineworker engage in any kind of gainful occupation in the interim between the granting of the certificate and the determination by the board, if the gross amount of his weekly earnings is less than the weekly benefit he has been receiving from the board, the difference only shall be paid to him by the board. This means that where a mineworker has undergone the treatment and has been discharged as cured, if between the issue of the certificate and the determination by the board he has earned, say, 5s. less than the amount of compensation, the board will make up only that amount. That is my reading of the provision and the reading of Dr. Hislop, and it is incapable of any other interpretation. Such a provision offers no encouragement to a man to engage in gainful employment.

I understand that originally the intention was to make this treatment compulsory, but

the Bill stipulates that the Minister may request any T.B. miner eligible for benefits to submit himself for treatment. If the man accedes to the request, he shall receive treatment until granted a certificate that he is free from T.B. or is incurable. Provision is also made that the cost of such treatment shall be met by the board, but if any mineworker, once he has agreed to submit to treatment until cured or discharged as incurable, refuses or fails to continue the treatment, any expenses or charges already incurred may be recovered from the mine worker so offending. Let us analyse that. Suppose one man says he will undergo the treatment and another refuses to do so. The rights of the second man would remain as before; they would not be interfered with.

The Honorary Minister: But he would go to an early grave.

Hon. J. CORNELL: And the first man would probably go to his grave just as quickly. A man might with the best intentions agree to undergo the treatment, but if he continued for three months and came to the conclusion Dr. Hislop has reached, saying, "I have had enough of it and will take my chance, just as the other man is doing who refused to take the treatment," he could be sued for the cost of the treatment he voluntarily agreed to undergo. That cost could come from only one source, namely, from the rate of compensation being paid to the man. If it were a case of all in, something could be said for such a provision, but if a man voluntarily starts the course of treatment and, regardless of the medical opinion, becomes convinced that his chance is hopeless, there is only one course open to him. Admittedly he might hang on and follow the instructions of the doctor, though with very bad grace.

The Honorary Minister: Should not such a man consider the effect on the funds?

Hon. J. CORNELL: But I am speaking of the psychological effect on the individual. A man such as the one I have instanced could be sued for the debt. Years ago I was advised by Dr. Watkins-Pitchford, "Never bother about a pure T.B. or silicotic miner; give him all the attention you can; let him earn all the money he can, but do not tell him to do this and that because what he can do today he will say tomorrow he cannot do. That is characteristic of T.B. cases. They come and go, and no threat should be held over them."

Hon. T. Moore: How long ago was that?

Hon. J. CORNELL: That was years ago.

Hon. E. M. Heenan: The provision says that the cost may be recovered. Would the board sue a miner in the circumstances?

Hon. J. CORNELL: Then why is the provision included? Why should a man who voluntarily starts the course of treatment be held liable for the cost if he comes to the same conclusion as the man who refused to submit himself for treatment?

The Honorary Minister: It might cost the fund £120.

Hon. J. CORNELL: What is the position of a T.B. man who refuses to undergo treatment? We know that he can go to the Wooroloo Sanatorium and, if he has any means, he may be required to pay for the cost of his treatment, but if he is without means, he gets equally good treatment and is not charged anything. That is one of the features of the Bill to which I object. The aim of miners' phthisis legislation in any country has never been to exclude a pure T.B. worker for the purpose of curing him. The sole reason for excluding such a man has been on the ground that he is a menace to his fellow-workers, particularly to a man suffering from any degree of silicosis. The South African law even today does not provide for a weekly payment to cured T.B. men; it provides for the payment of a lump sum. When the lump sum has been paid, the excluded T.B. man is free to go where he likes and work where he likes, but he is not allowed to continue in the mining industry.

Personally, I cannot see why an attempt should not be made to induce miners suffering only from T.B. to undergo a course of treatment at Wooroloo, except for one definite reason. The Health Act, as the Minister knows, excludes persons suffering from T.B. from working in certain industries. But there is no medical examination to ascertain whether they are suffering from T.B., except in the case of miners, for the reason that the miners would be a menace to their fellow-workers, particularly those suffering from silicosis. They can be excluded from working in the mining industry. Why not apply this provision to the baker as well as to the miner? There is a fundamental difference between the two cases which I have cited. The miner who is excluded is in receipt of a weekly allowance from a fund to which he himself has contributed, but the

baker may be penniless. While the miner is undergoing a course of treatment he receives benefits and his family is maintained. That, however, is not so in the case of the excluded baker.

The Honorary Minister: It is a pity that that is so.

Hon. J. CORNELL: It is. The miner is excluded from working in the mining industry solely because he would be a menace to his fellow-workers. Would it not be just as logical and reasonable to offer to the baker the benefits which the miner receives?

The Honorary Minister: The Bill does not deal with bakers.

Hon. J. CORNELL: But we cannot escape the fact that the cases are identical, except that the baker would be unable to support his family while he was undergoing treatment. He could go to Woorloo, but who would support his family? The excluded miner's family would be supported.

The Honorary Minister: That is not the reason for this Bill.

Hon. J. CORNELL: It may be one of the motives.

The Honorary Minister: No.

Hon. J. CORNELL: Members will agree with me that the parallel is an apt one.

Hon. E. M. Heenan: A start has to be made somewhere.

Hon. J. CORNELL: But a start is being made with a man who has contributed to a fund from which he may receive certain benefits. No provision is made for the afflicted baker.

The Honorary Minister: Is it not a benefit to the man himself?

Hon. J. CORNELL: That is why the measure should apply to all workers.

The Honorary Minister: We will do that next time.

Hon. E. M. Heenan: Bakers could not be included in this Bill.

Hon. J. CORNELL: That puts the tin hat on it, to use a digger's phrase. The parent Act is proposed to be amended because there are funds available to support the miner while he is undergoing treatment. The baker is not in that position. I am a layman and my reasoning is that if men suffering from T.B. are curable, then do not, as it were, try this proposal on a dog; make it a general law and offer the same inducements to every section of the community which might be excluded from working in

an industry because of the menace to other workers. I shall not support the Bill. I presume members have read the tilt made by the Minister for Mines at what Dr. Hislop said in this Chamber on this measure. I want to say that his speech was listened to most attentively by me, without any political bias, to ascertain a medical man's view on the subject. I had not previously heard him make a better speech.

The Honorary Minister: It had nothing to do with the Bill.

Hon. J. CORNELL: It had everything to do with the Bill. The remarks of the Minister for Mines are in keeping with what he generally has to say about any person who dares to disagree with him on any subject. All that Dr. Hislop tried to do was to inform the House that, speaking as a medical man well versed in the treatment of T.B., the purpose which the Minister sought to achieve in the Bill—the freeing of excluded mine workers from pure T.B. condition—was problematical, if not chimerical.

The Honorary Minister: Other authorities hold different opinions.

Hon. J. CORNELL: In this regard, I am sure the House will agree that Dr. Hislop rendered it a great service. He went so far as to say that as the parent Act and this Bill stand, it would be idle to try to apply what the Minister has in view. He also said that, from the medical point of view, few if any results could be expected from this measure and that the use of the term "cure of T.B." is unknown to the medical profession. I have since obtained confirmation of that opinion from specialists in chest treatment.

The Honorary Minister: The disease can be arrested.

Hon. J. CORNELL: But that is not what the Bill says. It uses the word "cure."

The Honorary Minister: Who are your authorities?

Hon. J. CORNELL: I did not go to Dr. Henzell, any more than did the Minister. We are asked to give this measure a trial. It was a cheap jibe of the Minister to suggest that the question of whether or not the disease can be arrested or cured could be left to the medical profession to decide, provided the patient was not left to die while the argument was being settled. I have yet to learn that cheap jibes are useful in argument. I view the position in this way: If the Bill became law and a friend of mine

said, "Well, Jim, what do you think of it? Shall I go to Wooroloo? Shall I undergo this treatment?" I would answer, "That is for yourself to decide." From what I have heard from medical men, the measure will not work.

Hon. E. M. Heenan: Do nothing!

The Honorary Minister: Mr. Cornell does not know.

Hon. C. B. Williams: Why not pick out shop assistants?

Hon. J. CORNELL: I referred to bakers. I dealt with that phase of the question. I said, "It is like trying it on a dog," because the miner is in the position that his family will be maintained while he is undergoing treatment. The first thing we should make certain of is whether the treatment will be satisfactory. Will the disease be arrested? Dr. Hislop dealt exhaustively with the question and pointed out what was necessary to arrest the disease. The Minister for Mines said that this measure would give the afflicted miner a chance to obtain treatment. Dr. Hislop dealt effectively with that point. The Minister made another tilt at Dr. Hislop. He said—

Dr. Hislop raises the old cry of sectional relief which has become a fetish in the Legislative Council. I notice Sir Hal Colebatch uses the same argument in regard to the Coal Mine Workers (Pensions) Bill.

The Minister needs no reminder, nor does the public, that he is one of the chief standard-bearers of the political party that excels in sectional legislation; but when the Minister accuses this Chamber, and particularly Dr. Hislop, of favouring sectional legislation it is like Satan reproving sin. If there is one section of the community for whom I have a high regard and upon which at times I look with sorrowful eyes—because I have been connected with the goldmining industry for 45 years—it is the section of the mining industry afflicted with disease. A year ago I met half a dozen men in Boulder who were excluded from working in the industry. Three have since passed over the Great Divide and the remaining three have asked that an endeavour be made to secure for them a little more money. Both Houses of Parliament agreed to give afflicted miners a little more money.

The Honorary Minister: They have not got it yet.

Hon. J. CORNELL: No. It has been said that there are only about 20 men with pure T.B.

The Honorary Minister: Only 20 that would be invited to participate.

Hon. J. CORNELL: The other men are incurable.

The Honorary Minister: Not necessarily.

Hon. J. CORNELL: How were the 20 men selected? By laboratory examination? For at least a score of years, until 1922, nothing was done about these men. Although we had Nationalist Governments and Labour Governments, nothing was done to compensate them. In 1922, a law was passed to deal with pure T.B., and there was no mention of trying to cure the disease. Later, men suffering from T.B. plus silicosis were brought under the Workers' Compensation Act, but no attempt was made to cure them, and it is accepted all over the world today that they are incurable. Now it is proposed to endeavour to arrest the disease amongst a section of the men.

The Honorary Minister: Science has marched on.

Hon. J. CORNELL: One thing that will rebound to the lasting credit of this House is the attitude it has taken at all times in respect of legislation intended to compensate diseased miners. I hope that my goldmining colleagues will stick to me in this matter. This situation has gone on all these years and it is only since the advent of Dr. Henzell at Wooroloo that the Government has been bitten with the bug that it is possible to cure T.B. Dr. Hislop has said what Dr. Henzell and Dr. Muecke told him. I do not think the members of the medical profession lie to each other.

The Honorary Minister: There is another story about that.

Hon. J. CORNELL: I do not think the Minister will tell it.

The Honorary Minister: I might, if I had the authority.

Hon. J. CORNELL: Seeing that no attempt along these lines has been made hitherto, that it is a voluntary effort and that the one man in this House qualified to speak on the matter has condemned the proposal, is it too much to ask that the Bill be not proceeded with?

Hon. A. Thomson: So that further inquiries may be made.

Hon. J. CORNELL: Seeing that we have waited so long—

Hon. E. M. HEENAN: What a futile argument!

Hon. J. CORNELL: — seeing that it is not mandatory, that there is not a general attempt to deal with pure T.B., and that there is a condition that a man who voluntarily undertakes to undergo the treatment is threatened with being sued if he discontinues being treated—

Hon. A. Thomson: Could not that be cut out?

Hon. J. CORNELL: No; let us cut the Bill out! Seeing that the Bill has been condemned by the medical side—

The Honorary Minister: By whom?

Hon. J. CORNELL: By a man qualified to speak on the matter.

The Honorary Minister: Not by the medical profession.

Hon. J. CORNELL: The Honorary Minister would not ask Dr. Ainslie to give an opinion, would he? An opinion has been given by a man who practises the profession.

The Honorary Minister: He can make mistakes.

Hon. J. CORNELL: Of course! Undertakers make mistakes, and bury the wrong corpse.

The Honorary Minister: So do doctors.

Hon. J. CORNELL: Is it too much to ask that more light should be thrown on this subject, so that Mr. Williams and I could go to Boulder and say to the men that a thorough inquiry has been made from the medical point of view and that our advice to them is to undergo the treatment? As the position stands, I would say to any man, "Take your chance with the other chap. You can go to Wooroloo without undergoing this treatment." Do not let it be thought that I have any axe to grind.

The Honorary Minister: The attitude you are adopting is extraordinary.

Hon. J. CORNELL: I am adopting that attitude because I know the miners, and the Minister does not.

The Honorary Minister: I lived and worked with them.

Hon. J. CORNELL: The Honorary Minister might have made bread for them.

The Honorary Minister: I have worked in the mines.

Hon. J. CORNELL: That was a long while ago, then.

The Honorary Minister: That applies to you, too.

Hon. C. B. Williams: Are interjections allowed, Mr. President?

Hon. J. CORNELL: I hope the Minister will not proceed with the Bill, but if he does, I would like the House to reject it. Seeing that I come up for execution in May and that practically two-thirds of the people in my province are miners, it would probably suit me to temporise, but, in the interests of the miners concerned, I do not propose to do so.

HON. E. M. HEENAN (North-East): This Bill proposes to amend the Mine Workers' Relief Act in a direction that will have special application to men suffering from T.B. Men engaged in the goldmining industry undergo a laboratory examination periodically. Those examinations from time to time reveal that some of the men are suffering from silicosis, or T.B. complicated by silicosis, or T.B. itself. This measure proposes that when a mineworker is discovered by a laboratory examination to be suffering from T.B., he shall be entitled to certain benefits and, in the opinion of the Government, guided by its eminent medical advisers who have made a special study of this question, he can have held out to him the prospect of being cured. These miners will be men who reside on the goldfields and whose homes are there. They live in a locality where mining is practically the sole industry and it is proposed that if the happy time arrives when the doctors who will have charge of the scheme are able to certify that they are cured—and I use the word "cured" advisedly—they can go back and work in certain places on the mines.

Hon. C. B. Williams: Would not they be fools!

Hon. E. M. HEENAN: Of course, we can have our own opinions about that. But on the goldfields mining is the only industry where these men are likely to find employment, and the doctors evidently believe there are certain places on the mines where the men can safely work without running a grave risk of the complaint recurring. That is a brief outline of the measure as it appears to me.

Hon. C. B. Williams: You approve of taking a man with T.B. from the dry climate of the goldfields to the wet climate of Wooroloo?

Hon. E. M. HEENAN: I am not competent to answer that question. I understand there is a specialist at Wooroloo who has devoted the whole of his professional career to a study of this question, and there is another man at the Government hospital whose opinion is of the highest standing—

Hon. J. Cornell: The hon. member heard what Dr. Hislop said about that phase.

Hon. E. M. HEENAN: From my own limited knowledge, I know that the problem of T.B. has been receiving the attention of the most eminent doctors all over the world, and I feel that great strides have been made. I am hopeful that further advance will be made, and that this dreadful scourge will be capable of complete cure. For the life of me I cannot understand the attitude of Mr. Cornell. He has lived on the goldfields longer than I have, and I have the utmost respect for his opinion on all matters appertaining to the mining industry and the men engaged in it. He himself has worked in mines and has made a study all his life of the miners' conditions. His opinion is worth a great deal, and I am quite certain that in his attitude on this Bill he is sincere. But, after granting all that, I cannot see why he should oppose a measure like this, because the sole object of the Bill is to do something for these men. He asks why they are picked out, as if some imposition is to be placed on them!

Sitting suspended from 6.15 to 7.30 p.m.

Hon. E. M. HEENAN: Before proceeding further to deal with some objections raised by Mr. Cornell to the Bill, I would like to draw the attention of the House to portion of Clause 5, which reads—

A mineworker who has been prohibited from employment as a mineworker under Section 13 of this Act on the ground that he is suffering from tuberculosis without silicosis and who is eligible for the benefits prescribed by Section 49 of this Act, may be requested by the Minister, after he receives the prescribed notice of prohibition, to submit himself at such time and place as the Minister shall appoint, for the purpose of further medical examination and curative treatment; and such mineworker if he accedes to such request shall receive and continue to receive curative treatment. . . .

Then the provision sets out that expenses and charges incurred in connection with the medical examination and curative treatment shall be paid by the board out of the fund. It will be appreciated by members that the proposal is purely voluntary. The mine-

worker may be requested by the Minister to submit himself for examination and treatment. Mr. Williams interjected with regard to miners going to Wooroloo. My answer to that is that I am not competent to express an opinion as to the relative merits of Wooroloo and Kalgoorlie for the treatment of this dreadful complaint. In my opinion, members should refrain from expressing an opinion on that subject as being one for decision by eminent authorities—

Hon. J. Cornell: One eminent authority gave his opinion, and he got the stick.

Hon. E. M. HEENAN: —who will guide the destinies of the men who may submit themselves for examination. However, if I may express my personal opinion, I would prefer treatment at Kalgoorlie if I were one of the miners. My home and friends would be there, and miners who have lived a large proportion of their lives on the Goldfields form a very warm attachment to the district.

Hon. J. Cornell: Dr. Hislop says that the necessary treatment cannot be provided there.

The Honorary Minister: He is wrong in that statement.

The PRESIDENT: Order!

Hon. E. M. HEENAN: One remarkable feature about it is the affection that miners have for the Goldfields. Sometimes one may make a fortune and leave Kalgoorlie. He may build an expensive home elsewhere, but my experience is that such a man always has a longing to return to the Goldfields. There is something about the place that has a lasting effect on men who have spent many years there. I feel confident that the Minister and the doctors concerned will take that aspect into consideration. The Bill makes no mention of Wooroloo, and I understand that this treatment may be administered at Kalgoorlie.

Hon. C. B. Williams: Are you sure of that?

The Honorary Minister: It would all depend upon the progress of the disease.

Hon. C. B. Williams: Where has the Government spent money on establishing a farm colony—Kalgoorlie or Wooroloo?

Hon. E. M. HEENAN: Mr. Cornell used the argument that this legislation is sectional, and we must agree that it is.

Hon. J. Cornell: I did not use that argument.

Hon. E. M. HEENAN: I was under the impression that the hon. member did. For instance, he asked why this should not apply to bakers. One certainly would gather the impression that he regarded it as sectional. I suppose the reason is that a start has to be made, and the incidence of this disease is more noticeable among miners than among any other section of the community. I hope the day will come when children will be examined from time to time. In fact, I am of the opinion that every member of the community should undergo an x-ray examination periodically so that should a person be found to be suffering from this dreadful scourge the State could take it upon itself to offer proper treatment in the early stages. At present people contract the disease, and they go on and on, nothing being done for them.

The Bill will represent a start, and I cannot see why there should be any objection to the measure because it will simply apply to men working on the mines. Another objection raised by Mr. Cornell was that men after being cured would be allowed to go back to work in the mines where presumably they contracted the disease in the first instance. That such men should return to the mines is not compulsory. They may do so and work in restricted avenues in connection with which apparently the authorities believe there will be little, if any, chance of further infection. It is purely voluntary on the part of the men, and I take it the reason for that is that on the fields mining is practically the only form of industry in which such men can engage. I hope for a far better and more comprehensive scheme in the years to come, but in the meantime the Bill represents a start. No harm can be done and possibly a great step forward will have been taken. I support the Bill because I think it will afford a chance of cure for those to whom it will apply.

The class concerned will be comparatively young men whose lives are most valuable. Furthermore, during the period of treatment they will receive the same rate of compensation that they would otherwise be paid. The whole cost will be borne by the fund. Mr. Cornell made reference to the Minister who introduced the Bill in another place and said, "Mr. Panton has been bitten with the bug that you can cure tuberculosis." I do

not know what the hon. member had in his mind when he said that, but, in my opinion, he paid Mr. Panton one of the highest tributes that he could. I for one am very grateful to the Minister for Mines and his officers who have been bitten with the bug that they can cure tuberculosis.

Hon. J. Cornell: Dr. Hislop says it is the wrong bug.

Hon. E. M. HEENAN: I have the highest respect for Dr. Hislop's opinion, but we must remember that great strides have been made in medical science—and not all doctors are in agreement. I do not know that Dr. Hislop has specialised in this particular sphere, but the medical profession has studied this problem for centuries, and surely some progress has been made and further progress will still be made. I regard this legislation as reflecting the greatest credit upon those who sponsored it. Although the Bill represents a start and is not very comprehensive in its scope, I hope it will be passed and that the experience gained as a result will prove of benefit not only to the men engaged in the mining industry, but to men, women and children in all other spheres of employment.

HON. T. MOORE (Central): I hope the Bill will be passed so that men suffering from this disease will be able to take advantage of the treatment that will be available to them. Regarding what Mr. Cornell has said during the course of his devastating criticism, I should imagine he has pinned his faith to a great degree on the opinion of Dr. Hislop. I shall quote what Dr. Hislop said regarding Dr. Henzell during the Address-in-reply debate when possibly the Bill now under discussion was not even in prospect. Speaking of Dr. Henzell he said—

This man is doing a magnificent job and for the first time in Western Australia we really have tuberculosis treated as it should be with modern methods.

That statement was made only a short time ago, and to me it was very good news. That expression of opinion struck me forcibly because I have been interested in men who have been suffering for years from this disease, and it certainly gave me hope. It must also have given other men some hope when they realised that for the first time in the history of Western Australia, according to Dr. Hislop, who is our medical

authority in this House, modern methods have been applied to the treatment of tuberculosis. I am very pleased indeed to know that we have modern methods in use, and that the Health Department, so often criticised adversely, is now credited with using the right method. Surely, in view of what I have quoted from Dr. Hislop's remarks, it would be a good idea to have men treated in the early stages of T.B. if they wished to be treated. That is the point. There is no coercion at all. Mr. Cornell said that even after treatment a man might die just as quickly as a man who had never received treatment.

Hon. J. Cornell: I never said that. I used the word "die" only when quoting Mr. Panton.

Hon. T. MOORE: That after treatment a man might go to the grave just as quickly as the man who did not undergo treatment. We have it from Mr. Cornell's own lips that the man he spoke of has received the modern treatment. I want to keep the spirit of hope in the hearts of sufferers. If they are allowed just to drag along from day to day, the spirit of despair overcomes them. For that reason I am perfectly satisfied that I am doing the right thing by voting to allow this modern treatment to be given to men who care to avail themselves of the opportunity.

HON. E. H. H. HALL (Central): It has been stated in the course of the debate that Dr. Hislop, like other humans, is liable to err. I concur in that statement. We can be in no doubt as to what the hon. member said. He told me, and I believe he also told the House, that he had taken the trouble to ring up Dr. Henzell and also Dr. Muecke—if I am wrong I shall be corrected. Dr. Hislop said that both those medical gentlemen told him they had not been consulted as to the contents of the Bill.

Hon. V. Hamersley: The Minister said they had been consulted.

Hon. E. H. H. HALL: That is all I have to state as my reason for voting against the Bill. If the Government will not take the advice of the medical gentleman in charge of Wooroloo, I cannot support the measure. Dr. Henzell was praised by the Honorary Minister himself. And surely there must be something to justify Mr. Cornell, who has taken a close interest for so many years in these unfortunate afflicted miners, in vot-

ing against the measure. I shall await the Honorary Minister's reply, and if it satisfies me that the specialists' opinion has been acted on—

The Honorary Minister: I did not say that.

Hon. E. H. H. HALL: If I am satisfied that the specialists' opinion has been acted on, I shall be prepared to change my mind. But Dr. Hislop stated that he had communicated with Dr. Henzell, who had not been consulted regarding the Bill.

THE HONORARY MINISTER (in reply): I feel at a great disadvantage in replying to the debate on the Bill, because I would have liked Dr. Hislop to be present. When that gentleman was returned to this House, I thought that he would be a great acquisition, that probably he would take the place of Dr. Saw and occupy the same high place in the estimation of members.

Hon. J. Cornell: You do not agree with him unless he agrees with you!

The HONORARY MINISTER: Dr. Hislop has given the House none but destructive criticism. He can retrace his steps.

Hon. H. S. W. Parker: Why not deal with the Bill instead of with him?

The HONORARY MINISTER: What Dr. Hislop said here, if my memory is correct, was that Dr. Muecke and Dr. Henzell told him they had never seen the Bill.

Members: No; had not been consulted.

The HONORARY MINISTER: That makes my case much stronger. It is advisable, before dealing with the actual clauses of the Bill, to give members an outline of the basis upon which it was drafted. Under the parent Act—the Mine Workers' Relief Act—mineworkers are medically examined annually, and if found to be suffering from tuberculosis as defined in the Act, are prohibited from further employment. Following this prohibition, they receive compensation amounting to £750, and following the exhaustion of that benefit, they receive further compensation for the rest of their lives on a lesser scale as provided for in the Act. All such compensation comes from the Mine Workers' Relief Fund—a fund contributed to in equal proportions by the miners themselves, the employers and the Government. This fund is administered by a board comprising two representatives of the employees, two representatives of the employers and a Government chairman.

Having been provided with such compensation, the tuberculous man is left to his own resources. No treatment has been given to him, nor has any one worried about his medical future. Such is the picture of the position at present. For some time, the board and the department have been giving very careful consideration to the question of endeavouring to cure these unfortunate men, most of whom are young and are between the ages of 30 to 35 years. Very complete medical advice has been obtained from the doctors employed on their examinations, and from lung specialists such as Doctors Henzell and Muecke and from leading Commonwealth medical officers in the State. The unanimous opinion was that these infected mine workers could, and should, be medically treated. The representatives of the men on the board have been most anxious to see such treatment started, and the board members generally have been willing and anxious to provide the cost of treatment.

The Bill is, therefore, a simple little one to provide authority for such treatment. It is not a technical, medical Bill in any respect. It is purely to authorise such treatment and to provide for the cost of that treatment. In fact, Section 42, paragraph (c) of the principal Act already provides adequate authority for the provision of hospitals, sanatoria and other places for the treatment, care and comfort of mineworkers; and this power will be used if, and when, the need arises. For this reason, the Bill does not refer to such matters as colonisation and the other extraneous phases referred to by Dr. Hislop. Just further to clarify Dr. Hislop's mind, I would mention that in discussions with the medical fraternity, Drs. Henzell and Muecke requested that the question of erecting and conducting a hostel at Woeroloo for these miners and their dependants be deferred until after the scheme had been in operation for some time.

During the course of his speech, Dr. Hislop spent much time in dealing with the definition of tuberculosis, claiming that the Bill would break down on this definition. In actual fact, this does not affect the position one iota. The certificate of freedom will be issued by the Chief Quarantine Officer General, who is the medical head of the Commonwealth Department of Health—his medical officials conduct, on the State's behalf, the examination of miners—and he

issues all laboratory certificates. Such certificates will only be issued when his officers are fully satisfied that the mineworker is free from tuberculosis as defined in the parent Act. This official was consulted on this question prior to the drafting of the Bill, and he stated that he would be prepared to issue such a certificate to a treated mineworker whose active tubercular condition has been arrested, because the disease of tuberculosis mentioned in the certificate is tuberculosis as defined in the Act.

The old bogey of sectional treatment was again raised by Dr. Hislop. If it is not possible to provide treatment for the whole of the community, surely it is to the benefit and in the interests of everybody to treat a section of workers whose actual employment brings on this disease and who have contributed for years to ensure that everything will be done for them should they become afflicted. The subject matter of the Bill originated in a letter to Dr. Muecke dated the 9th July, 1940, from the Superintendent of the Mine Workers' Relief Fund, Mr. Hogg. This letter was sent by direction of the Minister for Health, Hon. A. H. Panton. Prior to that date extensive inquiries had been made from medical authorities concerning the possibility of effecting an improvement in the condition of miners afflicted with the various forms of miners' diseases.

The Mine Workers' Relief Act was passed in February, 1933, and under its provisions by the beginning of 1940 large reserves, approximately £170,000, had been accumulated. Between the proclamation of the Act and today substantial progress has been made in the treatment of tuberculosis, and the board was actuated by the desire to assist in every way possible in effecting an improvement in any man on the fund and was ready to pay the cost of such treatment. I got a terrible shock tonight as I expected Mr. Cornell to support the Bill. It was plainly seen, in his condemnation, that he had made up his mind on the basis of his experiences gained 20 years ago.

Hon. J. Cornell: No. Like the Honorary Minister, I move with the times.

The HONORARY MINISTER: It did not appear so tonight. Included in the letter to Drs. Henzell and Muecke, to which I referred earlier, was a questionnaire requesting replies covering the various forms of miners'

diseases and the approximate cost of treating a patient. It is interesting to note that Dr. Muecke computed, after consulting with Mr. Powell, manager of the Perth Hospital, that it would cost £114 10s. per patient which covered—

- 1, The acute general hospital unit;
- 2, convalescent hospital unit;
- 3, out-patient clinic.

As this Bill deals only with miners afflicted with pulmonary tuberculosis, I will quote an extract from Dr. Muecke's letter covering this particular type of patient—

The possibilities of treatment and the probabilities of "arrest" of disease of those miners of Class 1 have already been discussed. Let me refer once more to your questionnaire where you ask for information regarding the possibilities of cure "whilst the disease was in the early stage approximating to the stage of our mineworkers." My reply to this is that we may expect even better results than those already outlined. The majority of our failures are due to the fact that the patient has not sought medical advice soon enough, namely, the disease has progressed too far. With X-ray control such as you have of your mine workers, it should be possible to treat the disease early (and therefore with good results) and eventually to stamp out the disease, provided that this community is protected from immigrant sources of infection.

That is a definite opinion.

This letter was addressed to the Superintendent of the Mine Workers' Relief Fund. It was dated December, 1941. Dr. Muecke concluded his lengthy letter with the following paragraph:—

If Mr. Powell and I can be of any further assistance in this matter, we will be only too willing to help. Should you wish to discuss this report or other items in connection with the subject matter of this report, I shall be only too willing to meet you.

Hon. J. Cornell: You are not asserting that Dr. Muecke is an authority on T.B.

The HONORARY MINISTER: Yes; he has had a far better training in T.B. treatment than has Dr. Hislop. In any case, it is unwise to make these comparisons.

Hon. J. Cornell: The Honorary Minister condemns Dr. Hislop.

The HONORARY MINISTER: No, but I condemn his tactics in this Chamber. It is obvious by the file that the Superintendent of the Mine Workers' Relief Fund had had discussions with both Dr. Muecke and Dr. Henzell because on the 19th December, 1941, after studying the file for two months, which

covered all inquiries from eminent authorities, Dr. Henzell sent a reply expressing his opinion regarding the projected legislation. I will quote paragraph 2 on page 91 of the departmental file which I have with me:—

Firstly let me reiterate my whole-hearted support of the projected scheme for the treatment of tuberculous mine workers. I will be pleased to do all that I can. Facilities at the Woorloo Sanatorium are being improved and extended, and since I have been appointed to the honorary medical staff at the Perth Hospital, close liaison now exists between the hospital and the sanatorium for the treatment of tuberculosis. Cases requiring surgical treatment will in future receive it adequately.

It is quite clear, therefore, that Dr. Muecke and Dr. Henzell, both acknowledged experts, are strongly backing this legislation. Mr. E. H. H. Hall said that Dr. Hislop stated that Dr. Henzell and Dr. Muecke had not been consulted.

Hon. J. A. Dimmit: He said they had never seen the Bill.

The HONORARY MINISTER: I can quite imagine anyone not seeing a Bill. Sometimes Ministers do not see them. They provide the frame work of the legislation and it is sent to the Crown Law Department for drafting.

Hon. E. H. H. Hall: At any rate, they have been consulted about it.

The HONORARY MINISTER: Because of certain happenings in the mining industry, the Bill was not proceeded with last session. I have merely quoted these two extracts in order to let members know the very careful attention given to the matter by all parties concerned. In this file, there are also various letters from our own doctors, who have had many years of experience in dealing medically with mineworkers, and the results of various conferences between the officers of the department and the medical men. Details of similar treatment in America and South Africa have been obtained.

The House will therefore see that this is a matter which has received very careful consideration. In fact, since February, 1940, investigations have been proceeding continuously. It is not a measure that has been rushed through. It has been discussed with many of our leading lung specialists and all are in agreement with it. Finally, to cap the argument I would like to read a letter from Mr. W. A. Barnett, the sec-

retary of the Mine Workers' Relief Fund, under date the 8th September of this year—

The Under Secretary for Mines,

Mines Department,

Central Government Buildings,
Perth.

re Medical and Surgical Treatment of Miners suffering from Tuberculosis.

Dear Sir,

At a meeting of the Board held yesterday, I was directed to inform you that a copy of the Bill at present before Parliament dealing with an Act to amend the Mine Workers' Relief Act in respect to medical and surgical treatment to miners suffering from tuberculosis was brought under notice, and the Board desires to state that it approves of the provisions made in the Bill.

Hon. C. B. Williams: That was the compulsory clause.

The HONORARY MINISTER: Yes. If the hon. member wishes to re-insert that amendment—

Hon. C. B. Williams: No.

The HONORARY MINISTER: Mr. Cornell said that I knew nothing about miners. My early years in Australia were spent in Broken Hill. I worked for some time on the Broken Hill mine. In those days it was my ambition to be a miner. A close friend of mine there was the General Secretary of the A.W.U. in Broken Hill. He was a member of the mineworkers' team used by the Broken Hill Proprietary Ltd. to test all new grounds. The best miners were then selected for that job and the wages of the other men were based upon the capacity of those specialists. They belonged to the Amalgamated Miners' Association. I almost went on my knees to be allowed to go into the Broken Hill Proprietary mine to be taught the art of mining. This man, who was afterwards Senator John Barnes said to me, "You have a trade. Keep on working until you have enough to start out for yourself. You will do a lot better than we will, and you will be alive when we are all dead."

The history of Broken Hill is practically the same as that of Kalgoorlie and our other goldfields. With one exception, there is not a man I then knew who is alive today. They all died years ago. This Bill, therefore, is worthy of the backing of this House if it saves only one man. I am not going to say anything about what Dr. Hislop said, but the position is that there are 20 men from 30 to 35 years of age who will be able,

if they wish, to undertake this treatment. If they get T.B. on the mine they receive £750. If their disease is arrested or cured—and I prefer the term "cured" because I have seen T.B. cured—they are then allowed to return to the mines. We must take notice of what Mr. Heenan said tonight. Goldfields people have a love of the place and like to return there. If the doctors are proved to be wrong, these men will receive another £750; that is, two amounts of £750.

Hon. J. Cornell: That is new to me.

The HONORARY MINISTER: The Minister made that statement in another place.

Hon. J. Cornell: He makes many unreliable statements.

The HONORARY MINISTER: If the disease recurs they are entitled to another £750.

Hon. L. Craig: Having been passed as cured, if they become re-infected their illness is then treated as a new disease and they are compensated again to the extent of £750. Is that what you mean?

The HONORARY MINISTER: Yes.

Hon. C. B. Williams: A man prohibited from working in a mine never goes back to it.

The HONORARY MINISTER: Seemingly Mr. Williams has not read the Bill. This measure will enable an affected miner who has been cured to go back to work on a mine.

Hon. J. Cornell: Is that wise?

The HONORARY MINISTER: Yes; there would be work of various kinds that such a man could do.

Hon. C. F. Baxter: There has never been a permanent cure of a case of T.B.

The HONORARY MINISTER: Remarkable progress has been made in recent years in the treatment of T.B. The men who consent to undergo this treatment will lose nothing. The provision that men who having started the treatment and discontinued it, should pay the cost entailed is a fair one.

Several members interjected.

The PRESIDENT: I ask members to allow the Honorary Minister to continue his speech.

The HONORARY MINISTER: If a young man is afflicted with the disease, he will receive his compensation. Then he will be given this opportunity to undergo treatment on modern lines. It is a wonderful opportunity, especially for a young man, and it will cost him nothing. The 20 men

will be able to undergo this treatment or not as they wish. If I were one of them, I would avail myself of the opportunity gladly. If we, by making this provision, can save one life, the effort will have been worth while.

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

Ayes	..	..	..	19
Noes	..	..	..	6

Majority for 13

AYES.

Hon. C. F. Baxter	Hon. W. H. Kitson
Hon. C. R. Cornish	Hon. W. J. Mann
Hon. L. Craig	Hon. T. Moore
Hon. J. A. Dimmitt	Hon. H. V. Plesse
Hon. J. M. Drew	Hon. H. L. Roche
Hon. G. Fraser	Hon. A. Thomson
Hon. E. H. Gray	Hon. C. B. Williams
Hon. E. H. Hall	Hon. G. B. Wood
Hon. W. R. Hall	Hon. F. E. Gibson
Hon. E. M. Heenan	(Teller.)

NOES.

Hon. Sir Hal Colebatch	Hon. H. S. W. Parker
Hon. J. Cornell	Hon. F. R. Welsh
Hon. V. Hamersley	Hon. H. Tuckey
	(Teller.)

Question thus passed.

Bill read a second time.

In Committee.

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

BILL—ELECTORAL (WAR TIME).

Third Reading.

THE CHIEF SECRETARY [8.25]: I move—

That the Bill be now read a third time.

Question put.

The PRESIDENT: As it is necessary that the third reading be passed by an absolute majority, I shall divide the House.

Division taken with the following result:

Ayes	..	..	..	22
Noes	..	..	..	0

Majority for 22

AYES.

Hon. Sir Hal Colebatch	Hon. W. H. Kitson
Hon. C. R. Cornish	Hon. W. J. Mann
Hon. L. Craig	Hon. T. Moore
Hon. J. A. Dimmitt	Hon. H. S. W. Parker
Hon. J. M. Drew	Hon. H. V. Plesse
Hon. G. Fraser	Hon. H. L. Roche
Hon. F. E. Gibson	Hon. A. Thomson
Hon. E. H. Gray	Hon. F. R. Welsh
Hon. E. H. Hall	Hon. C. B. Williams
Hon. V. Hamersley	Hon. G. B. Wood
Hon. E. M. Heenan	Hon. W. R. Hall
	(Teller.)

The PRESIDENT: I have satisfied myself that there is an absolute majority of members present and voting in the affirmative. I declare the question passed by an absolute majority.

Question thus passed.

Bill read a third time and returned to the Assembly with amendments.

BILL—COAL MINE WORKERS

(PENSIONS).

Read a third time and returned to the Assembly with amendments.

RESOLUTION—MEAT, SUPPLIES AND RATIONING OF MUTTON.

Assembly's Message.

Message from the Assembly notifying that it had agreed to the Council's resolution subject to an amendment in which it desired the concurrence of the Council now considered.

The PRESIDENT: The Council's resolution is as follows:—

That in the opinion of this House, the rationing of mutton in Western Australia is unnecessary for the following reasons:—

- (a) There is a surplus of mutton in this State;
- (b) Owing to the deplorable mismanagement of manpower the treatment of mutton for export to the United Kingdom is impossible.
- (c) Rationing has lowered the price obtained by the producer.

This Parliament urges the Commonwealth Government to exempt Western Australia from the provisions of the regulations until satisfactory arrangements have been made to handle the surplus supply.

The amendment in which the Assembly desires the concurrence of the Council is as follows:—

Delete all words after the word "rationing" in line 2, and insert in lieu the words:—

"and restriction of mutton sales if warranted by the need to have added quantities available for the Services and for export should not take place in Western Australia unless and until—

- (a) there is an assurance that during the next three months all mutton sheep not needed for local trade and consumption be lifted from the markets and after slaughter stored to meet United Kingdom and Service needs;
- (b) an announcement be made as to the price to be paid for United Kingdom contract mutton, such price to provide a fair return to the producer;

(c) manpower releases be made to meet the labour needs at treatment works to handle all sheep and lambs offering.

This resolution to be transmitted by telegraph to the Commonwealth Government immediately."

HON. G. B. WOOD (East) [8.31]: I move—

That the amendment made by the Legislative Assembly be agreed to.

I hope members will agree to the resolution as amended by the Assembly. Notwithstanding that it may appear to be something quite different from the motion passed by this Chamber, it really achieves the same end. I desire to thank those members who supported me. I also thank the Minister for Agriculture for the interest which he displayed in the resolution, which seeks to draw the attention of the Commonwealth authorities to the undesirability of imposing meat rationing in Western Australia unless and until proper facilities are provided in this State. I draw the attention of those who criticised me in regard to paragraph (b) of my motion that paragraph (c) of the amendment does deal with the question of manpower.

Hon. T. Moore: But the words "deplorable mismanagement" are not now used. It is expressed in a better way.

Hon. G. B. WOOD: Mr. Moore is like the spoilt child who, because he could not get what he wanted, said, "I will not play." He opposed the motion. I expressed my willingness to agree to the striking out of the words "deplorable mismanagement" with a view to inserting the word "shortage." Unfortunately, that was not done. We had to make a start and no matter how the motion might have been worded it would have been watered down to some extent. The Minister for Agriculture wishes to submit the resolution by telegram to Canberra tomorrow, and that shows how urgent he thinks the matter is.

HON. T. MOORE (Central): I second the motion. This resolution, as amended, is practically the move that I made in this Chamber. I wished to strike out of the original motion two words, "deplorable mismanagement," as they did not seem to me to be desirable. Their retention might have provoked hostility.

Hon. A. Thomson: Mr. Wood said he was willing to allow those words to be struck out.

Hon. T. MOORE: Yes, I understand. Were I to present a case to a Minister I would not use language of that nature. That is where I felt Mr. Craig was wrong.

Members: Mr. Wood, not Mr. Craig.

Hon. T. MOORE: Yes. Another place has decided that Mr. Craig was wrong.

Members: Mr. Wood!

Hon. T. MOORE: I am a little confused. They are both unruly at times. It was a fine gesture on the part of Mr. Wood to bring the motion forward. I commend him for the action he took. It will certainly bring home to the Commonwealth authorities that the rationing of meat in this State is not desirable. I am hopeful that as a result of the resolution—

Hon. G. B. Wood: Not with your help!

Hon. T. MOORE: —something good will be achieved.

Question put and passed, and a message accordingly returned to the Assembly.

BILL—FREMANTLE MUNICIPAL TRAMWAYS AND ELECTRIC LIGHTING ACT AMEND- MENT.

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to the Council's amendments.

BILL—LEGISLATIVE COUNCIL (WAR TIME) ELECTORAL.

Second Reading.

THE CHIEF SECRETARY [8.35] in moving the second reading said: This Bill is complementary to the measure that has already been before the House.

Hon. C. F. Baxter: Complimentary?

The CHIEF SECRETARY: I do not see any reason for mirth. The word I have used is the correct one.

Hon. J. Cornell: It generally indicates something for nothing!

The CHIEF SECRETARY: The Bill makes provision for members of the various Forces to exercise the franchise for the Legislative Council. It makes provision for members of the Forces outside Australia but within the South-West Pacific zone, as well as for members of the Forces within Australia, discharged members of the Forces

in Australia who are unenrolled and members of the Civil Construction Corps. As the franchise for the Legislative Council is restricted it is necessary to present a different Bill, but members will find that the only differences between this measure and that dealing with the Assembly franchise are to be found in Clauses 4 and 22, together with some necessary alterations in the definition clause. The other clauses are machinery clauses similar to those in the Assembly franchise measure.

The Bill provides that all members of the Forces who are within Australia and the South-West Pacific zone shall have a vote for any Legislative Council election, irrespective of the age of the voter and notwithstanding the fact that in civilian life he did not possess the qualification of an elector for the Legislative Council. Sub-clause (3) of Clause 4 gives a vote to the wife of a member of the Forces, provided that the husband, as a householder, was enrolled or qualified for enrolment as a Legislative Council elector at the time he joined up and provided also that the wife remains in occupation of the dwelling house.

During the last war the Franchise Act of 1916 made provision for the soldier to retain his right to vote for the Legislative Council if he had a householder qualification. It also provided that if the wife of the soldier remained in occupation of the dwelling house she would have the vote in lieu of her husband. In this Bill the proposal goes further because it provides that both the husband and the wife shall have the right to vote. In other words, all members of the Defence Forces get a vote not because they are over 21 or because they hold the property qualification, but because they are members of those Forces.

Clause 22 deals with voting by members of the Civil Construction Corps. All members of that corps who were enrolled or qualified for enrolment at the time of commencing their employment with the Civil Construction Corps retain such enrolment or qualification and are able to vote as if they were members of the Forces. In effect, such a person affected retains his qualification as a householder even if he is no longer occupying a dwelling house. If a member of the Civil Construction Corps is married and his wife remains in occupation of the dwelling house, she is entitled to vote as the

householder in lieu of her husband. The Bill does not give a vote to a member of the Civil Construction Corps who was not entitled to one prior to his commencing work for the Allied Works Council. He has to be enrolled or qualified for enrolment at the time he joined up. If so, he is entitled to vote even if he lost such enrolment or qualification for enrolment.

It will be necessary to amend the machinery clauses of the measure in the same way in which those clauses were amended in the Bill dealing with the franchise for the Assembly. In view of the discussion on the previous Bill, I do not feel called upon to speak at length on this measure. The principle behind it is the same as that involved in the measure to give the franchise for the Assembly to members of the Forces. There is an essential difference between the two franchises. Persons 21 years of age or over are entitled or qualified to vote for the Legislative Assembly provided they are enrolled. In the case of the Legislative Council enrolment is not compulsory and it is not every person who is entitled to be enrolled. While I anticipate some members will desire to amend the Bill, I hope—

Hon. C. B. Williams: I think you are an optimist.

The CHIEF SECRETARY: I do not claim to be an optimist so far as this measure is concerned, but surely this Chamber will agree to extend the franchise for the Legislative Council to members of the Forces in the same way as it was prepared to extend the franchise for the Legislative Assembly to members of the Forces! I do not propose to spend any longer time on the Bill. I think members understand what it contains and I hope that on this occasion the Legislative Council will agree that the members of the Forces who are at present fighting for Australia should be entitled to record a vote for the next Legislative Council elections. I move—

That the Bill be now read a second time.

HON. C. F. BAXTER (East): The Chief Secretary seemed a little surprised that he had caused some hilarity by his use of the word "complementary." He was referring to the Bill, but naturally when a Bill of this nature appears we can take only one view, which is that it is anything but complimentary to the sponsors. In fact, it is a reflec-

tion on their good judgment and ability. Had they in mind the future government of this State? I do not think so. I believe that the only thing the Government has in mind is what it can gain by a Bill of this nature by way of votes at the next Council election. The Bill points directly to that. By interjection, Mr. Williams said that the Leader of the House was optimistic. It would serve the Government right if that were true; I hope it is not. I hope the House will agree to pass the second reading of this Bill. As a matter of fact, I think the Government would rejoice if this House rejected it.

I do not intend to go very deeply into the contents of the Bill. The Chief Secretary pointed out the only difference between this and the other Bill, but that difference is the whole Bill. It is the essence of the Bill and is the portion of it about which this House is very concerned. I object to the Minister's statement that the Bill is similar to the one relating to the Legislative Assembly elections. It is quite different. In regard to the Legislative Assembly the qualification is one vote for one person over 21 years of age, except for the amendment made last night extending the vote to members of the Forces who are under 21 years of age and who have served abroad. With regard to this House there is a property qualification. Goodness knows, that qualification is low enough to enable anybody to be enrolled! If we put this House on the same basis as the other place, what will be the position? There will not be the sound government of this country that is required. This is not the first attempt made by a Labour Government to destroy the efficacy of this House. Attempts have been made previously on several occasions. This is the thin edge of the wedge.

Hon. G. Fraser: It will make the system more democratic.

Hon. C. F. BAXTER: Mr. Fraser interjects that the Bill is intended to make the franchise more democratic. This is the most democratic House there is.

Do not talk to me about democracy! The word is nauseating to me. The great destroyer of democracy is the Labour Party to which the hon. member belongs. There is no democracy today. Bureaucracy rules; in fact, autocracy practically rules. Members have read the Bill and I have heard their expressions of opinion concerning it. I do

not propose to deal with the clauses, because that is useless. I consider it would be very advisable for us to pass the second reading because we have a number of people on the Legislative Council rolls and others who are entitled to be on the rolls who are taking an active part in protecting this country. Unless some provision is made for those outside Western Australia, by way of a Bill of this nature, those people will be disfranchised when the next election takes place. That would be wrong. We want to provide facilities for them, and that can be done by amending the Bill. There will be time. The Legislative Council election will not be hurried like the Legislative Assembly election and we will not have the same difficulties to face.

Hon. J. Cornell: There will be exactly the same position; we will have to amend the Constitution.

Hon. C. F. BAXTER: No! I have prepared amendments but could not put them on the notice paper. Those amendments will facilitate matters to give the voters of the Council at the next election more time than is afforded under the Bill passed last night. Under the amendments I have in mind the vote will be extended to electors who are already qualified by being on the roll and provision will be made for others to be enrolled. I am not prepared to say that young people of 18 should be enrolled just because they are associated with the Defence Department and are taking some part in the conduct of the war. That is not sound; indeed it is very unsound. Moreover, I have not yet met one who wanted to vote. These people do not want to be bothered. The amendments I propose will extend the vote to those that are away from the State. Those within the State will have an opportunity to vote.

I ask the Chief Secretary not to proceed with the Committee stage of the Bill tonight, in order that I may have time to place the amendments on the notice paper for members to study. Not much time is needed to discuss this Bill. It contains impossible conditions as applied to sound government. I do not think many members of this House will be inclined to pass the second reading, even with a view to amending the measure, but I would ask them to agree to the second reading in order that we might have an opportunity of providing facilities for voting for those who are entitled to be on the roll and who should be enabled to record their

votes on the same basis as if they were in the State.

HON. J. CORNELL (South): Only a superficial view will confirm what the Chief Secretary said to the effect that in only two instances does this Bill differ from that relating to the Legislative Assembly election. When we take into consideration the Constitution and make-up of each branch of the Legislature it will be found that the two proposals are fundamentally different. For argument's sake, one individual in this State can have ten votes for the Legislative Council, but not more than one for the Legislative Assembly. I do not know whether a certain man I have in mind is on the roll now, but he was on the roll not long ago for ten provinces!

Hon. E. M. Heenan: He must have been a popular man.

Hon. J. CORNELL: The hon. member knows him. Some of the electors who it is proposed should be given the vote may be qualified to vote in four or five provinces. Is it proposed to allow them to do so? If not, then we are taking away from service men the franchise enjoyed by men who are not serving with the Forces. I could quote other instances of men who are able to record votes in several provinces. What amuses me is the provision that the householder who was enrolled as a householder on enlistment or appointment shall remain on the roll or be entitled to vote and that his wife shall also be entitled to vote. Superficially that looks all right, but let us analyse it. John Brown can be a freeholder and live in a house with his wife. He enlists. He is enrolled as a freeholder, although he could be enrolled as a householder. If his wife continues to live in the house it is not proposed to give her a vote.

Bill Smith owns a house or is renting a house and is a ratepayer. On the rate book his rate valuation is shown as £17 and he can choose whether he becomes enrolled as a ratepayer or a householder. If he enrolls as a ratepayer and enlists and his wife continues to live in the house, she does not get a vote. So the absurdity of this position can be seen. I know and you, Sir, know that in the South Province—which is largely, almost exclusively, composed of impecunious farmers and workers—there are dozens of men enrolled. Some are in the Fighting Services in the same category as those I have spoken of. They could be enrolled as ratepayers or

leaseholders. It is not proposed to give their wives a vote. Under the franchise provisions during the last war, when a householder enlisted, his right was preserved. That was necessary. When the freeholder disposed of his property he went off the roll and when a ratepayer goes off the rate list he also goes off the roll. In the case of the householder in the Fighting Services his name is taken off the roll if his wife claims enrolment as the householder. Now it is proposed to enrol both. Mr. Baxter suggested that we should take the Bill into Committee and amend it so that only persons enrolled for the Legislative Council should vote. I do not know whether that would do. Going through a list of prisoners of war the other day I discovered the names of six electors from the South Province. Mr. Baxter also suggested there would be ample time, much more so than in the case of the Legislative Assembly. That is not necessarily so. Even if we amend the Bill so that it will apply only to members of the Fighting Forces and of the Civil Construction Corps who are enrolled as electors, that will not get over the time factor.

Hon. C. F. Baxter: It will give more time for the Electoral Department to make preparations.

Hon. J. CORNELL: The hon. member knows that the Chief Electoral Officer said that what was worrying him was that he did not think he would be able to get the ballot papers to men in remote parts, such as New Guinea, owing to the fact that a large proportion could not be printed until after the close of nominations. I asked him whether there was any provision regarding the Legislative Assembly election to extend the date for the return of the writ and he replied that there was. He also said, however, that there was no such provision with regard to the Legislative Council.

Hon. C. F. Baxter: There would not be anything like the same volume of printing to be done in connection with the Legislative Council.

Hon. J. CORNELL: Probably that is so. Then there is the time between the issue of the writ for the Council and its return. That is clearly set forth in the Constitution Act, not in the Electoral Act. It is provided that the writ shall be issued on or before the 10th April and that the elected member shall draw his salary and be con-

sidered a member of the Legislative Council as from the 21st May.

Hon. C. F. BAXTER: I was referring more to the question of printing.

Hon. J. CORNELL: On the other hand, the interval between nominations and polling for the Legislative Council is not fixed by the Constitution Act but by the Electoral Act, and as the Chief Electoral Officer pointed out in his evidence, that was a factor that would militate against the issuing of the ballot papers because the maximum period allowed under the Electoral Act is 30 days. As we find there will be only 14 days between the issue of the writ and the close of nominations, members will realise that in actual time, unless we amend the Constitution Act and make provision for extending the time for the return of the writ, there will be actually less time available for despatching the ballot papers to New Guinea.

While I agree that the Bill could be amended, it will not be an easy matter. In fact it will be difficult to amend it so that we shall provide more facilities and more time in order to make provision regarding the Legislative Council such as we provided for Legislative Assembly electors under the other Bill. I do not think that even in their wildest moments the sponsors of the Bill considered the measure would successfully run the gauntlet in this House. There is nothing like trying anything once.

The Chief Secretary: We are giving you the chance.

Hon. J. CORNELL: I am afraid the Council will shoot it sitting and will not give it a run. I shall support the second reading, but I counsel Mr. Baxter that he will find it very hard to amend the measure.

HON. H. S. W. PARKER (Metropolitan-Suburban): This Bill is the most extraordinary I have ever seen. The Government ask us to pass the measure to allow anyone of any age who is or has been, in a combat area or on active service anywhere, whether he is a discharged soldier or not and irrespective of the reason any such man may have been discharged, to vote for the Legislative Council election but only during the war period and for 12 months afterwards. A soldier could be the recipient of the Victoria Cross but as soon as hostilities cease he loses the franchise. What an extraordinary thing! Can any member

regard the Bill seriously in view of the extraordinary anomalies it contains?

Hon. G. FRASER: We could amend the Bill.

Hon. H. S. W. PARKER: If the Government is genuine why not alter the Constitution Act and give every man who has fought for his country the right to vote in connection with the Legislative Council. I do not propose to support the second reading of the Bill.

HON. G. FRASER (West): I support the second reading of the Bill. I can see nothing wrong with it apart from the point raised by Mr. Parker. I would be willing to support an amendment to make the Bill apply for all time and not merely for the duration of the war.

Hon. H. S. W. Parker: Tell me how that could be done.

Hon. G. FRASER: We could find some way of getting over the difficulty.

Hon. H. S. W. Parker: Look at the Title of the Bill.

Hon. G. FRASER: The Title could be amended; that has been done before.

Hon. G. B. Wood: I am afraid a new Bill altogether would be required.

Hon. G. FRASER: In order to exercise the franchise in connection with the Legislative Council, all that is necessary is for a person to own a sand patch worth £50 or to rent a house of a clear annual value of £17. In measuring up the respective qualifications for the franchise, I fail to see that the mere possession of a sand patch or the occupancy of a house under conditions such as I have indicated can be regarded as greater warrant for the exercise of that privilege than the fact that a man has fought for his country. Certainly the latter qualification appears to me to be the higher. I know members of this Chamber are always zealous in guarding their preserve and will no doubt adopt the same attitude when dealing with the Bill now under consideration. I believe that before long we shall have to amend the Constitution Act with regard to the franchise for this Chamber. For many years we have been lagging behind the rest of the world. One member interjected that this is the most democratic Chamber in Australia.

Hon. G. B. Wood: Who said that?

Hon. G. FRASER: Mr. Thomson.

Hon. G. B. Wood: What about the Legislative Council in New South Wales?

Hon. G. FRASER: That is just as democratic as this Chamber. At least all the members of Parliament have a vote in connection with that House. In Western Australia only about one-third of the people can exercise the franchise in connection with this Chamber.

Hon. G. B. Wood: Would you prefer to be elected by members of another place?

Hon. G. FRASER: I would prefer to be elected under a much more liberal franchise than attaches to this Chamber at present. From a national point of view it is justifiable that both the upper and lower House should be elected on the adult franchise. If it is good enough for the Commonwealth Parliament, it should be good enough for a State Parliament.

Hon. H. S. W. Parker: But in that instance all the votes have an equal value.

Hon. G. FRASER: We could make that apply in Western Australia too. The difference we have provided here was a gesture to the outlying portions of the State. I cannot regard the constitution of the Legislative Council as democratic, and I will agree with the hon. member to that extent. The hon. member will propose later to join forces in creating some impression of that kind. However, this is a move to liberalise the franchise for this Chamber, and at the very least it should be extended to any member of the Forces. That is a greater justification than the present qualifications for the franchise of the Legislative Council.

HON. W. J. MANN (South-West): I have endeavoured to understand the motive behind the Bill, and it appears to me—I may be wrong—that there is no real justification for it. Mr. Fraser put his finger exactly on the spot when he said that this was a move to liberalise the franchise for the Council. Hitherto we have been given to understand that the Bill was a move to reward those people who have gone away and are bearing arms.

Hon. G. Fraser: I mentioned both.

Hon. W. J. MANN: That was an afterthought. My impression is that the move to liberalise the franchise for this House is the real issue. I for one am not prepared to accept that position on a Bill of this description. I am quite prepared to support a measure that would give the op-

portunity to vote to those who are already enrolled or are eligible under existing conditions; but beyond that I am not prepared to go.

HON. E. M. HEENAN (North-East): The Bill does undoubtedly propose to extend the franchise in a way which will, I suppose, have the approval of members of this Chamber. In the former Bill the question of giving votes to soldiers of 18 years was settled, and I do not suppose that there is any hope of a different view being taken on this Bill. I believe, however, that all members will agree with me that a measure should be passed giving soldiers who were on the roll or were entitled to the franchise at the time of their enlistment, an opportunity to vote. I can see that it is going to be highly difficult to carry our wishes into effect. Again, the difficulties to which Mr. Cornell drew attention are fairly real difficulties, and there is this aspect of the matter: A number of men on the roll were householders when they enlisted, and probably many of them are now located in New Guinea, for instance. Certainly they should be entitled to vote, and I also consider that their wives, who are present householders, should be given a vote.

Hon. J. Cornell: What about a man who had a conditional purchase lease, and whose wife is still living on the holding?

Hon. E. M. HEENAN: She is a householder.

Hon. J. Cornell: No, she is not.

Hon. E. M. HEENAN: She is living in the house, and she is a householder. However, I want to point out that if the provision is extended to the soldier overseas, and if his wife is thereby deprived of the vote, we shall not achieve our purpose; for it will be very difficult indeed to get in touch with the soldiers, and the wives are here and are capable of voting. Therefore I think that if we do anything at all, we should grant the vote to the soldier who is overseas or outside Western Australia, and should also make provision that the wife who remains in the house and is the householder shall retain the vote. By our doing that, the franchise would be extended, because the wife, who is the present householder, gets the vote as householder, and the husband, who was a householder when he enlisted, gets a vote. So there are two votes for two householders. But if we extend the

franchise only to the soldier, we may thereby prevent the wife from having a vote as householder. That is the difficulty I see.

HON. G. B. WOOD (East): I am in agreement with Mr. Heenan regarding the wife left at home. I had considered that aspect long before there was any thought of this Bill. I felt that it would be impracticable, in many instances, for a soldier to vote; and I considered it would be advisable to extend that privilege to the wife at home. Very few wives get votes as householders. It is very difficult indeed to get a woman on the roll as a householder. I have gone along to an electoral officer often myself. On my mentioning the name of a woman, he has said, "Is there no man who is a householder? We only give the franchise to the man in charge of the house." That has happened often. At all events, I agree with Mr. Heenan that the wife who is left at home should have the vote. I am not inclined to go much further, except to extend the franchise to anyone who is eligible under the present Constitution to be placed on the roll. I support the second reading, with a view to the amendment of the measure in Committee.

HON. V. HAMERSLEY (East): I am not altogether in favour of the measure. What is the hurry about it? I understand that it is introduced in connection with voting for the Legislative Council; but there is no election for the Council, I understand, until next May. Surely the House will meet before next May. If not, I am inclined to move that the Bill be read a second time this day six months! I do not like to see the franchise for this Chamber whittled down. Endeavours have been made from time to time to have the franchise lowered. My view has always been that anyone who desires a vote for the Legislative Council can easily secure that right. The exercise of very little thrift will enable him to show his faith in the country while acquiring the qualification that will entitle him to be placed on the roll.

Now it is proposed to go very much further. People belonging to the Allied Works Council, for instance, who do not belong to the Military Forces, are to have a vote. They are not people who serve overseas. Of course, once they get this vote, it will be very hard to take it away from them. I am certainly against the present proposal. The Title of

the Bill mentions those who are serving their country in the Forces and others. The measure would lend itself to all sorts of abuse. I certainly do not feel that the Legislative Council should be prepared to go as far as the Legislative Assembly goes. We should jealously guard the position of the Legislative Council, and this is not the right time for us to make the proposed move.

HON. H. L. ROCHE (South-East): If there is any virtue in this Bill it is confined to such provision as permits the men in uniform serving the country and who were on the roll, to exercise a vote. Its virtue might extend to the provision that enables those qualified to vote under the franchise for this Chamber, if they were here, to exercise their rights. Knowing what the attitude of this House is likely to be on a measure that seeks to break down the franchise or alter it so radically as does this Bill, it is surprising that such a proposal should be made in the belief that it would be acceptable.

I do not think that the Government is without a considerable amount of political perspicacity. In bringing down a measure such as this it would know full well how members of this Chamber would view it, and it does seem to me that it was in anticipation of the Bill being rejected, or else so drastically amended as to bear little resemblance to its original form, that it was introduced. I find myself wondering why the Government should have gone to the trouble of bringing the measure down in its present form. Personally I feel disposed to vote against the second reading. I realise that some political capital can be made of that should anyone be desirous of doing so. There is an election to be held in the near future and possibly members associated with parties may, during the election, have their sins visited on their parties, or an attempt may be made to effect that result. Nevertheless I do not feel disposed to support the Bill in its present form. Should it pass the second reading, the House will be fully justified in amending it out of all recognition.

THE CHIEF SECRETARY (in reply): May I say straight away that if the Bill passes the second reading it is not my intention to take it into Committee this evening. That will give members who desire to move amendments an opportunity to place them on the notice paper. The Bill was in-

roduced into another place before this House had determined what it was going to do with the Assembly Bill. The provisions contained in both Bills, as introduced in another place, were as nearly identical as they could be made for giving members of the Forces an opportunity to vote at the forthcoming election. It is therefore useless for Mr. Roche to suggest that, in view of what took place here in regard to another Bill, it is surprising that this measure should be introduced in its present form.

When the Assembly Bill was introduced here it was urged that we should hold it up until this measure, which was introduced in another place at that time, was received. We now have the Bill and the Legislative Council has to determine just how far it is prepared to go in order to give the men in the Forces an opportunity to record their votes for the Council. Mr. Hamersley said that any man who desired to have a vote for the Legislative Council should show his faith in the country by thrift and, I take it, by purchasing a piece of land or some property which would give him the right to vote for the Council. I ask him, how does he compare that with the services being rendered to this country by the men who have gone oversea? Mr. Hamersley apparently places more value on the fact that a man possesses a few pounds and can purchase a small piece of property in order to show his faith in the country than upon the action of the man who is prepared to go oversea and take the attendant risks.

I can hardly expect this House to be prepared to agree to the Bill in its entirety, more particularly in view of the fact that it amended the Assembly Bill so as to restrict the franchise to men of 21 years of age, in some cases, and, in others, to men under 21 where they have actually gone oversea or beyond Australia. In those circumstances I would be an optimist to expect members to agree to anything more in this Bill. Members will have an opportunity to frame their amendments and so give the House an idea how far they are prepared to extend the franchise to the men who have shown their willingness to sacrifice everything they possess in the interests of the country. I hope the House will not only agree to the second reading, but that any amendment that may be moved will make provision for the men in the Forces to have an opportunity

to record their votes for the Legislative Council.

Question put.

The PRESIDENT: As this is a Bill that requires to be carried by an absolute majority it will be necessary for the House to divide.

Division taken with the following result:—

Ayes	..	..	..	..	23
Noes	..	..	..	..	3
Majority for					20

AYES.

Hon. C. F. Baxter	Hon. W. H. Kitson
Hon. Sir Hal Colebatch	Hon. W. J. Mann
Hon. J. Cornhill	Hon. G. W. Miles
Hon. C. R. Cornish	Hon. T. Moore
Hon. J. A. Dimmitt	Hon. H. V. Plesse
Hon. J. M. Drew	Hon. A. Thomson
Hon. G. Fraser	Hon. H. Tuckey
Hon. F. E. Gibson	Hon. F. R. Welsh
Hon. E. H. Gray	Hon. C. B. Williams
Hon. E. H. Hall	Hon. G. B. Wood
Hon. W. R. Hall	Hon. L. Craig
Hon. E. M. Heenan	(Teller.)

NOES.

Hon. V. Hamersley	Hon. H. L. Roche
Hon. H. S. W. Parker	(Teller.)

The PRESIDENT: I have assured myself that there is an absolute majority of the members present and in favour of the Bill. I declare the question passed in the affirmative.

Question thus passed.

Bill read a second time.

BILL—MOTOR VEHICLE (THIRD PARTY INSURANCE).

Second Reading.

THE HONORARY MINISTER [9.43] in moving the second reading said: The subject of this Bill is familiar to all members. The measure provides for compulsory insurance by owners of motor vehicles against liability in respect of deaths or bodily injuries caused by the use of motor vehicles. It is the twin brother of the Bill introduced last night; the two depend upon each other. Legislation for compulsory third party insurance has been submitted to Parliament on a number of occasions, but unfortunately has failed to receive the required approval. Instead of submitting the Bill in the form of an amendment to the Traffic Act, as has been done on previous occasions, it has been decided on this occasion to submit it as a separate measure. It is substantially the same Bill as that submitted in 1939, and includes certain amendments as suggested by members of this Chamber.

The necessity for this legislation arises from the fact that in numerous cases of injuries to third persons caused by the negligence of drivers of motor vehicles, the injured persons and their dependants have been unable to recover any hospital or medical expenses or compensation for injuries received, owing to the fact that the owners of the vehicles concerned were unable to pay and were not insured. During the past few years many requests have been made for legislation to deal suitably with the position. The Royal Automobile Club, hospital authorities, the Commissioner of Police, the local government associations, and individual members of the public have stressed the necessity for some legislative provision to be made to cover liabilities arising out of injuries received through the use of motor vehicles. New South Wales, Victoria, South Australia, Queensland and Tasmania have all provided the necessary legislation. Western Australia is therefore the only State without it. Consequently, it is hoped that the Bill now submitted will meet with the approval of Parliament and so bring this State into line with all other States in respect of compulsory third party insurance.

Briefly, the Bill provides that before a motor vehicle licence can be issued, a policy of insurance must be taken out by the owner, which will cover the legal liability of any person driving the vehicle, whether lawfully or unlawfully, in the event of death or bodily injury occurring to any third person. Damage to property is not covered by the provisions in the Bill. The measure has been based on existing legislation in South Australia, New South Wales, and Victoria. All of the principles, therefore, are included in similar legislation in the other States. Thus we are endeavouring to ensure reasonable uniformity as between the States.

During recent years hospital authorities have often directed attention to the losses incurred by them in treating motor injury cases owing to neither the injured persons nor the motor vehicle owners being in a position to pay the hospital expenses. To cover this situation it has been provided in the Bill that where—

(a) any payment is made (whether or not with an admission of liability) by an insurer under or in consequence of a contract of insurance in respect of the death of or bodily injury to any person caused by or arising out of the use of a motor vehicle; and

(b) the person who has so died or been injured received treatment at a hospital, wheth-

er as an inpatient or as an outpatient, in respect of bodily injury (fatal or otherwise) so caused or arising; and

(c) notice in writing of a claim under this section is given by that hospital to the insurer within one month after the occurrence out of which death or bodily injury arose,

there shall be paid by the insurer to the hospital the amount owing to the hospital in respect of treatment afforded to the person who has so died or been injured. The number of motor vehicles licensed in Western Australia as at the 30th June, 1943, totalled 54,600. It is estimated that probably only 50 per cent. of these vehicles are covered at the present time for third party risk.

Dealing with the important matter of premiums to be charged to motor owners, provision is made for the appointment of a premiums committee comprising the Auditor General as chairman, the manager of the State Insurance Office, two persons representing owners of motor vehicles, one of whom shall be resident outside the metropolitan area as constituted under and for the purposes of the Traffic Act, and two persons representing approved insurers, other than the State Government Insurance Office. In the event of the Bill being passed, it is intended to call upon this committee to investigate and report as to what premiums are reasonable and fair for the various classes of vehicles and provided a satisfactory schedule is agreed to, the Bill will then be proclaimed, but not otherwise. It is considered that this committee could make the necessary investigations in order that the provisions of the measure may be brought into operation by the 1st July, 1944.

Premiums charged on private cars in the other States and New Zealand to cover the liability imposed by the compulsory third party legislation are—

Victoria	Metropolitan	25/-	
	Country	14/-	
South Australia	Metropolitan	25/-	(reduced from 27/6 on the 1st Aug., 1941)
	Country	12/-	(reduced from 17/6 on the 1st Aug., 1941)
New South Wales	Sydney	28/-	
	Newcastle	23/6	
	Elsewhere	14/8	
Queensland		22/6	
Tasmania		25/-	
New Zealand		16/-	(recently reduced from 26/-)

There is a provision in the Bill setting out that the insurance will "follow the car"

whether driven by the owner or any other person. We propose that the State Insurance Office be given authority to undertake this class of motor vehicle insurance. That is provided for in the definition of "approved insurer," which states that the term includes the State Government Insurance Office under the State Government Insurance Office Act, 1938. A Bill to authorise that office to undertake all classes of motor vehicle insurance has already been explained to members. In New Zealand and all the other States in which Government insurance offices are operating, they are given authority to undertake this class of business, and in Tasmania, Queensland, New South Wales and Victoria, the State Government offices are empowered to undertake all classes of motor vehicle insurance.

In considering this phase of the Bill it should be remembered that a very substantial financial advantage will be conferred on the insurance companies by the introduction of compulsory insurance, and that in all forms of compulsory social charges it is essential that the service be rendered to the community as economically and efficiently as possible, and that all practicable safeguards be provided. While the Bill provides for compulsory insurance by the owners, it does not compel insurers to undertake the business, and it is therefore deemed necessary to authorise the State office to undertake motor insurance, notwithstanding that provision is made for a premiums committee. With no State office operating, the premiums revision committee would be restricted in its investigations to the statements of cost submitted by the private companies, and this to some extent would leave the way open for the companies to conduct the business on an unnecessarily expensive basis, if they so desired.

The Bill provides for the limit of compulsory cover for fare-paying passenger risk to be £2,000 for any one passenger and £20,000 for any one accident. For accidents caused by other than fare-charging vehicles, the compulsory cover is unlimited as to legal liability in relation to personal injury or death. The coverage so provided for is the same as that set out in legislation in South Australia, Victoria, New South Wales and New Zealand. There are other provisions in the Bill which I suggest can be adequately dealt with in Committee. No doubt members will desire further information. If so, I

shall be only too pleased to supply whatever details are available to me. I trust, however, that Parliament will approve of the Bill and thus give to the people of this State legislation which will enable the necessary protection to be given in respect to third party risk. I move—

That the Bill be now read a second time.

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

BILL—COMPANIES.

In Committee.

Resumed from the 30th September. Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

The CHAIRMAN: Progress was reported after Clause 146 had been agreed to.

Clauses 147 to 150—agreed to.

Clause 151—Remuneration of directors:

Hon. H. S. W. PARKER: I move an amendment—

That in lines 2 to 5 of Subclause (1) the words "to be paid for their services in whatsoever capacity and under whatsoever designation they may serve and be entitled to such remuneration and emoluments" be struck out with a view to inserting the words, "subject to the memorandum and articles."

I have a series of amendments with one object. In proprietary companies one individual might obtain control and use his power. My amendments would give a minority of the shareholders an opportunity to object to excessive remuneration being paid.

The CHIEF SECRETARY: I hope the amendment will not be agreed to. The object of the clause is to give shareholders at all times the right to fix the remuneration of the directors. If the amendment is agreed to, then the remuneration of the directors may be fixed in the memorandum and past experience has been shown on many occasions that that method of fixing the remuneration can be exceedingly prejudicial to the interests of the shareholders. Further, if the amendment succeeds, then Clause 152 can be evaded and rendered absolutely nugatory simply by the process of having the directors' remuneration fixed in the memorandum.

Hon. L. CRAIG: I oppose the amendment. We must always realise that the directors of a company are the servants of the shareholders and consequently should always be subject to the will of the shareholders. I object to the remuneration of the

directors being fixed in the memorandum, because not one in 50 shareholders ever sees it.

Hon. H. S. W. PARKER: If the amendment is passed, the subclause will read "the remuneration and the emoluments of directors shall from time to time be determined by the companies in general meeting."

The CHIEF SECRETARY: I draw the attention of the Committee to the fact that Mr. Parker has two further amendments on the notice paper.

Hon. H. S. W. Parker: I am not moving them.

The CHIEF SECRETARY: Then why alter the clause at all?

Hon. H. S. W. Parker: In order to make it simpler.

Amendment put and negatived.

Clause put and passed.

Clause 152 — Shareholders may appeal against rate or amount of remuneration fixed for a director:

Hon. H. S. W. PARKER: There appears to be a printer's error in the third line of Subclause (1). The word "ordinary" is mentioned, although it does not appear elsewhere in the Bill. If the Minister thinks the word ought to remain, I shall not worry. I move an amendment—

That in line 7 of Subclause (1) the word "one" be struck out with a view to inserting the word "three."

The CHIEF SECRETARY: I think perhaps there is something in the amendment, but I point out that we have small as well as large companies. Some companies have only five members and to suggest an alteration to "three" is going too far. On the other hand, we know by experience that on numerous occasions an individual shareholder can cause a company much trouble and expense for no justifiable reason. The clause as it now stands was altered by another place by reducing this number from three to one. If the amendment is carried it will be necessary to provide that the shareholders should be possessed of a lower percentage of the capital of the company.

Hon. G. W. MILES: I agree with what the Chief Secretary says about small companies. I see no objection to leaving the provision as it stands. For instance, people may hold one or two shares in Foy & Gibson or Boans Ltd. and they could cause the company trouble and expense. Provision should therefore be made that they should

hold a substantial number of shares in the company.

Hon. C. F. BAXTER: It must be remembered that the remuneration of the directors has been fixed at a general or a special meeting. Mr. Miles favours the clause as it stands. It would be easy for one disgruntled shareholder to cause a great deal of trouble, but it would not be easy to find two who would do so. I know of a company with 20 shareholders, and 18 hold a very small parcel each. Yet any one of those men, after the directors' fees were fixed, could upset the provision by lodging an appeal. A company is placed in a position of danger where there is a disgruntled person. A person might buy into a company on purpose to cause trouble. If we made the provision two shareholders and 10 per cent., the company would be in a reasonable position.

Hon. G. FRASER: We need to deal with small companies and large companies separately. I would be agreeable to "one" in regard to a small company but not with regard to a large company. On the other hand, to ask for anyone to have 10 per cent. in a large company is asking a good deal. I think that two shareholders and about 5 per cent. would be a satisfactory compromise.

Hon. J. A. DIMMITT: I agree that shareholders should be protected, but we are inclined to overlook the fact that if the complaint of a dissatisfied shareholder has any merit, he is sure to get support from at least one other shareholder, even if it is only a company of five. I support the suggestion that two shareholders and 10 per cent. should be inserted.

The CHIEF SECRETARY: It has been suggested to me that if members are looking for a compromise, something like this might serve the purpose—

Any one shareholder who holds shares representing at least 10 per cent. of the paid up capital of the company or any two or more shareholders whose shares, taken together, represent at least 10 per cent. of the paid up capital of the company shall have the right to appeal.

That is making provision for 10 per cent. of the paid up capital to be the deciding factor as to whether one or more than one should have the right to approach the court. It would be hard to frame an amendment that would meet every conceivable position that might arise. If 10 per cent. is too high,

I am open to other suggestions. Of course, I stand by the Bill, but I want to agree to anything reasonable.

Hon. L. CRAIG: A lot of time was devoted to this point by the Select Committee and a compromise was arrived at. Originally, five was the number suggested, but a compromise was reached at three, and that was the committee's recommendation, which was subsequently altered by the Assembly. I think that in regard to a public company of any size, three should be inserted without any percentage of shares. I would separate small companies from large and I would provide that in the case of a company consisting of not more than 10 shareholders, one should have the right to approach the court. He would have to convince the judge that he had a good case. In a company of more than 10, I think three shareholders would be reasonable.

Hon. H. S. W. PARKER: I suggest that the provision should read—

Three or more shareholders or two shareholders holding 10 per cent. of the paid-up capital of the company.

I do not like the idea of one shareholder being in a position to do this, even in a small company. There might be two rival companies and by some means a shareholder in one might gain the ear of a shareholder in the other and induce him to do a lot of harm.

Hon. J. A. DIMMITT: I think Mr. Parker's suggestion is an effective compromise.

Hon. G. W. MILES: I prefer the proposal suggested by the Chief Secretary.

Amendment (to strike out word) put and passed.

Hon. H. S. W. PARKER: I move an amendment—

That the word proposed to be inserted be inserted.

It will be necessary later on to provide that the two shareholders must own at least 10 per cent. of the paid-up capital of the company.

Hon. G. FRASER: I do not favour the inclusion of the word "three" because of the difficulty that may arise with regard to small companies.

Hon. G. W. Miles: This was recommended by the Select Committee of which you were a member.

Hon. G. FRASER: That is so, but since then our attention has been drawn to the position of companies that may have only

five shareholders. I want to be fair to all concerned.

Hon. G. W. MILES: Mr. Craig raised the point regarding a company in connection with which two shareholders held over 50 per cent. of the shares. There are not many companies like that. In that instance shareholders with over 40 per cent. of the shares might be disgruntled and go to court and the two shareholders could not prevent them. I think the proposal indicated by the Chief Secretary was the better.

The CHIEF SECRETARY: I would like to know what is really intended regarding the amending of Subclause (1).

The CHAIRMAN: There is an alternative. To amend the clause as has been suggested might be difficult tonight. The alternative is to put something back in the clause and then pass it as amended with a view to recommitting it for further consideration later on.

Hon. L. CRAIG: At present the word "one" has been struck out and Mr. Parker has moved to insert the word "three" in lieu. I suggest we reach a decision on that and then we can go on with the 10 per cent. provision.

Amendment to insert "three" put and passed.

Hon. H. S. W. PARKER: I move an amendment—

That in line 7 of Subclause (1) after the word "shareholders" the words "or two or more shareholders holding at least 10 per centum of the paid up capital" be inserted.

Amendment to insert "three" put and passed.

Hon. H. S. W. PARKER: I move an amendment—

That Subclause (2) be struck out, and a new subclause inserted as follows:—" (2) On the hearing of the appeal the Court may take into consideration any benefits derived from the company by the director either as salary, wages, commission or otherwise for any services rendered by the director either as director or otherwise."

The CHIEF SECRETARY: I oppose the amendment. As Clause 152 now stands, objection could be taken to the salary as apart from any other emoluments. The amendment would certainly alter that provision. The clause should be left as it stands.

Hon. H. S. W. Parker: I think the Minister has overlooked the words "any benefits" appearing in my amendment.

The CHIEF SECRETARY: The definition of "remuneration" in Subclause (2) of

Clause 152, enters into this, defining, as it does, the word "remuneration." The carrying of the amendment would mean that there would be no definition of "remuneration."

Hon. H. S. W. Parker: You need not have one.

Hon. L. CRAIG: Directors' fees, except the managing director's remuneration, are as a rule fixed uniformly. However, there may be a director, having specific qualifications, who is asked to undertake special work—say, go to England or America—and it is desirable that he should be entitled to receive additional remuneration for such work.

The Chief Secretary: What Mr. Parker desires to insert appears, in other words, in Subclause (4).

Hon. H. S. W. PARKER: I propose to move to delete Subclause (4). If shareholders think that directors are being voted too much remuneration and then appeal to the court, the court takes into account any benefit received by a director, and then fixes an amount.

Hon. E. M. HEENAN: I see nothing wrong with the subclause as it stands. Remuneration would include all the considerations that are set out.

The CHIEF SECRETARY: Subclauses (2), (3), and (4) are all affected by whatever we do to the first subclause. If we delete Subclause (4), we simply say to the court that it shall hear the case in a particular way and shall be bound by the strict legal rules of evidence.

Hon. H. S. W. Parker: Undoubtedly.

The CHIEF SECRETARY: Whereas Subclause (4) gives the court wider power, enabling it to depart from the ordinary rules of evidence. I fear that the carrying of the amendment would have a serious effect.

Amendment put and negatived.

Hon. H. S. W. PARKER: Subclause (3) directs that appeals shall be made within the time and manner prescribed by the rules of court. We have no rules of court dealing with the time in which an appeal may be brought. So rules will have to be made by the judges before the provision can become effective. The subclause proposes to make the procedure "catch-as-catch-can." I move an amendment—

That Subclause (3) be struck out and a new subclause inserted as follows:—“(3) Appeals

shall be brought by way of originating summons in accordance with the Rules of the Supreme Court and such summons shall be issued within one calendar month from the passing of the resolution.”

In place of what appears in the subclause I suggest that any such appeal be taken by way of originating summons, which is the cheapest and simplest way of bringing such a matter before the court. Incidentally there is an appeal to the court against whatever decision the judge gives on that summons.

The CHIEF SECRETARY: The words objected to are taken from the Industrial Arbitration Act. There cannot be much wrong with them. They give the judges the freedom they would not otherwise have. We would be unwise to tie the judges down to a particular procedure. The making of rules is something that is done almost every day and presents no difficulty.

Hon. H. S. W. Parker: There is no difficulty.

The CHIEF SECRETARY: Under this clause it will be left to the judges to make their own rules. We should give the judges the widest possible discretion in matters of this kind.

Hon. H. S. W. Parker: The rules have no effect.

The CHIEF SECRETARY: They must have some effect if the judges make them and carry them out.

Hon. H. S. W. PARKER: The difference between the Industrial Arbitration Court and the Supreme Court is this: Obviously we could not carry on an industrial court by sticking to the strict rules of evidence. That court visits the various factories and informs itself. Although it is called a court it is not one in the ordinary acceptance of the term.

The CHIEF SECRETARY: That is one reason why this clause should be left as it is. How otherwise are the judges to draw a comparison? They must have the right to inform themselves in the way they think best.

Hon. L. CRAIG: My interest in the Companies Bill is to lift the status of companies in the minds of the public so that they will be regarded as the best means of investment. A company with nothing to fear need not be afraid of anything provided here.

Amendment put and negatived.

Clause, as previously amended, put and passed.

Clause 153—Statement as to remuneration of directors to be furnished to shareholders:

Hon. H. S. W. PARKER: It is not necessary to move the amendment standing in my name on the notice paper.

Hon. G. W. Miles: Mr. Parker's amendment is necessary to conform to that already made to Clause 152.

The Chief Secretary: It is an entirely different subject.

Clause put and passed.

Clauses 154 to 163—agreed to.

Clause 164—Calls and forfeiture for non-payment:

Hon. H. S. W. PARKER: The provision contained in Subclause (3) is wrong, because many people, especially in a vast State like Western Australia, may own shares and not get their notices. I move an amendment—

That in line 3 of Subclause (3) the word "shall" be struck out and the word "may" inserted in lieu.

We should allow the directors some discretion.

The CHIEF SECRETARY: I am inclined to think the word shall remain. If the clause is not amended, every shareholder will know where he stands in this matter and will know that his shares will be forfeited and that the question of their forfeiture will not be subject to the whim or discretion of the directors. I am advised that this clause appears in the present Companies Act and in the South Australian Act. If there is any virtue in giving directors discretion in this matter it may be all right, but I doubt it.

Hon. H. S. W. PARKER: It is an absolute contradiction of the provision in the specimen memorandum and articles of association which provides that the directors may forfeit the shares. That is the law at present in Western Australia. It is "may" and not "shall."

The Chief Secretary. What clause are you quoting?

Hon. H. S. W. PARKER: I am quoting paragraph (23) of the proposed regulations applying to limited companies, appearing on page 286 of the Bill. Even if the Chief Secretary is correct about what appears in the Act, it is wrong that a man who had never heard that a call was being made should have his shares forfeited when the directors know very well that he is away in the back-blocks or may be out of the country for the time being.

Hon. J. A. Dimmitt: I agree with Mr. Parker's contention. A grave injustice might easily be done if it becomes obligatory on the part of directors to compel the forfeiture of shares simply because, due to the long distance between the registrar's office and the shareholder, more than 28 days may elapse before he receives notice calling for the payment of his dividend. Discretion must be left to the directors.

Hon. L. CRAIG: There is a good deal in what Mr. Parker says. If the Act provides that the shares shall be forfeited within 28 days, that course is not carried out. I know of a manager of a station in the Kimberleys upon whom a call was made and he was not able to reply in under four months. However, there is something in this clause. Legislation of this sort has to be enacted to provide against snide and corrupt companies. There have been cases where calls have been made and the only people who have not met the calls have been a director or directors, and nothing could be done about it. I can understand that this provision was inserted so that if calls are made all shall pay them. However, there are shareholders of companies who are in England or the Eastern States. We must make it obligatory that the shares shall be forfeited, but perhaps the time could be extended to three or six months. The Chief Secretary may have some compromise to suggest but "may" would be better than "shall."

Hon. G. FRASER: The Select Committee agreed on six months.

Hon. L. Craig: Then this must have been altered in another place.

Hon. G. FRASER: On reading the clause again I find I was mistaken; the committee agreed to 28 days.

Hon. H. S. W. PARKER: I notice that Section 215 of the Act has the same wording as appears in this Bill, but I still say it is wrong.

The CHIEF SECRETARY: I think the hon. member will find the section in the South Australian Act is the same. Admittedly a hardship may be imposed on some individual if we agree to the clause as it stands but, as Mr. Craig pointed out, what alternative is there?

Hon. L. Craig: The time could be extended.

The CHIEF SECRETARY: This matter was dealt with by the Select Committee and it made a recommendation which is on

all fours with the present Act. Now because the matter has been brought up by Mr. Parker in this way, it is argued that what has been the law has been unfair and wrong, and we should put it right in this Committee. The Select Committee dealt with the matter and after due consideration recommended that this provision be made.

Hon. Sir HAL COLEBATCH: If the call is not paid in 28 days the shares may be forfeited; if it is not paid within six months, the shares shall be forfeited. The directors would have discretion to forfeit any shares if the calls were not paid in 28 days, and that would prevent the holding up of the company through shareholders not paying their calls.

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

Ayes	11
Noes	4
Majority for	7

AYES.

Hon. Sir Hal Colebatch
Hon. L. Craig
Hon. J. A. Dimmitt
Hon. F. E. Gibson
Hon. E. H. Hall
Hon. V. Hamersley

Hon. W. J. Mann
Hon. G. W. Miles
Hon. H. S. W. Parker
Hon. F. R. Welsh
Hon. H. Tuckey
(Teller.)

NOES.

Hon. E. H. Gray
Hon. W. H. Kitson

Hon. T. Moore
Hon. G. Fraser
(Teller.)

Amendment thus passed.

Hon. Sir HAL COLEBATCH: I think an amendment to Subclause (3) might be made by inserting after the word "forfeited" in line 3 the words "and any share in a company upon which a call remains unpaid for three months after the day upon which such call is payable shall be absolutely forfeited."

The CHIEF SECRETARY: Mr. Parker has a prior amendment. If the forfeiture of the shares is to be permissive, provision must be made for the method of forfeiting them, and I take it they will be forfeited on a resolution of the directors. Therefore, it seems that we ought first to deal with Mr. Parker's amendment to delete the words "without any" and substitute the words "by a." The permissive forfeiture of shares after 28 days is quite right, but the clause must provide the method by which they will be forfeited; and that will be by a resolution of the directors. It is after the word "directors" that the amendment Sir Hal Colebatch suggests should be inserted.

Hon. H. S. W. PARKER: I move an amendment—

That in lines 3 and 4 of Subclause (3) the words "without any" be struck out and the words "by a" inserted in lieu.

That will mean that instead of shares in respect of which calls remain unpaid after the prescribed date being forfeited without any resolution of directors being necessary, they will be forfeited only after a resolution to that effect has been passed.

The CHIEF SECRETARY: I am convinced that Mr. Parker's suggestion is right. Any other way would be nonsensical.

Amendment put and passed.

The CHAIRMAN: A further amendment will be necessary.

Hon. H. S. W. PARKER: I move an amendment—

That in line 4 of Subclause (3) the words "or other proceeding" be struck out and the words "and after three months shall be forfeited" inserted in lieu.

The CHIEF SECRETARY: There is no objection to that. Perhaps that will meet the point Sir Hal Colebatch has in mind.

Hon. Sir Hal Colebatch: I think that will cover the position.

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

Clauses 165 to 174—agreed to.

Clause 175—Distribution of reserve funds and assets of co-operative company, and payment for shares on voluntary winding up:

Hon. H. S. W. PARKER: I move an amendment—

That in line 17 of Subclause (1) the letter "(c)" be struck out and the letter "(b)" inserted in lieu.

This is a typographical error.

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

Clauses 176 to 183—agreed to.

Clause 184—Registered liquidators to be appointed in special cases:

Hon. H. S. W. PARKER: I ask that this clause be postponed. The two local trustee companies are empowered under their Acts to operate as liquidators of companies and one company is so acting. Subclause (c) prohibits a body corporate from being a liquidator.

The CHIEF SECRETARY: I have no objection to the postponement.

On motion by Hon. H. S. W. Parker, further consideration of the clause postponed.
Clauses 185 to 255—agreed to.
Progress reported.

House adjourned at 11.53 p.m.

Legislative Assembly.

Wednesday, 6th October, 1943.

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

QUESTIONS (5).

ELECTORAL.

As to Polling Booth at Claremont.

Mr. NORTH asked the Minister for Justice:

(1) Is he aware that one of the polling booths in the Claremont electorate is situated behind a line of barbed-wire entanglements?

(2) Has he any power to have this obstruction to voters removed, particularly in view of the injuries which may be inflicted on those who have to record their vote after dark?

(3) If so, will he take the necessary action?

The MINISTER replied:

(1) Yes.

(2) No. If electors keep to the footpaths they will not contact the wire entanglements. This polling booth was used in its present condition at the recent Federal elections without any complaints being made.

(3) Answered by No. 2.

ELECTRICITY SUPPLY.

As to Provision for Railway Electrification.

Mr. NORTH asked the Minister for Railways:

(1) Is it a fact that the East Perth Power House was originally constructed upon an operating basis which would enable the electrification of our railways from Fremantle to Northam?

(2) If this is the case, what are the circumstances which led to this plan being abandoned?

The MINISTER replied:

(1) Yes.

(2) The heavy cost of electrification did not warrant the plan being proceeded with.

AUDITOR GENERAL'S REPORT.

As to Presentation in Sections.

Mr. McDONALD asked the Premier:

As it would be an undesirable precedent for the session to close before members have an opportunity of reading the Auditor General's Report, will he arrange for sections of the report now completed, and other sections as completed, to be laid on the Table of the House without awaiting printing?

The PREMIER replied:

I am assured by the Auditor General that the printed report will be available to be laid on the Table of the House on Friday.

DAIRYING.

As to Improvement Levy Fund.

Mr. WILLMOTT asked the Minister for Agriculture:

(1) What is the total annual amount collected towards the improvement levy Fund of the dairying industry?

(2) What is the amount collected by each butter manufacturer and paid into the improvement levy Fund?

(3) What is the total annual expenditure from this Fund?

(4) What is the number of persons employed and the nature of their work?

The MINISTER replied:

(1) 1942-43, £2,226 17s. 2d.

(2) I think it would be unfair to disclose totals of contributions of individual factories, because of the rate of contribution struck being known. This would give unfair advantage to manufacturers who should have no knowledge from departmental sources of the extent of their competitors' business.