a Bill passed that he would be proud of, otherwise the measure would not reflect credit on him, or on those assisting him to pass it. If we limited the number of persons before whom claim forms could be signed it would be a hardship on those who were settling on the land. Anyone should be eligible to witness a claim form.

Mr. FOULKES: It was difficult to follow the argument of members opposite. His sympathies were with the candidate, and if the National League and the Political Labour Party both sent out officers to witness claim forms, which really meant to collect claim forms, any candidate not receiving the support of either party would feel unsafe if those officers of those organisations were sitting alongside the returning officer at the count of the votes.

Mr. Bath: It was not sought to have those officers at the counting of the votes. That was not the object of the amendment at all.

Mr. FOULKES: People who went round collecting claims should not be allowed to assist the returning officer.

Mr. HUDSON could not see how harm could be done by allowing anyone to witness claims.

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

Ayes	.. .. ..	12
Noes	.. .. ..	17
Majority against	..	5

AYES.	NOES.
Mr. Angwin	Mr. Brebber
Mr. Bath	Mr. Eddy
Mr. T. L. Brown	Mr. Ewing
Mr. Collier	Mr. Foulkes
Mr. Holman	Mr. Gordon
Mr. Hudson	Mr. Gregory
Mr. Scaddan	Mr. Gull
Mr. Stuart	Mr. Hardwick
Mr. Taylor	Mr. Hayward
Mr. Underwood	Mr. Keenan
Mr. Ware	Mr. McLarty
Mr. Heitmann (*Teller*).	Mr. Male
	Mr. Mitchell
	Mr. Price
	Mr. Smith
	Mr. Stone
	Mr. Layman (*Teller*).

Amendment thus negatived.

Mr. SCADDAN moved an amendment in Subclause 2—

That the word "knowingly" be inserted after "officer."

An officer might become a candidate without his knowledge, and provision should be made to prevent the clause being brought into operation in such a case. This could be done by making it necessary that the officer should be aware of the fact that he was a candidate.

The ATTORNEY GENERAL accepted the amendment.

Amendment passed; clause as amended agreed to.

Progress reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at ten minutes *past* 11 o'clock, until the next day.

Legislative Council,

Thursday, 29th August, 1907.

The PRESIDENT took the Chair at 4.30 o'clock p.m.

Prayers.

QUESTION—FREE FARMS FOR AGRICULTURAL LABOURERS.

Hon. G. THROSSELL asked the Colonial Secretary: In view of the importance of offering encouragement to

agricultural and other labour to settle in the country districts of the State, especially in those districts tapped by agricultural railways where a fixed labour supply is necessary to the large selectors, will the Government consider the advisableness of bringing into active operation that portion of the Land Act which permits the granting of free farms of ten acres, together with financial assitance as provided by the Agricultural Act ?

The COLONIAL SECRETARY replied : The portion of the Act referred to is in active operation ; practically the whole of the Crown Lands in the South-West Division have been made available for Homestead Farms, but selectors almost invariably apply for the maximum area of 160 acres.

QUESTION—BONUSES FOR INDUSTRIES.

Hon. G. THROSSELL asked the Colonial Secretary : In view of the great importance of giving encouragement to the establishment of new industries and manufactures in this State will the Government consider the advisableness of approaching the Federal Government with a view of securing the assent of the Federal Parliament to this State's adopting a system of granting a bonus to approved industries as provided in the Constitution of the Commonwealth ?

The COLONIAL SECRETARY replied : Yes.

QUESTION — RAILWAY PROJECT, BOLGART.

Hon. G. THROSSELL asked the Colonial Secretary : Have the difficulties in the way of proceeding with the long-promised railway from Newcastle to Bolgart been overcome ? If so, when will the Government be in a position to take steps to commence the said line of railway ?

The COLONIAL SECRETARY replied : No.

QUESTION—GOLDFIELDS WATER SUPPLY.

Hon. W. PATRICK asked the Colonial Secretary : In view of the increasing loss on the working of the Goldfields Water Supply, as disclosed in the report for the financial year 1906-7, is it the intention of Government to take early steps to administer the scheme on a system less burdensome to the State ?

The COLONIAL SECRETARY replied : The Government is of opinion that the scheme is now being administered in the best interests of the State as a whole. Exclusive of the supplies to Midland Junction, Guildford, and the agricultural districts, about 75 per cent. of the water supplied is used for industrial purposes. In framing prices due consideration has been given to the presence of large supplies of salt water at many of the mines which would be used for treatment purposes if rates were too high, and to the necessity of encouraging the working of low grade propositions. The reason that the returns do not suffice to pay the sinking fund on the main capital is not due to defective administration but to the fact that the Scheme was designed to deliver nearly 150 per cent. more water than has proved requisite by actual experience.

QUESTIONS—SEWAGE FILTER BEDS.

As to Site.

1. Hon. J. W. WRIGHT (for Hon. C. Sommers) asked the Colonial Secretary : 1, Where in the report of Mr. J. Davis, the Consulting Engineer, will be found his recommendation to place the filter beds on Burswood Island, as stated in answer to my questions *vide Hansard* August 7th, page 667? 2, Is it not a fact that Mr. Davis recommended the public gardens below the Swan railway bridge at Claisebrook as the site for both the septic tanks and the filter beds? 3, Is it true that the placing of the filters on Burswood Island was contrary to the recommendation of Mr. Davis, and done only on the advice of Mr. C. S. R. Palmer?

The COLONIAL SECRETARY replied: 1, It is not in the report. 2, Yes, in his report of 1903. 3, No. Subsequent to 1903 the scheme was in some particulars modified. Mr. Oldham, the Engineer for Water Supply and Sewerage, visited Sydney in 1905 and consulted with Mr. Davis on the proposed modifications, and obtained his concurrence.

As to Consulting Engineer.

2. Hon. J. W. WRIGHT asked the Colonial Secretary: Will he lay on the table all the correspondence between the Government and Mr. Davis since his report of 21st June, 1903, re the installation of filters on Burswood Island?

The COLONIAL SECRETARY replied: Yes.

BILL—PORT HEDLAND - MARBLE BAR RAILWAY.

In Committee.

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

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. D. Connolly) in moving the second reading said: This is an amending Bill mainly to effect two necessary amendments to the Workers' Compensation Act 1902. The first amendment provides that Section 5 of the principal Act be amended by adding this paragraph: "Or (c) Occurs to a worker while proceeding to or from place of work." There is some uncertainty at present whether an employer is liable for his workman, should the workman receive injuries while proceeding to or from his work. A decision has been given that in certain cases the employer is not liable. I do not think it was ever intended that an employer should be liable for an accident that may occur to his workman while proceeding to or from his work in the ordinary way. That is to say, if the employee lives in Subiaco and travels to his work in Perth by tram, and meets with an accident while on the tram, the employer should not be liable. But there may be cases where an employer should be liable for an accident while the employee is proceeding to his work, for instance, if the employer compelled the employee to proceed by tram; and to save litigation we have included this paragraph from the Queensland Act to clearly define the employer's liability in this respect.

Hon. J. W. Hackett: In the interpretation, "work" is the "place of work." Supposing a man was going to his work which is at the bottom of a mine?

The COLONIAL SECRETARY: It would be just the same as if a man were going from the door of a factory to his bench where he works; that cannot be held to be going to or from his work, but should only apply to a man going to or from his place of residence and his place of work.

Hon. J. W. Hackett: Make it "place of work."

The COLONIAL SECRETARY: I do not think that would meet the case. There is a slight amendment of Section 11 of the principal Act which is amended by adding the words "proceedings to enforce the claim are commenced within three months after the claim for compensation has been made." Under the present Act it is not clearly laid down that a workman is bound to put in his claim within six months. If the amendment is carried and if an injured workman wishes to take action he must do so within three months; that is after the six months, really giving nine months. Members will see the justice of that amendment. It will not allow a threat to be hanging over an employer's head longer than nine months.

Hon. G. Randell: Suppose he is incapacitated for nine months, his representatives can take action I suppose.

The COLONIAL SECRETARY: Yes. There is a slight amendment in Section 16 of the Act. This amendment corrects a word which was incorrectly printed in the Act of 1902. The next

clause contains the principal amendments of the Bill. The first portion of the amendment is in the second schedule and affects lumpers. Strong representations have been made from time to time as to the case of lumpers, and they have been these: the present Act provides that where an employee or worker is injured he shall receive half the amount of his wages up to a maximum of £2. But in the case of lumpers they do not work continuously for one man. Let us take the lumpers at Fremantle for instance. Quite a number of ships come in and the lumpers go to the ships and discharge them. We will assume that while unloading cargo for say the Orient Company, the average of a man's weekly earnings may not be 10s. while he really is in continuous service, and he can only receive half his weekly earnings which in the instance I have given would be 5s. In some cases the award has been as low as 3s. To get over the difficulty, which is not quite fair to workers, Parliament is invited to make this amendment. This extract taken from the *West Australian* of the 16th September, 1904, puts the matter very concisely. It says:—

> "The general feeling existing among the workers regarding the question of average earnings is that a man's wage should be based upon what he would earn if he continued working on the usual rate of pay for a full week. In that case for instance if a lumper working at the rate of 1s. 3d. per hour or 10s. per day became incapacitated he would be entitled to receive 30s. per week because his wages would amount to £3. An instance is quoted of a man who was working for the Adelaide Steamship Company. Although he had worked for the firm for eight years, his average weekly receipts from them for the previous 12 months amounted to no more than £1 15s., so that he was awarded only 17s. 6d. a week."

The clause in the Bill is the same as the section that appears in the New Zealand Act and I think also in the Queensland Act, although I am not sure of that. The remaining portion of the Bill deals with what I believe is a very marked improvement on the existing Act; it deals with medical referees. Under the present Act the Governor in Council appoints certain referees, and the medical referee's decision is final. That is to say, if a man so appointed by the Governor as a medical referee should rule that a man was not capable of going to work, there is no appeal from that decision, although all the other medical practitioners of the district might differ from him in the opinion; it will have no avail. This amendment seeks to alter that state of things and brings the law into line with the Queensland Act. Briefly it is this. The employer's doctor attends an injured man and gives a certificate that the man is capable of going to work, and therefore there is no need of paying farther compensation. If the employee is dissatisfied he goes to his own doctor and if his doctor is of the same opinion as the employer's doctor there is an end of the matter; but if the employee's doctor holds a different opinion from the employer's doctor, they may call in a third medical man as referee and his decision is final. The clause farther provides that if the two medical men cannot decide on a third man as referee, the resident magistrate is appointed referee and his decision is final. That is a simpler and fairer way than under the present Act. These are the whole of the amendments. The chief reason for bringing in the Bill is for the two amendments I have explained, one pertaining to the lumpers and the other referring to medical referees. I beg to move—

That the Bill be read a second time.

Hon. J. W. Hackett: What is Subclause (*c*) of Clause 5?

Hon. M. L. Moss: Consequential on the previous amendment.

Hon. J. W. Hackett: And (*d*) and (*e*)?

The COLONIAL SECRETARY: They have been left in the Bill by mistake.

Hon. M. L. MOSS (West): I wish to support the second reading of the Bill although I shall certainly move—in fact I have already given notice—that

another clause be added to the Bill in Committee. Members may recollect when speaking on the Address-in-Reply in referring to the Compulsory Arbitration Bill and this Bill, I indicated that in my opinion assessors were a farce. In both courts—particularly in regard to disputes under the Workers' Compensation Act—the employer always appoints the president to act, and in every case the magistrate is obliged to decide the case in the end. It is only adding to the cost of litigation, and in nine cases out of ten the employer of labour goes down in this proceeding. It is farther penalising him in the payments to be made under the Act. Members know that until we passed the Workers' Compensation Act no employer was liable under the Employers' Liability Act unless the accident was the result of negligence as understood at common law or a breach of one of the provisions of the Employers' Liability Act of 1894. When at a later period we passed the Workers' Compensation Act, we took as a copy the Bill that was passed by Mr. Chamberlain in 1897, which made a great difference in the law. It provides that in cases of death compensation to the dependents of the deceased may be paid up to £400, and in the case of total incapacity weekly payments are made aggregating £300. That is perhaps a burden on the employer, and of course most employers are bound to insure against the risk. While it is a very good thing that the labourer should be protected to this extent and that it is practically compulsory to insure against liability arising from accidents in the course of employment, it is just as well if we can decrease the burden on the employer by preventing unnecessary expense incurred in the proceedings taken to fix the amount of compensation; and Parliament ought to do that. I accordingly shall move an amendment. Under the original Act it is provided in Section 8 as follows:—

> "If any question arise as to liability to pay compensation under this Act or as to the amount or duration of such compensation, the question, if not settled by agreement, shall, subject to the provisions of the second schedule hereto, be heard and determined by the Local Court of the district within which the injury happens; and for all such purposes jurisdiction is hereby conferred upon such court. For the hearing and determination of such question, the magistrate shall sit with two assessors appointed in the manner prescribed by regulation."

I propose that a magistrate shall sit exactly as he does in the Local Court. The provision in Clause 3 is a useful one and is the result of a number of English decisions which have laid down this principle. Under the Act it was stipulated, according to Section 7, that notice of accident had to be given as soon as practicable after the accident happened, and that claim for compensation with respect to the accident had to be made within six months. It was understood for a long time that a man could take an action for compensation in the Local Court at any time, but the English decisions have decided otherwise. There is no limit to the time in which an action can be taken, but there must be a limit to the time of giving notice. It is only right that a liability of this kind should not be kept hanging over the head of the employers for more than nine months. The Legislature intended that proceedings should be taken within the six months and this amendment will close up the matter in dispute and will be a useful piece of legislation. I am not so satisfied that Clause 5 of the Bill is not fatal. It is a proper thing in dealing with men employed intermittently, as lumpers are, that some reasonable basis should be fixed, on which compensation could be assessed. It is not fair if a man is totally disabled that the man's compensation should be fixed, as in some cases, at 2s. or 3s. a week. As far as that aspect of the case is concerned, I am at one with the observations of the Minister. When I look at the provision made—and I am particularly referring to the proviso which says:—

> "Provided that in no case shall the weekly payment be less than one pound,"

I think the Government overlooked something. What have they overlooked? When one comes to the second schedule of the Workers' Compensation Act one finds that it is provided as follows:—

> "Where the worker's total or partial incapacity for work results from the injury, the compensation shall be a weekly payment during the incapacity, after the second week, not exceeding fifty per cent. of his average weekly earnings during the previous twelve months, if he has been so long employed, but if not, then for any less period during which he has been in the employment of the same employer; such weekly payment not to exceed two pounds, and the total liability of the employer in respect thereof not to exceed three hundred pounds."

In preparing this amendment, the Government must be assuming that in every instance there is total incapacity. But we can understand that a worker may be partially incapacitated as the result of an accident, and he may be able to earn say 30s. a week, though he was previously able to earn £2. But under the Act the magistrate must give him, even if the incapacity be very slight, not less than £1 a week. I do not think that is fair. It may be a perfectly fair provision when a man is totally disabled; but the second schedule of the original Act provides that a magistrate shall have discretion to allow the plaintiff as much as 50 per cent. of his earnings. provided that the weekly payment shall not exceed £2. According to this amendment the worker may be given up to £2, but never be given less than £1, though the incapacity be so trivial that the man can earn within 5s. a week of the amount he earned previously. The result will be to penalise the master or the insurance company, and we shall be putting the injured man in a better financial position than he held before the accident. That is not the intention of this kind of legislation. There should be fair compensation to the injured man while either totally or partially disabled: but there should not be imposed on the master a burden greater than he would bear had the man not been disabled at all. I ask the Minister to confer with those primarily responsible for bringing in this legislation, and to ascertain whether my objection is not well founded; for if it is, I think everyone will admit the clause needs some modification. Proceeding a little farther I am glad to see it is at last decided to do something with reference to the medical assessors. Members may recollect I was responsible for tabling a motion in this House with the object, in which I succeeded, of getting the House to disallow certain regulations framed during the regime of the Labour Government. I think this matter should have been dealt wth at a much earlier date, but better late than never; and the law is now in my opinion put on a sensible basis. It was the height of absurdity that an injured person could choose his own medical assessor, who might have attended him after the accident, and should get that assessor to certify to the incapacity, such certificate being *prima facie* or presumptive and in fact conclusive evidence of the man's condition. The result was simply to turn the magistrate into a registering machine. He was bound on receiving that certificate to give the relief the worker required, though it might be obvious to the magistrate from the man's appearance that he was not incapacitated at all, and that a most partial certificate had been given, and given under what conditions? There was no opportunity of cross-examining the doctor, who was not on his oath. This turned judicial proceedings into a little better than a farce. The position is: under the present proposal the worker is still entitled to choose his medical assessor, but the employer has the same privilege: and if there is a disagreement the magistrate can call in a third practitioner. That is a perfectly good scheme. It removes all the objection under the existing regulation, and it is in conformity with the resolution passed by this House, expressing the opinion I held when that regulation was first framed. I wish to ask the Minister to take the Committee stage of this Bill at least two weeks hence, so that those who may be affected

may have an opportunity of expressing their opinions either in the Press or to members of this House, with the object of securing such modifications as the Bill requires. As I have indicated I certainly think that Clause 5 is not fair as it stands, and I do not suppose the Government or any member desires to put on the statute book a provision that will do more than was intended by the original Act—to give up to 50 per cent., in the magistrate's discretion, in case of total or partial incapacity, but certainly not, when that partial incapacity is but slight, to compel the magistrate to give at least £1 a week. I hope I have made my meaning plain, and I trust the Minister will carry my remarks to those responsible for drafting the Bill.

On motion by Hon. J. T. Glowrey, debate adjourned.

[*Sitting suspended, awaiting a report from the Joint Committee in reference to a remonstrance against the new Federal Tariff.*]

At 7.30, Chair resumed.

The COLONIAL SECRETARY: I have to report that in accordance with a resolution of this House passed on the 28th instant, a meeting of a joint committee of both Houses has now been held. I beg now to present the report of the joint committee, and move that it be now read.

Question passed.

Report read by the Clerk of Parliaments as follows:—

Report.

"Your Committee beg to report that in accordance with the Resolution of this House passed on the 28th instant, a meeting of the Joint Committee of both Houses was held this day, and a form of address to the Senate and the House of Representatives of the Parliament of the Commonwealth was agreed to. A copy of that address is annexed to this Report.

"Your Committee recommend that the Address be drawn up in duplicate, one part being addressed to the President and Members of the Senate, and the other part to the Speaker and Members of the House of Representatives of the Parliament of the Commonwealth, and that this House authorise the Honourable the President to sign the addresses on behalf of the House, and thereafter in conjunction with the Honourable the Speaker of the Legislative Assembly to present the same to His Excelleny the Governor, with a request that His Excellency will forward it through the proper channel for submission to the Parliament of the Commonwealth.

"Signed on behalf of the Committee,

N. J. MOORE,
Chairman.

29th August, 1907."

Address.

To the President and Members of the Senate of the Parliament of the Commonwealth.—We, the Legislative Council and the Legislative Assembly of the State of Western Australia, in Parliament assembled, in pursuance of a resolution passed by our respective Houses on the 27th and 28th instant, which is as follows,—

> "That in the opinion of this House the proposed Federal Tariff would most injuriously affect the primary industries of Western Australia, and would subject the State to a period of depression fraught with the gravest danger to her existence,"

venture respectfully to address you with the object of bringing under your notice, that the new tariff if passed in its present form will operate most harshly upon the people, the commerce, and the industries of this State.

We are convinced—

(*a.*) That the ordinary requirements of the people, including many articles of food and clothing, will be made dearer, either by the added duty, or by the enhanced prices which the vendors will be enabled to impose.

(*b.*) That the great mining industry of this State will suffer most materi-

ally by the almost prohibitive duty imposed on machinery.

(*c.*) That the agricultural and pastoral industries will also be very prejudicially affected by the increased duties on commodities necessary therefor.

(*d.*) That many of the other industries of this State may be compelled to curtail if not to suspend operations.

(*e.*) That the purchasing power of wages will be diminished, avenues of labour will be closed, the number of our unemployed will be increased, and both workers and tradesmen in our midst must severely suffer.

We leave it to the Representatives of this State in your House to indicate in detail the items which will produce the results above mentioned.

We desire to remind you that we represent a State which forms an integral part of the Commonwealth and covers more than one-third of the total area of the combined States of Australia. A large portion of our State territory is at present undeveloped, and its future progress depends largely on the increase of population and the expansion of its industries.

Respectfully we record our protest against a tariff so calculated to injure Western Australia which has already made so many and such great sacrifices in the interest of Australian nationhood.

The COLONIAL SECRETARY moved—

That the Address to the members of the Senate and House of Representatives, in the form recommended by the joint committee, be agreed to; and that Mr. President be authorised, in conjunction with the Speaker of the Legislative Assembly, to present same to His Excellency the Governor, with a request that it be forwarded through the proper channel to the members of the Senate and House of Representatives.

Question put and passed.

ADJOURNMENT, ONE WEEK.

At 7.40 o'clock, the House adjourned to Tuesday, 10th September.

Legislative Assembly,

Thursday, 29th August, 1907.

The SPEAKER took the Chair at 4.30 o'clock p.m.

Prayers.

QUESTION—PASTORAL LEASE.

Mr. H. BROWN asked the Minister for Lands: 1, On what date was Pastoral Lease No. 423/97 granted? 2, Name and address of applicant for lease? 3, On what date was lease 423/97 cancelled, and reason for cancellation? 4, On what date was lease 423/97 reinstated, and reasons for such reinstatement? 5, What amount of rent has been paid on lease 423/97 since first issued? 6, Has the applicant for lease 423/97 effected any improvement since lease was granted; if so, what do improvements consist of? 7, has the applicant for lease 423/97 at any time grazed stock thereon; if so, state class of stock, month and year when grazed, number of stock, and in whose charge were such stock while being grazed on lease 423/97?

The MINISTER FOR LANDS replied: 1, 18th July, 1905. 2, Andrew Barr, care of G. R. Barr, Doodlakine. 3, 1st February, 1907; non-payment of rent. 4, 2nd August, 1907. At request of the Official Receiver in Bankruptcy to enable him to effect a sale then pending. 5, £1 4s. 6d.; but £62 10s. was previously paid on same land under a different number. 6 and 7, The District Inspector will be asked to endeavour to obtain the information desired, but particulars of this nature are never recorded in the Department.

QUESTION—LOAN OFFER.

Mr. ANGWIN asked the Treasurer: 1, Was the Government offered £250,000 on loan from an Australian financial in-