Legislative Council.

Tuesday, 2nd November, 1948.

CONTENTS.

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

QUESTION.

TRAFFIC FEES.

As to Allocation and Payment to Local Authorities.

Hon. E. M. DAVIES asked the Chief Secretary:

(1) Is it the intention of the Public Works Department to pay to municipalities their proportion of traffic fees as at the close of their financial year ended the 31st October, 1948?

(2) Is it the department's intention to allocate traffic fees on a different basis from that obtaining in previous years?

(3) Have all local authorities been advised of any proposed change in the basis of allocation?

(4) Have all local authorities been advised that traffic fees will not be paid as in previous years before the close of their financial year?

(5) Why has the allocation of these funds been delayed?

The CHIEF SECRETARY replied:

(1) It was not practicable to make the distribution before the 31st October, but it will be made as soon as possible.

(2) The latest figures regarding population and length of roadways have been obtained which will make some difference in individual allocations as compared with previous years.

(3) Yes.

(4) No.

(5) Matters of policy were under consideration.

BILL—WESTERN AUSTRALIAN TROTTING ASSOCIATION ACT AMENDMENT.

Dissent from President's Ruling.

Order of the Day read for the resumption from the 27th October of the debate on the motion by Hon. G. Fraser to dissent from the President's ruling as to the admissibility of an amendment moved in Committee.

Hon. G. Fraser: I would like to withdraw the motion standing in my name. On reflection, I realised that the amendment before the Committee was for the deletion of certain words from the Bill, and that was the only question to be decided at the time.

Motion, by leave, withdrawn.

Committee Resumed.

Hon. J. A. Dimmitt in the Chair; Hon. Sir Charles Latham in charge of the Bill.

Clause 3—Amendment of Section 15 (partly considered):

The CHAIRMAN: The Committee stage was interrupted on this clause and the question now is—

That Clause 3 stand as printed.

The CHIEF SECRETARY: I move an amendment—

That all the words after the word "deleting" in paragraph (a) down to and including the word "meetings" at the end of paragraph (b) be struck out with a view to inserting other words.

The words I propose to insert in lieu are "paragraph (a)." Paragraph (a) of Section 15 of the Act provides that the Minister may direct a club in the metropolitan area to devote the whole or any portion of the profits of one specified ordinary trotting

race meeting in any year to the Country Clubs' Benefit Fund. In my opinion, it is wrong that a Minister should be able to direct the Trotting Association to hold a meeting and devote its profits to a country club. Actually it is impracticable. If the Minister did so direct, it would obviously be because the association had refused to hold such a meeting, and in that case there would be a tremendous amount of antagonism aroused. The asoeciation could set apart a date not likely to produce much profit. If it could be directed as to a specified date, the association could put on such a programme that the expenses would be greater than the receipts. I think it is wrong in principle that the Minister should have power to direct the association in that way.

Hon. G. FRASER: I oppose the amendment, which affects a vital part of the Act in relation to the country clubs. The provision was left in the measure after a long and heated debate in 1946, because members realised that it was necessary for the association to do something on behalf of country clubs. The association has about 35 specified meetings, and the Fremantle club ten, plus certain meetings for charitable purposes, aggregating in all about 50 meetings per year. Even allowing for some meetings being held in the Christmas and Easter periods, for instance, about 40 or 45 Saturdays in the year are at present booked up. That leaves only the tail-end of the year—the months of June and July—in which a meeting for the benefit of country clubs could be held by direction, and in those circumstances a loss might easily be shown on the meeting. If we are going to specify that country clubs should be assisted, we should do the decent thing by them. The provision affected by the amendment gives the Minister power to direct the association to hold one of its ordinary specified meetings for the benefit of the country clubs—one of the 35 meetings in Perth, or one of the 10 specified meetings of the Fremantle club. The amendment, if agreed to, would take from the Minister power to compel the association to devote one of those dates to the purpose of assisting country clubs.

Hon. H. L. Roche: What if the Minister did not direct that such a meeting be held?

Hon. G. FRASER: That position would have to be met when it arose.

Hon. H. L. Roche: He has not done it, so far.

Hon. G. FRASER: There may have been no need for it, as the metropolitan body may have given one of its specific dates for the benefit of the country clubs.

Hon. Sir CHARLES LATHAM: I have no objection to the amendment. I agree that the association, if it became annoyed with the Minister, could at any time put on a programme with indifferent prize money, making the whole meeting a farce.

The Chief Secretary: With big penalties for winners, for instance.

Hon Sir CHARLES LATHAM: I feel that we can treat the association as being quite honest. There is no doubt that it wishes to help the country clubs, and I do not see how the difficulties foreseen by Mr. Fraser would arise. Taking the reverse position, the country clubs would be no worse off because, when the Minister had directed the association, it might choose a wet night for the meeting. I think the parent body, the Western Australian Trotting Association, should hold the meetings, and not the Fremantle club, though at present the Minister has power to direct either body to hold such a meeting. I do not think the Fremantle club should be called upon to make such a contribution.

Amendment (to strike out words) put and passed.

The CHIEF SECRETARY: I move—

That the words "paragraph (a)" be inserted in lieu of the words struck out.

Point of Order.

Hon. G. Fraser: On a point of order, I again ask for your ruling, Mr. Chairman, in connection with the matter that I raised in a previous Committee, and on which my motion was, by leave, withdrawn earlier this afternoon. Is the insertion of these words in order?

The Chairman: I must give the same ruling as I gave the other night. Standing Order 191 reads—

> Any amendment may be made to any part of the Bill provided the same be relevant to the subject matter of the Bill, and be otherwise in conformity with the Standing Orders.

As the amendment moved by the Chief Secretary seeks further to amend Section 15 of the principal Act, I rule that it is relevant

both to the Title of the Bill and to the subject matter of the Bill.

Dissent from Chairman's Ruling.

Hon. G. Fraser: Then I must dissent from your ruling.

[*The President resumed the Chair.*]

The Chairman having stated the dissent,

Hon. G. Fraser: My reason for disagreeing with the Chairman's ruling is that the subject matter of the amendment is foreign to that of the Bill. Members will agree with me in my contention if they closely study the amendment. All the Bill seeks to do is to increase from one to three the number of meetings held in the metropolitan area for the benefit of country clubs.

Hon. G. W. Miles: The amendment is to amend Section 15.

Hon. G. Fraser: The hon. member can follow me if he likes. The amendment, however, seeks to take from the Minister the power to direct a club in the metropolitan area to devote the whole or portion of the proceeds of three meetings to country clubs. Let Mr. Miles attempt to justify that as the subject matter of the Bill! The main Standing Order which affects the position is No. 125 which reads—

> Every amendment shall be relevant to the question to which it is proposed to be made.

If anyone can tell me that to alter the number of meetings from one to three is relevant to taking powers away from the Minister, then I cannot understand English. Those are my objections to the Chairman's ruling.

The Chief Secretary: Standing Order 191 provides—

> Any amendment may be made to any part of the Bill provided the same be relevant to the subject matter of the Bill, and be otherwise in conformity with the Standing Orders.

The Bill seeks to insert "three days" instead of "one day." It does not extend the power of the Minister to direct. The purport of the amendment is to say to the Minister, "No, not at all." In other words, if the words "no days" were inserted instead of the words "three days," it would mean the deletion of the whole paragraph. The whole clause is relevant to the subject-matter of the Bill. Take the continuance Bills introduced earlier in the session! In the Industries Assistance Act Amendment (Continuance) Bill, provision was made that the period be extended to 1954, but an amendment was moved that it should read "until 1950." No member questioned that amendment. The Bill could have been amended to read "until 1948."

All the ordinary continuance Bills expire at the end of the year and we have altered the figures "1948" to read "1949." Assuming that the Committee had not agreed to extend the period to 1949, that would have meant the termination of the Bill. According to Mr. Fraser the subject matter is only "to continue"; but for how long? The Committee might easily have said: "You are not going to continue the Bill." That is the position here. Sir Charles Latham has asked the Chamber to increase the number of meetings to three, and I ask it not to give the Minister any power at all to direct. There is nothing out of order in that.

Hon. Sir Charles Latham: The Minister has made a good point in quoting the example of a continuance Bill that extends the period of an Act. I do not say the Chamber could not reject the whole of an amendment to continue the operation of an Act. A year or a period of years is always specified. The powers of the Committee are such that it could delete the whole clause in question. I am satisfied that the Minister is correct because my object was to amend Section 15 of the Western Australian Trotting Association Act. Therefore, the whole of that amendment is before the Chamber all the time. There is nothing to prevent us from deleting the whole of the section. I consider that the Standing Orders are perfectly clear on the point. If we are to be permitted to say only "yea" or "nay" to a Bill, the power of the Committee will be limited. Standing Order 123 states—

> A question having been proposed may be amended—

The question is an amendment to Section 15 of the Act.

> 1. By leaving out certain words only—

We have agreed to strike out certain words.

> 2. By inserting or adding certain words.

That is what the Minister proposes to do.

> 3. By leaving out certain words and inserting or adding other words.

I do not think we can get away from the Standing Order, which gives the Minister full authority to do what he desires.

The President: Since giving my ruling at the last sitting, I have had an opportunity to look further into the matter and to read decisions dealing with a similar case. I have also consulted May's "Parliamentary Practice." Our Standing Order 3 defines "subject matter of Bill" as meaning the provisions of the Bill as printed, read a second time and referred to the Committee. Standing Order 191 reads—

Any amendment may be made to any part of the Bill provided the same be relevant to the subject matter of the Bill, and be otherwise in conformity with the Standing Orders.

The Oxford dictionary defines "provisions" as "legal or formal statement providing for something;" "relevant" as "pertinent to the matter in hand." In May's "Parliamentary Practice," 14th ed. pp. 506, 7, we read—

The function of a Committee on a Bill is to go through the text of the Bill clause by clause and, if necessary, word by word with a view to making such amendments in it as may seem likely to render it more generally acceptable.

A Committee is bound by the decision of the House given on the second reading in favour of the principle of the Bill, and should not therefore amend the Bill in a manner destructive of this principle.

The objects of a Bill are stated in its long Title, which should cover everything contained in the Bill as introduced, and any amendment which is inside the Title of the Bill is in order. Moreover, a Committee is empowered by Standing Order 34 (House of Commons) to make amendments relevant to the subject matter of the Bill, provided that where such amendments are outside the Title, the Committee extends the Title so as to cover them.

A precedent for my decision that the amendment is in order was established on the 1st December, 1932, ("Hansard" pp. 2104, 36). The Bill concerned was a Bill to amend the Health Act. The Chairman ruled that an amendment introduced by the Legislative Assembly to the Bill when returned to that Chamber from this House was out of order. He said—

Some time ago members agreed to a new Standing Order defining what the subject matter of a Bill was, thus taking the decision out of the hands of the Chairman. "Subject matter of a Bill" is the clauses contained in it as printed, as read a second time and referred to the Committee. This amendment is to add a new clause. When referred to the Committee, the Bill contained no clause dealing with this particular subject. It introduces a subject matter into the Bill not originally there. I rule the amendment inadmissible.

The then Chief Secretary, Hon. C. F. Baxter, moved to disagree with the Chairman's ruling, and the matter was referred to the then President, Sir John Kirwan. After consideration and consultation, he ruled as follows—

"Subject" matter can mean nothing else than the provisions of the Bill as printed, read a second time and referred to the Committee . . . The authorities I have consulted are in accord with my opinion that the proposed amendment is relevant to the subject matter of the Bill The word "relevant" does not mean identical; it means to the purpose, related to the matter in hand. A provision is not relevant when it introduces a new principle. The proposed new clause is to vary the powers of the administrators of the Act. . . . . It merely varies or further specifies the power of the authorities administering the Act. I therefore rule the amendment is relevant to the subject matter of the Bill as printed, read a second time and referred to the Committee.

The bearing of this instance on the present Bill, together with the quotations from May and the definitions quoted from the dictionary, I advance in support of my ruling. This Bill proposes to amend Section 15 of the Western Australian Trotting Association Act. Any amendment to Section 15, therefore, is in order. Further, the subject matter of the Bill refers to paragraph (a). This the Minister's amendment seeks to delete. The member in charge of the Bill, however, has an amendment on the notice paper which will restore the objective he had in introducing the Bill. In view of the above definitions and Standing Orders, as well as the quotations from May, I have no hesitation in ruling that the amendment is in order.

Dissent from President's Ruling.

Hon. G. Fraser: I move—

That the House dissent from the President's ruling.

This is a point that ought to be decided by the House and the responsibility for the decision should be accepted by the House. I can visualise, if the ruling is upheld, that probably in the very near future great complications may occur when dealing with various measures. I can quite believe that something entirely different may be done from what was intended when a Bill was introduced. To my mind, that is what is happening in this instance. The scope of the Bill is merely to grant extra meetings for the benefit of the country, but the amendment goes further and proposes to take away from the Minister certain powers,

a course of action that was not contemplated by the Bill. Our decision here today might have an important bearing on future discussions in this Chamber and the methods adopted when dealing with legislation, and I consider that we should therefore have the opinion of the House on the matter.

The President: In view of the fact that the matter has been thoroughly discussed, I do not propose to defer the question but will leave it to the House to make its decision on the ruling.

Hon. L. Craig: I supported Mr.Fraser last week when he moved that the President's ruling be disagreed with and I do not propose to depart from that course now. In giving your decision, Mr. President, you stated that no new principle must be involved in an amendment moved to a Bill. I claim, as Mr. Fraser has done, that a new principle is involved in this instance. Sir Charles Latham introduced a Bill to give the Minister power to increase the number of race meetings from one to three. The whole of the discussion on the second reading was based on that principle. But what is happening? The power of the Minister is to be taken away entirely. If this is permitted we can see what might happen when a member introduces a Bill, and so our decision might have vast repercussions. The whole intention of a Bill might be altered and something different from what was intended might result.

Hon. Sir Charles Latham: That is often the case, is it not?

The Chief Secretary: Yes.

Hon. L. Craig: But here a principle is involved. The President, in his ruling, said that an amendment must not involve a new principle. I claim that a new principle is being introduced because we shall be taking away a power that the Minister previously had. During the second reading stage, that point did not come up for discussion.

The Chief Secretary: Pardon me.

Hon. L. Craig: Not the taking away of the power from the Minister.

Hon. Sir Charles Latham: Yes, it did.

Hon. L. Craig: Then I did not hear it.

Hon. Sir Charles Latham: You were not here when the Minister was speaking.

Hon. L. Craig: I think I was here. However, this is a very serious matter—this proposal to introduce into a Bill something entirely foreign to the intention of the measure.

Hon. G. W. Miles: The clause proposes to amend Section 15 of the Act.

Hon. L. Craig: But Section 15 might cover ten pages. I cannot agree with the hon. member. I have always understood that the principle involved in a Bill must be preserved, but here we are breaking away from the principle and are discussing something quite foreign to the Bill.

Hon. A. L. Loton: I am not one of those who supported Mr. Fraser last week, though perhaps for a different reason from that I hold today. At the time I did not understand the amendment as read out by the Honorary Minister for Agriculture. It was somewhat different from an amendment that appeared on the notice paper and there was some confusion. I disagree with Mr. Fraser when he said that the amendment is not relevant to the Bill. The Bill introduced by Sir Charles Latham was for an Act to amend Section 15, and I am of opinion that any provision of Section 15 may be amended as we think fit by leaving out words, inserting or adding words, or by leaving out certain words and inserting or adding other words. If we were able to do that, I think the scope of the Bill would enable us to delete paragraph (a) from the parent Act. I am not going to support Mr. Fraser on this occasion.

Hon. A. Thomson: There is a considerable amount of justice in Mr. Craig's remarks. The Bill was introduced to amend Section 15, but there was no suggestion by Sir Charles Latham, who introduced it, that it should take from the Minister power to direct a club in the metropolitan area to devote the whole or any portion of the profits of one specified ordinary trotting meeting in any year to the Country Clubs' Benefit Fund. The proposal now is that we should substitute three meetings for one, but the Minister has power to direct, and that is the principle involved. I must support Mr. Fraser, because, while it is an amendment to delete certain words in the Bill, nevertheless a principle is affected, and it may, like a boomerang, come back on us.

Hon. Sir Charles Latham: Surely we are not dealing with principles in the objection to your ruling, Mr. President, but are determining whether this is relevant to the subject matter before the House? Many Bills

have been introduced by Governments that have been laid aside because, in the Committee stages, certain principles have been taken from them. That has happened on dozens of occasions by striking out vital clauses or adding others. This is not a question of principles, but whether the amendment is relevant to the subject matter of the Title of the Bill. I did not want to introduce this amendment; the Chief Secretary decided that, in the interests of the country clubs, it would be beneficial. I claim it is relevant. Any part of Section 15 may now be dealt with, because it is in the melting pot. I cannot agree with Mr. Craig or Mr. Thomson because, if we are going to limit our authority in Committee—

Hon. A. Thomson: When you introduced the Bill, you did not anticipate that you would take from the Minister the power to direct.

Hon. Sir Charles Latham: I took the easiest method, which was to strike out the word "one" and insert the word "three," because my desire was to get the legislation through the House. I saw this danger when I first went into the matter, but I thought that if I interfered with paragraph (a) I would not, in all probability, get my Bill through. If the paragraph remains, I shall not regret it. At the same time, I do not want members to think that because I happen to agree or disagree, I am going to interfere with our privileges to move amendments to a Bill. We may, in the near future, have some important Bills that we may desire to amend. I would be reluctant to interfere with the powers of the Committee or the House.

Hon. E. M. Heenan: The debate raises an interesting question. I have not had as much time as I would like to consider the matter, but I am afraid I have to disagree, Mr. President, with your ruling. It is all a question of relevancy, and Standing Order 191 is, in my mind, most important. There certainly is a very wide power of amendment, but it is limited by that Standing Order, as follows:—

> Any amendment may be made to any part of the Bill provided the same be relevant to the subject matter of the Bill, and be otherwise in conformity with the Standing Orders.

The words "relevant to the subject matter" are important. "Subject matter" is defined as follows:—

> "Subject matter of Bill" means the provisions of the Bill as printed, read a second time, and referred to the Committee.

The Bill before us has been printed, read a second time and referred to the Committee. Is the Chief Secretary's amendment relevant to the Bill as printed, read a second time and referred to the Committee?

Hon. A. L. Loton: It deals with Section 15.

Hon. E. M. Heenan: That is so, but the whole lot deals with that section. The Bill contains certain proposals.

Hon. A. L. Loton: It is a measure to amend Section 15 of the Act.

Hon. E. M. Heenan: Yes, in certain ways. There are four admendments, and any amendment must be relevant to the Bill as we have it before us.

Hon. G. W. Miles: Surely this is relevant. What more do you want?

Hon. E. M. Heenan: That is the question. I am arguing that the proposed amendment of the Chief Secretary is something, not repugnant to, but outside the scope of the Bill. It is entirely new matter. If we agree that it is something the Bill does not contemplate or provide for—

Hon. Sir Charles Latham: It deals with these meetings.

Hon. E. M. Heenan: Do not forget the word "relevant." The principles as enunciated by the President are those applied in courts of law. We have wide powers of amendment, provided the amendment is relevant to or forms part of the subject matter. This new proposal is not, in my opinion, relevant.

The Chief Secretary: I wish to say—

The President: Order! The Chief Secretary has already spoken.

The Chief Secretary: Not during this debate. The position is this: Is the amendment relevant to the Bill? Assume that I desired to move to strike out the whole of Section 15; I would then ask leave to strike out all the words after the word "is" in the first line with a view to inserting the word "repealed." The clause would then read, "Section fifteen of the principal Act is repealed." Is it suggested that if, when the Bill came before us, it had been our desire to repeal Section 15, we would have had to put it aside until a new measure was introduced

to deal with the subject matter of the Bill? What is the subject matter of this measure?

Hon. Sir Charles Latham: Meetings.

The Chief Secretary: It is, whether the Minister can direct a club in respect of one or three meetings. The point is whether the Minister can direct the Trotting Association to do certain things. Mr. Craig says the amendment defeats the Bill.

Hon. L. Craig: I did not say that.

The Chief Secretary: He said it was quite different from the intention of the Bill.

Hon. L. Craig: I said it defeated the intention.

The Chief Secretary: The intention of a Bill is defeated if the Bill is knocked out. If the Bill is amended so that it does not meet with the approval of its propounder, he can leave the Act as it stands. If the Committee decided to repeal Section 15, the member who introduced the Bill, quite obviously, would not have it read a third time, and it would be lost. That frequently happens when Bills are amended in a way that is not satisfactory to their sponsors.

Hon. E. H. Gray: I think Mr. Fraser deserves the thanks of the House for bringing this matter forward. There has been a great deal of argument on both sides but it is really a matter for legal interpretation. The quotations given by the President from May and other authorities could quite easily be construed to mean the opposite to the interpretation put upon them by the President. The major point in Mr. Fraser's challenge is the danger of commencing to accept procedure of this character. Therefore, I think we should adhere strictly to Standing Order 191 with regard to relevancy as I do not think the sponsor of the Bill has the slightest chance, if the Chief Secretary's amendment is agreed to, of having the Bill passed in another place. There will be a storm of protest both from another place as well as from the public because the Bill will deprive the Government of the power to do certain things with regard to trotting.

The Chief Secretary: That is not the question before the House.

Hon. E. H. Gray: It is relevant to the argument and had I known that this amendment would be successful, I certainly should not have voted for the second reading of the Bill which was originally to assist country clubs by giving them an increased number of meetings. An entirely new subject has been introduced which takes power away from the Minister. Therefore I trust that the House will not agree to the President's ruling.

Hon. H. K. Watson: I suggest that the merits or demerits of the amendment moved by the Chief Secretary are not at the moment before members. The question is merely should the amendments be included in the Bill and the President has ruled that they are quite in order. Mr. Fraser has moved to disagree with the President's ruling. As I see it, if this had been a Bill for an Act to increase the number of trotting days in the metropolitan or country areas from 45 to 48, and for that purpose to amend Section 15 of the Act, I think the point taken by Mr. Fraser would have been well founded.

Hon. G. Fraser: That is what it seeks to do.

Hon. H. K. Watson: But the Title is merely "a Bill for an Act to amend Section 15 of the Western Australian Trotting Association Act." As a matter of common sense, and quite apart from authority, this Chamber, when it has a Bill before it to amend Section 15, is at liberty to amend that section by taking out of it certain words. If that is not an amendment of Section 15, then I do not know what is. I am obliged to you, Sir, for the reasons and the authorities you have given in support of your decision.

Hon. G. Fraser: I do not intend to reply to the many points raised in the debate but I shall sum up the position in this manner. The Bill set out to help the country clubs and the amendment as moved will have the opposite effect if your ruling, Sir, is upheld. That is the reason why I disagree, because the effect of the amendment will be the exact opposite to what the Bill sought to accomplish when introduced, and therefore I consider the amendment must be foreign to the Bill.

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

Ayes	8
Noes	19
Majority against ..	11

Ayes.	
Hon. G. Bennetts	Hon. E. H. Gray
Hon. R. J. Boylen	Hon. W. R. Hall
Hon. L. Craig	Hon. A. Thomson
Hon. G. Fraser	Hon. H. Tuckey (*Teller.*)

Noes.	
Hon. C. F. Baxter	Hon. A. L. Loton
Hon. J. M. Cunningham	Hon. W. J. Mann
Hon. H. A. C. Daffen	Hon. G. W. Miles
Hon. E. M. Davies	Hon. H. S. W. Parker
Hon. R. M. Forrest	Hon. C. H. Simpson
Hon. Sir Frank Gibson	Hon. H. K. Watson
Hon. H. Hearn	Hon. F. R. Welsh
Hon. J. G. Hislop	Hon. G. B. Wood
Hon. Sir Chas. Latham	Hon. J. A. Dimmitt (*Teller.*)
Hon. L. A. Logan	

Question thus negatived.

Committee Resumed.

The CHAIRMAN: The question now is that Clause 3 stand as amended, to which the Chief Secretary has moved to insert the words "paragraph (a)" in lieu of the words already struck out.

Amendment (to insert words) put and passed.

Hon. Sir CHARLES LATHAM: I move *an amendment*—

That a new paragraph be added as follows:—

(e) (i) deleting the words "in subsections (a) and (b)" from the proviso;

(ii) deleting the word "a" in line two of the proviso.

My object is to ensure that the meetings will not be held during the Christmas or Easter periods.

The CHIEF SECRETARY: The Trotting Association now has 35 meetings in Perth, 10 for the Fremantle club—which are held in Perth—that is 45, five for charity, making 50, and it may have two or three more for charity.

The CHAIRMAN: I must ask Sir Charles Latham to withdraw his amendment as the Chief Secretary is discussing a prior paragraph.

Hon. Sir CHARLES LATHAM: In view of the Chairman's remarks, I ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

The CHIEF SECRETARY: I move an amendment—

That paragraphs (c) and (d) be struck out.

As I was saying, the Trotting Association is allowed two additional days for trotting meetings, the proceeds of which are given to any public hospital or used for other charitable purposes. If the Bill is agreed to in its present form, it will mean that we will have another two trotting days in the year, and the Minister would have a great deal of difficulty in refusing any request made to him. In putting this point of view forward, I am speaking purely on behalf of myself and not as a member of the Government. I think there are sufficient trotting days now, and I ask the Committee to agree to the amendment, paragraph (d) being consequential on paragraph (c). The argument is that the country people require additional funds, but there is nothing to stop the Trotting Association from making more money available. As a matter of fact, the W.A.T.C. gives more to country clubs than does the Trotting Association.

Hon. A. L. Loton: Will you quote the figures showing the help given by the W.A.T.C. as against that given by the W.A.T.A.?

The CHIEF SECRETARY: Yes. Last year the Trotting Association provided £1,000.

Hon. A. L. Loton: Including the Golden Mile club.

The CHIEF SECRETARY: It did not give anything to the Golden Mile Trotting Club.

Hon. Sir Charles Latham: Yes, it did.

Hon. W. R. Hall: Of course it did.

The CHIEF SECRETARY: The Golden Mile club is not mentioned in the balance sheet.

Hon. Sir Charles Latham: Yes, it is. The amount was £500.

The CHIEF SECRETARY: At the moment, I cannot see the exact amount set out in the financial statement of the W.A.T.C. for 1948. The country clubs are very well treated by the W.A.T.C., which holds a meeting to provide funds for them. It is usually held on Boxing Day, which is a valuable date in the metropolitan area.

Hon. A. L. Loton: That is not so.

The CHIEF SECRETARY: The meeting is run during the Christmas holidays.

Hon. Sir Charles Latham: I think the Minister is floundering, and he had better deal with trotting only.

Hon. A. L. Loton: The meeting is held during the winter months.

The CHIEF SECRETARY: No, that is another meeting.

Hon. A. L. Loton: It is not; I know something about the subject.

Hon. G. Fraser: The Minister is referring to galloping; the hon. member is referring to trotting.

The CHIEF SECRETARY: At any rate, as the result of the meeting held by the Trotting Association £800 was raised and the association provided an additional £200, making a total of £1,000 available to the country club.

Hon. G. FRASER: During the discussion reference has been made to the country clubs getting £1,000 and the Fremantle club £10,000. The bald statement to that effect is calculated to give a wrong impression. Since the war, the Fremantle Trotting Club has raced in Perth instead of on its own course. From its ten meetings at Gloucester Park during the year, a profit of £10,000 was made. That money was not a donation by the association to the Fremantle Trotting Club.

The Chief Secretary: That is so. I think I mentioned that out of the returns to the Trotting Association, £10,000 belonged to the Fremantle club.

Hon. G. FRASER: I do not want any misunderstanding to arise.

Hon. Sir CHARLES LATHAM: When we agreed to the second reading of the Bill, we agreed to the principle regarding the number of meetings to be held, and I trust the Committee will not reverse that decision. The Chief Secretary quite rightly said that the association could make additional funds available to the country clubs, but it is endeavouring to build up a reserve in order to provide new totalisator facilities.

Hon. L. Craig: Why bring the Minister into this?

Hon. Sir CHARLES LATHAM: I did not bring him in; he came in himself! I want him to stay out. If he had done so, the Bill would have been dealt with long ago. The principle we decided was whether there should be one meeting or three meetings. I hope another place will accept the Bill as reasonable. I want the country clubs to have a little more money to enable them to build up their organisations and breed more horses of the type wanted in the Eastern States.

The CHIEF SECRETARY: I have now located in the W.A.T.C. financial statement the amount of subsidy provided for goldfields and country clubs. The subsidy totalled £1,450 for the year ended April, 1948.

Hon. C. F. BAXTER: The Bill would not have been necessary had it not been that Parliament altered the totalisator fractions. I think the additional meetings for country clubs should be quite satisfactory. We ought to foster sport in the rural areas and thus provide more amenities for the people there.

Amendment put and negatived.

Hon. Sir CHARLES LATHAM: I move an amendment—

That a new paragraph be added as follows:—

(e) (i) deleting the words "in subsections (a) and (b)" from the proviso;

(ii) deleting the word "a" in line two of the proviso.

When I moved this amendment earlier I explained the position, so there is no need for reiteration.

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

Title—agreed to.

Bill reported with amendments.

BILLS (3)—FIRST READING.

1, Road Districts Act Amendment (Hon. J. A. Dimmitt in charge).

2, Western Australian Government Tramways and Ferries.

3, Justices Act Amendment.

Received from the Assembly.

BILL—BUSH FIRES ACT AMENDMENT.

Second Reading.

Debate resumed from the 27th October.

HON. A. L. LOTON (South-East) [6.2]: I thought that when Sir Charles Latham moved the second reading of this Bill he made it perfectly clear that the 25 per cent. reduction in premiums was to apply only to those areas where an efficient bush fire brigade had been established; but, unfor-

tunately, some members lost sight of that fact during the debate and are of the opinion that the reduction will apply throughout the State. That is not so. The onus of declaring these bush fire brigades efficient rests on the Minister, who will himself, if he so desires, appoint an inspector of the Forests Department to check the equipment that local authorities have for combating bush fires.

Some local authorities have extremely efficient equipment for combating bush fires, notably the Bruce Rock Road Board, which went to the trouble of sending its equipment for demonstration and display at the last Royal Show. The Kulin Road Board also has efficient equipment, although perhaps not so elaborate as that of the Bruce Rock Road Board. Throughout the Kulin Road Board area, water tanks are placed at convenient spots and are available during the whole of the summer. Trucks are also available. Arrangements have been made to man the post office during the week-end or during such hours as the office employees are off duty.

Hon. A. Thomson: Do you mean to look after the telephone?

Hon. A. L. LOTON: Yes. The whole district is well organised. The Dumbleyung Road Board has recently acquired an ex-Army vehicle and fitted it up very thoroughly. It is only in those areas where crops are insured and where this efficient equipment is available that the farmers will get the rebate of 25 per cent. on premiums from the insurance companies.

Hon. H. Hearn: How do you arrive at the 25 per cent.?

Hon. A. L. LOTON: It is a 25 per cent. reduction of the premium.

Hon. H. Hearn: But who says so?

Hon. A. L. LOTON: I am not an insurer, but perhaps what I shall now say will answer the hon. member's question. If an insured person furnishes a declaration that he carries an efficient knapsack spray on his harvester or tractor, he is allowed five per cent. rebate. Evidently the insurance companies have a system by which they work out their premium rates.

Hon. J. A. Dimmitt: But the insurance companies did not fix this 25 per cent.

Hon. H. Hearn: They were not consulted.

Hon. A. L. LOTON: Why did the insurance companies allow the five per cent. reduction for the knapsack spray? I do not know of anything contained in the parent Act which provides that the companies shall allow a reduction of five per cent. for such equipment. I have no objection to the rebate in the present case being increased to 30 per cent. or 35 per cent.

This is an instance where people in rural areas are doing something to help themselves. They are providing an efficient service not only to protect their crops, but also to protect dwellings and, in many cases, Government property as well. The least we can do is to help those who are prepared to help themselves. Perhaps not all the local authorities will endeavour to obtain the benefit of this proposed reduction as evidently the 25 per cent. is causing some concern. If, however, additional local authorities can be interested in providing efficient bush fire brigades, I feel that a good service will have been done to the community as a whole. I have much pleasure in supporting the second reading.

HON. H. K. WATSON (Metropolitan) [6.6]: Quite a lot of the discussion on this Bill has centred on the value of bush fire brigades. No-one desires to decry their value—

Hon. A. L. Loton: Some hon. members have.

Hon. H. K. WATSON: —nor the good work which they have been doing. As I see it, this Bill really has nothing at all to do with bush fire brigades. It is, in essence, a Bill to enforce a statutory reduction of 25 per cent. in the fire insurance premiums on crops in certain areas; and, as such, I agree with the view already expressed that, to that extent, the Bill is really a stupid one. After the discussion that has taken place today on the powers of the House and on the Standing Orders, I hesitate to raise this point, but it seems to me that, inasmuch as the parent Act is a measure dealing with bush fires, this question of bringing in the reduction of insurance premiums on crops really forms no proper part of the Bill and is not a matter for amendment of the parent Act. In my opinion, it really infringes Standing Order No. 173, which says that such matters as have no proper relation to each other shall not be included in one and

the same Bill. If we refer to the parent Act, we find that its Title is—

An Act to make better provision for diminishing the dangers resulting from bush fires, for the prevention, control, and extinguishment of bush fires, and for other purposes incidental thereto.

Section 22 of the parent Act reads—

A local authority may, notwithstanding anything to the contrary contained in any other Act, expend any portion of its ordinary revenue for all or any of the following purposes, namely:—

(a) in the purchase and maintenance of appliances, equipment and apparatus for the prevention, control, and extinguishment of bush fires; . . . .

(d) in establishing and maintaining bush fire brigades as a part of its organisation for the prevention, control, and extinguishment of bush fires;

(e) in subsidising any bush fire brigade voluntarily established within the district of the local authority as distinct from a bush fire brigade established and maintained by the local authority, which is duly registered under and in accordance with this part of the Act . . .

I suggest that this section shows the proper concept of the manner in which bush fire brigades are to be promoted, established and financed, and that the further appendage which it is proposed to insert in the parent Act by the Bill now before the House, is something entirely foreign to the whole question of bush fires and is itself a rather impracticable proposition. So far as fire insurance premiums on crops are concerned, the position is that if bush fire brigades are established and found to be efficient—and this can only be ascertained by results and not on the opinion of an individual or a group of individuals—the farmers will ultimately benefit by a reduction in rates, which rates are controlled by loss incidence.

An illustration of how insurers, without any Act of Parliament, have allowed a discount in cases where a knapsack fire extinguisher is provided on tractors was given by Mr. Loton. So it is with all the activities of insurance companies. It is an established practice throughout the world that premiums are fixed by the result of the business transacted in the past; and, if it is found that the premiums are insufficient to meet claims, plus a proportion for profit, then premiums are increased. If, on the other hand, the reverse is the case, then the premiums are lowered proportionately.

That is the natural consequence of competitive insurance, as it would be quite futile for one underwriter to quote a rate higher than that which the insured might be called upon to pay another underwriter who was prepared to give similar protection. No insurer of motor cars has yet distinguished itself by providing that there shall be a 25 per cent. reduction in premiums on motor cars which have four-wheel brakes instead of two. That is the very principle which is embodied in the Bill now before us.

Hon. E. M. Davies: Is this relevant to the Bill?

Hon. H. K. WATSON: What does the hon. member think of this? A person insures the contents of his house against burglary. The underwriter quotes him a rate of premium on the merits of the risk, but he is not asked to supply locks to the doors and catches to the windows to prevent the stealing of his goods; nor does Parliament say that if he does supply locks to the doors and catches to the windows he shall have a 25 per cent. reduction in his premium. Underwriters rate their risks on the merits of the risks and should not be called upon to provide protection or to have their underwriting compulsorily interfered with by statute, the framers of which could not have the expert knowledge collectively available to the underwriters. I agree with Mr. Fraser that, for the reasons which he mentioned, the Bill will not work anyhow. I also agree with Mr. Craig that this House should not make itself look ridiculous by passing the Bill. I intend to vote against the second reading.

Sitting suspended from 6.15 to 7.30 p.m.

HON. H. A. C. DAFFEN (Central) [7.30]: I consider the idea behind the Bill to be highly commendable, but I cannot view favourably the figure of 25 per cent. deduction from the insurance premium reached in such an arbitrary and haphazard manner. The idea of trying to define the areas in which it is to operate is unworkable. I therefore propose to vote against the Bill. However, I see so much good in the original idea that I hope something will be done to reconstruct the measure. Bush fires are destroyers of property and of life, both animal and human, and bush fire brigades are therefore worthy of help.

The Bill provides for the deduction of 25 per cent. from the premium paid by policy holders. From that the brigades themselves can hardly expect much direct benefit. Surely a little thought will show that a lesser percentage spread over all the policies could make a large contribution directly to the fire brigades themselves. I believe that a proper approach to the insurance companies would result in some voluntary arrangement that would prove of direct benefit to the brigades. I would rather see that done than follow the line of compulsion that most of us profess to abhor. Bearing in mind the fact that an efficient fire-fighting organisation in any district would be the means of checking the spread of fires and in many cases of actually preventing them, it would, I am sure, appeal to insurance companies as being in their interest to assist; and I feel confident that, with a proper approach to the problem, much could be done in this direction.

So far as the efficiency of the brigades is concerned, there are many instances in which their activities could be linked with those of existing fire stations, which would probably result in something on the lines of our present voluntary firemen system. I think so much of this idea that I suggest someone should secure the adjournment of the debate to enable the matter to be discussed further with a view to the appointment of a Select Committee to look into it. Perhaps further consideration of the measure might be deferred pending the report and recommendations of such a Committee. This course would save the idea behind the Bill from meeting the fate that I believe the measure will meet in its present form.

HON. SIR CHARLES LATHAM (East—in reply) [7.33]: I am sorry the Bill has met with such a reception. At the same time I believe every member is desirous of doing something to assist those who are engaged in voluntary fire brigade work in agricultural and other areas. I believe that is the intention of members. I think that members have looked too much to the Bill itself without ascertaining the powers under the parent Act, Section 22 of which provides that—

> A local authority may, notwithstanding anything to the contrary contained in any other Act, expend any portion of its ordinary revenue for all or any of the following purposes, namely:—
>
> (a) in the purchase and maintenance of appliances, equipment and apparatus for the prevention, control and extinguishment of bush fires;
>
> (b) in paying the cost of clearing any street, road, or reserve vested in it or under its control of any bush, stubble and other inflammable material for the purpose of preventing the spread of any fire;
>
> (c) in connection with the exercise of any of its powers under this part of the Act;
>
> (d) in establishing and maintaining bush fire brigades as a part of its organisation for the prevention, control, and extinguishment of bush fires;
>
> and so on.

The Honorary Minister for Agriculture: There is nothing about the fixing of insurance rates.

Hon. Sir CHARLES LATHAM: No. The only reason that has been placed in the measure is that it gives a certain security to insurance companies issuing cover and some encouragement to those engaged in voluntary fire brigade work to continue their activities. I hope the measure will pass the second reading. If so, I propose to ask that it be not proceeded with this session but that a Select Committee of three be appointed and another place be asked to appoint a further three members to that committee with a view to investigating the matter, because I believe there are good grounds for the Bill. I commend Dr. Hislop for his suggestion and propose to follow it. We can then ascertain from the insurance companies what they propose to do—whether they favour this proposal or not. I believe they will give encouragement to country bush fire brigades. At the same time we may be able to set up a uniform organisation in the agricultural areas which is not in existence today.

It was explained by some members that in certain districts there are different methods in operation in areas divided only by a road. If we can establish a basis for voluntary bush fire brigades and enable that to be done by some encouragement from insurance companies, I will be perfectly satisfied that the time of this House has not been wasted in discussing these points. I do not think we should rush these things through. Members have expressed themselves to the effect that they are desirous of helping to establish country bush fire brigades. At the same time they consider this measure goes a little too far. The only way we can

determine that matter is to appoint a Select Committee from this House. In fact, I would like to see a Joint Select Committee so that another place, where this Bill originated, may be able to give the matter the same consideration as it will be given here.

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

Ayes	17
Noes	8
Majority for	9

AYES.

Hon. G. Bennetts	Hon. L. A. Logan
Hon. R. J. Boylen	Hon. A. L. Loton
Hon. J. M. Cunningham	Hon. W. J. Mann
Hon. H. A. C. Daffen	Hon. G. W. Miles
Hon. E. M. Davies	Hon. H. L. Roche
Hon. E. H. Gray	Hon. C. H. Simpson
Hon. W. R. Hall	Hon. A. Thomson
Hon. J. G. Hislop	Hon. H. Tuckey
Hon. Sir Chas. Latham	(*Teller.*)

NOES.

Hon. L. Craig	Hon. H. S. W. Parker
Hon. J. A. Dimmitt	Hon. H. K. Watson
Hon. R. M. Forrest	Hon. G. B. Wood
Hon. H. Hearn	Hon. G. Fraser
	(*Teller.*)

Question thus passed.

Bill read a second time.

Referred to Select Committee.

Hon. Sir CHARLES LATHAM: I move—

That the Bill be referred to a Select Committee.

The CHIEF SECRETARY: To refer this Bill to a Select Committee will involve a tremendous expenditure of public funds and a good deal of labour on the part of whoever may be on the Select Committee. I am afraid I must oppose the motion. I cannot see that this measure can in any way be of use even if it is finally passed, because there is nothing in it to force the insurance companies to insure. So a Select Committee's efforts, so far as I can see, will be absolutely wasted. A lot of expense would be incurred as members of the committee would have to travel all over the country, at the expense of the State. I see no advantage to be derived from the appointment of such a Select Committee. The measure was introduced in another place and apparently no such action was thought necessary there. It seems strange that at the present stage this House should agree to the appointment of a Select Committee. I oppose the motion.

Hon. Sir CHARLES LATHAM: I hope the House will agree to the appointment of a Select Committee. I feel that I was not entitled to the support I got for the second reading of the Bill unless the measure is now referred to a Select Committee. Under the circumstances, I hope the House will agree to the motion.

The Chief Secretary: Of what advantage would it be?

Hon. Sir CHARLES LATHAM: There have been many Select Committees in the past that have provided much useful information. I agree that the Bill is not perfect and, as I have already said, I wish to see before the House a Bill that will meet the desires of members and give encouragement to the bush fire brigades.

Hon. R. M. Forrest: Why not bring down another Bill?

Hon. Sir CHARLES LATHAM: In all probability, the Select Committee would draft a Bill suitable to be submitted to the House. Such a measure might contain none of the provisions of the present Bill.

The PRESIDENT: I take it that the hon. member intends to move his motion in the correct form.

Hon. Sir CHARLES LATHAM: I do.

Hon. J. A. Dimmitt: Have not other matters to be stated when moving for the appointment of a Select Committee?

The PRESIDENT: Yes.

Hon. J. A. Dimmitt: The hon. member has not stated any terms of reference.

The PRESIDENT: I refer the hon. member to Standing Order 283.

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

Ayes	19
Noes	7
Majority for	12

AYES.

Hon. C. F. Baxter	Hon. L. A. Logan
Hon. G. Bennetts	Hon. A. L. Loton
Hon. J. M. Cunningham	Hon. W. J. Mann
Hon. H. A. C. Daffen	Hon. G. W. Miles
Hon. E. M. Davies	Hon. H. L. Roche
Hon. G. Fraser	Hon. C. H. Simpson
Hon. E. H. Gray	Hon. A. Thomson
Hon. W. R. Hall	Hon. H. Tuckey
Hon. J. G. Hislop	Hon. R. J. Boylen
Hon. Sir Chas. Latham	(*Teller.*)

Noes.

Hon. L. Craig	Hon. H. K. Watson
Hon. R. M. Forrest	Hon. G. B. Wood
Hon. H. Hearn	Hon. J. A. Dimmitt (*Teller.*)
Hon. H. S. W. Parker	

Question thus passed.

On motion by Hon. Sir Charles Latham, a Select Committee appointed consisting of Hon. H. A. C. Daffen, Hon. E. M. Davies and the mover, with power to call for persons, papers and documents, to sit on days over which the House stands adjourned and to move from place to place; to report on the 25th November.

As to Joint Select Committee.

Hon. Sir CHARLES LATHAM: I move—

That a message be transmitted to the Assembly notifying that the Council had agreed to refer the Bush Fires Act Amendment Bill to a Select Committee of three members, and requesting the Assembly to appoint a committee of the same number of members to act with the committee of the Council.

The CHIEF SECRETARY: Should not the message state the time when the Select Committee is to report? As this is a private member's Bill, it will be dealt with only on Wednesdays and may not be reached before the date upon which the committee is to report to this House.

Hon. Sir Charles Latham: We do not usually do that.

The PRESIDENT: In future, such motions must be properly prepared and sent to the Chair so that they may be dealt with in the ordinary way.

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

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 22nd October.

HON. A. L. LOTON (South-East) [7.55]: I support the second reading of this Bill in the hope that many drastic amendments will be effected when it is in the Committee stage. I shall deal briefly with some of my objections to the measure and leave other members to carry the debate further. My first objection is to the setting up of a board. I fail to see why it is necessary at this juncture to constitute a board to control and administer the provisions of this Act. I believe that, as in the past, the registrar should be able to do the job satisfactorily. I know that in its report the Royal Commission proposed the setting up of such a board and on more than one occasion, in dealing with this question, the Commissioners stated that no additional expense would be incurred thereby.

I cannot follow that line of reasoning, because staff would have to be engaged and, as it would be a full-time job, the chairman and members of the board would have to receive large payments which would constitute an additional burden on premium-holders and therefore on industry. A clause that I find gratifying, and which I think will create satisfaction throughout the rural areas, is that which provides that a member of an employer's family may be covered under the Act. In the past, for some reason best known to the insurance companies, members of an employer's family were looked upon as being suspect and were not entitled to be covered if in the service of that employer. I cannot understand why, in days gone by, members of an employer's family were outside the scope of the Act.

Hon. H. Hearn: Was that not so under the old Act?

Hon. A. L. LOTON: No. A provision with which I do not agree is that covering the employee to and from his place of employment. If a person desires to be covered when travelling to and from his job it should be his own responsibility to take out an insurance policy. I fail to see why an employer should be responsible for, say, Tom Jones going from Subiaco, Nedlands or Victoria Park by tram, bike or other means of transport whereby he may run some unnecessary risk but feels secure because he is covered by the policy taken out by his employer. Subsection (13) of proposed new Section 33 reads—

Each member of the Board shall retire on the day on which he attains the age of sixty-five years, unless he is granted retiring leave, in which case he shall retire on the expiration of that leave, or unless the Governor directs that he shall be at liberty to continue in office at the Governor's pleasure.

That is the case of a member of the board having three choices as to how he shall retire. If a man has to retire at 65, then why not make him retire? Instead of that he can be given special leave of absence and

then retire or else continue in office at the Governor's pleasure. In the past we have seen men retired from one job and then given another under the same terms as specified here. I am therefore not in agreement with that provision being retained in the Bill. Subsection (15) of proposed new Section 33 reads as follows:—

No member of the Board shall engage in any business or occupation for remuneration other than that of his office on the Board without the consent of the Minister.

He should either be on the board as a full-time member or he should be off altogether.

Hon. A. Thomson: He must be a full-time member.

Hon. A. L. LOTON: The subsection says "without the consent of the Minister." Why leave it in that form? It should be bound down. The other point to which I object is set out in Subsection (16) of the same proposed new section, which reads—

At any meeting of the Board at which all three members are present the determination of a majority of members shall be the determination of the Board . . . . .

That is all right but Subsection (17) says—

The chairman and one other member of the Board shall be a quorum and shall have all the powers and duties conferred upon the Board by this Act.

I wonder whether the Bill provides that all three members of the board are to be notified that the meeting is to be held, and what period of notice is to be given, that is, if the constitution of this board remains in the Bill. I am hopeful it will not be necessary to debate that point because I trust that the board will be removed. The Bill then mentions many of the powers which the board possesses, but in addition, and to make it watertight, Subsection (13) of proposed new Section 37 sets out—

The board shall also have the following powers—

(a) To investigate all matters relating to industrial diseases of any nature whatsoever and for that purpose may co-opt not more than three qualified medical practitioners registered under the Medical Act, 1894-1946.

If we are to allow this board to have the power to investigate all industrial diseases of any nature, I am hopeful that Dr. Hislop will give the House an explanation of that subsection and I will then have gained some information which at present is not available. Another point set out in paragraph (a), Subsection (14) of proposed new Section 37 reads as follows:—

The Board or any member of it or any officer or person authorised by it for that purpose may at any time enter into the establishment of any employer and the premises connected with it and every part of them, for the purpose of ascertaining whether the ways, works, machinery or appliances therein are safe, adequate and sufficient and whether all proper precautions are taken for the prevention of accidents to the workers employed in or about the establishment or premises and whether the safety appliances or safeguards prescribed by law are used and employed therein.

I think that is a duplication of the powers already provided for under the various Acts of Parliament. We have the Factories and Shops Act, the Health Act, the Inspection of Machinery Act; we have goldmining regulations, coal mining regulations, timber industry regulations and now we propose to give three members on a board or any person authorised by them further powers to make inspections. I am wondering whether it is necessary to have that duplication of inspectors. I think members will view that provision with suspicion. Another part throws the whole of the onus for the prevention of accidents on the employer, but no provision is made for throwing the onus on to an employee should he not use the necessary safety measures or appliances provided by his employer. Paragraph (d) of Subsection (14) of proposed new Section 37 reads—

When an accident causing injury to a worker in respect of which compensation is payable under the provisions of this Act has occurred, and when in the opinion of the Board the accident was due entirely to the failure of the employer to comply with the directions of the Board, or with the regulations made under this Act, the Board may levy and collect from the employer as a contribution to the fund a sum of money not exceeding one-half of the amount of compensation payable in respect of the injury and the payment of such sum shall be recoverable as a debt due to the Board in any court of competent jurisdiction, notwithstanding that the employer is liable to, or has discharged any penalty in respect of that failure.

By that paragraph it is seen that the employer is always responsible and if a man feels that he needs a slight rest occasioned by a minor injury, such as straining himself or slipping on a wet floor, the employer carries the whole burden. Those are the main points of my objection to the Bill.

Although I am prepared to support the second reading, I am hoping that amendments will be made in Committee.

HON. J. G. HISLOP (Metropolitan) [8.8]: I have not prepared a long second reading speech on the measure because, whilst it is of importance, I regard it more in the nature of a Committee Bill than one that demands a long opening address. I could possibly interest or bore the House by speaking for hours on the subject of workers' compensation and its effect upon the community and the workers, either psychologically or from any other point of view. I do view a Workers' Compensation Act as one of the means of progress in social service legislation.

There are certain sections within our community that must be satisfied if the Bill is to meet with approval and to function adequately afterwards. The worker himself must receive justice in the way of compensation for injuries received whilst he is employed. On the other hand, industry must be satisfied that the Bill is so drawn that the cost of that compensation is not more than it can bear. I do not believe that industry has any right any longer to say that it cannot afford adequate compensation to a worker but it is entitled to say that the means of granting that compensation and of administering the legislation dealing with it is such that it does not impose, in addition to the compensation, a charge upon industry which it feels it cannot bear. Thirdly, there is the nursing and medical profession who have a right to expect an adequate return for their services.

When this Bill was introduced in another place, I congratulated the Minister because I felt there were many points in it which would improve the administration of the present Act. No-one will doubt for a moment that there is justification for an increased amount to be paid to workers for injuries received, purely on the basis that money these days has ceased to purchase that which it would buy in pre-war days. There are also provisions in the Bill which, I think, will do away with many anomalies in the Act. I do not need to go into that in any detail, but if I can be of assistance during the Committee stages in replying to doubts or questions raised by members, I will only be too pleased to give any information possible. These questions are so many and so complicated that they will come up in clause after clause, and I am afraid I would make a very long speech in trying to explain them at this stage, in addition to giving members the opportunity of hearing my ideas for the necessary changes which are set out in the Bill.

One point has already been made in that the increased amount paid to injured workers and the institution of the board will entail a considerable increase in the premiums charged. Members might well be justified in giving that matter deep thought because I believe that, with the other provisions that are contained in the Bill, it is probable that there may be little addition to the premium costs. I consider that if the amount paid in collecting this business could be reduced and the amount paid under certain anomalies—some of which were referred to by the Minister when introducing the Bill—where men have been paid more than once the full lump sum of compensation for the loss of use of one limb or where individuals have received money which has been given to them by mere technical oversights in the Act could also be controlled, a saving could be effected.

If money can be saved by having a board to discuss the adjudication of claims and so avoid legal expenses, all this in the aggregate may reduce the cost which will be incurred by the present Bill to much the same cost as would be experienced under the Act. In reading the Minister's speech, I gained the impression that the manager of the State Insurance Office has reached much the same conclusion. There are certain anomalies that exist with regard to silicosis, and one realises that if the amount were paid according to disability, there would be a more equal distribution of the money available to the men and there would possibly be lower cost to industry. Therefore I think we should not readily accept the idea that this measure is going to cost the community 30 per cent. more.

Hon. C. F. Baxter: The figures I gave work out at 32 per cent.

Hon. J. G. HISLOP: I repeat that there is a side to workers' compensation other than that of the insurance companies, and there is a possibility that evidence could be given to the companies that would point in the direction I have indicated.

Hon. C. F. Baxter: It did not work out that way in Victoria.

Hon. J. G. HISLOP: We are not dealing with Victoria; we are dealing with the Bill before us. There are certain features of our Act with which we have to deal and, under local conditions, there have been some anomalies that can be rectified. However, there are some features of the Bill that do call for concern and must receive a considerable amount of thought before we ultimately pass a measure that will meet the needs of the injured worker. Under the Bill it is proposed to form a board. I do not for one moment subscribe to the view that a board is unnecessary and should not be contemplated, because I believe it could do a tremendous amount of good by reducing the legal difficulties that confront the workers in their claims. If one could remove the legal aspect from workers' compensation, I believe it would result in considerable benefit for the worker and would improve the whole outlook respecting compensation from the point of view of every resident in the State.

I have a dislike—as has also my profession—to legal argument over a man's compensation when he has been injured in the service of industry. I believe that a good deal of the work could be carried out successfully by a board appointed under the Act, but I am not at all happy about the proposed constitution of the board. I have spent my life amongst sick people and appreciate the psychological effect of illness, and I cannot regard with any degree of satisfaction a board that is designed to adjudicate on compensation having one representative of the insurance company and one representative of the injured worker. In other words, this board savours very much of the Arbitration Court where two advocates are appointed to sit with the President and to give the opposing views of the employer and the employee, respectively, to the President.

But can there be any similarity between that and a board discussing the pros and cons of whether a man did receive his injury at work or whether his amount of compensation should be little or great? I believe that this will bring to workers' compensation a wrong psychological effect in the mind of the injured man. It will make him feel that on the board is one person who almost inevitably will give evidence that must be against his interests and that he will need to look to the man appointed as workers' representative to try to get for him more than his due in order to balance the views of the other man who, he will think, will be asking that he should receive less. That is wrong in principle and is bad psychologically for the injured worker.

I am not greatly concerned from the medical point of view who adjudicates, but I am interested in the fact that we shall produce a bad psychological effect in the mind of the injured worker because the onus will then fall heavily upon the medical profession to deal with these cases. An injured man who receives a psychological upset and feels that he is not getting justice in his claim will become suspicious. Nothing can prevent that. We have seen it occur many times in the past and I am afraid we shall see it more often still under a board of this sort. I do not propose to make any alteration to the board, but I put it to members seriously that if they approve of a board including a representative of the employers and of the employees, they will be making a sad psychological mistake. Surely we have not reached a stage where we cannot find three honest men to sit on a board and do their best to ensure that the scales of justice are held evenly in the case of injured workers! Surely we do not need a Diogenes going around with a lamp to find three men to do this work!

I have been a member of this House as a Liberal representative for seven or eight years and have been asked by trade unions to give them opinions because they have regarded my interest in the injured worker as sound. There was an occasion when I was asked by the employers' section to carry out a full investigation of a certain industry, and the unions came to me and asked me whether I would at the same time conduct an investigation of the same industry on their behalf.

Hon. E. H. Gray: That was a great compliment to you.

Hon. J. G. HISLOP: Surely it will not be said that a medical man is the only one who can hold the scales of justice evenly! There are many men in our community who would be prepared to make a life study of the interests of injured workers. This is one of the most fascinating things in the whole realm of medicine and I could speak for hours relating stories of what can happen

to injured workers. Accident in industry goes a long way further than the mere fact of a man falling over and breaking his arm, and workers' compensation goes a long way beyond the mere provision of compensation for an injury received. It involves, in my opinion, a definite responsibility in the direction of prevention, as well as the granting of monetary compensation.

I do not think that any member would truly consider that the granting of even £1,250 to a widow and family would compensate them for the loss of husband and father. I think we surely must get a long way beyond that stage and must realise the need for starting in the realm of prevention. A board could do a tremendous amount of good. Four years ago I asked in this House that there should be set up a statistical and research bureau. Much of what I suggested has been accepted by the Royal Commission on Workers' Compensation and to some extent has been embodied in this Bill.

In reply to Mr. Loton, who asked what three medical members of the board would do, I reply that they would be called upon to carry out the research work that is so necessary. In my speech four years ago, I said that we were losing a tremendous amount of real statistical information about injuries and industry because the files were not being kept with anything like a semblance of order and because there was no central body whose business it was to see that the files were put in order or to advise industry that a particular method was causing injury to workers.

I can well see why the board will need inspectors, but I had no growl against the member who said he would not like to see the board with a large force of inspectors. Rather than have inspectors going round to factories and running counter to many other organisations in our midst, I envisage a research department making inquiries into methods of safeguarding workers and ascertaining whether particular types of industry are causing particular types of injury, and advising industry on the facts. Let me give one or two examples: It was Dr. Radcliffe-Taylor of the State Insurance Office who, by noting the amount of compensation being paid to men for injured toes, suggested the introduction of what has already been adopted in some other parts of the world, a steel toe-cap, and the result has been that the injury from this cause has become less and the amount of compensation paid has been greatly diminished.

Let me give another side of the story. A small mine was using a particular method of cleansing with zinc shavings with the result that one man died of arsine poisoning, a terrible death, and another man had a lucky escape. About 12 or 18 months afterwards a mine not very far away adopting the same method, had a man die from the same cause. Yet the State Insurance Office at that time had no power to tell the managers of those mines that they should alter their methods of carrying out that particular part of the work.

That is where I consider we have to act in connection with workers' compensation. We have to go to the point of prevention, and if we are going to do that, we must make a study of the diseases that are consequent upon industry of the safeguards that must be introduced into industry. I am not at all certain that it would be the duty of the board to go round and inspect these places, but we should have a research bureau making a study of such matters.

There might not be any harm in telling the House of an interesting case arising out of research. A man using a vibration jack hammer recently complained of a pain in his his abdomen. It was not until we really began to make inquiries as to how he was using the hammer that we began to realise that the machine, which vibrated at some 2,000 revolutions per minute, rested upon his abdominal wall. Even then only a few of us began to realise that something might be happening, until we searched the literature of the world, which is available in our medical library, when we found that men using vibration tools are subject to certain conditions in their hands—their fingers go white—and that they have alterations in the structure of their wrists.

Until we have that and other information about industrial accidents and happenings, a man is likely to be deprived of his just compensation. I believe it is the responsibility of a central body within the State to make inquiries into these things. It should not be left to individuals in the profession to be interested and fascinated in workers' compensation, but should be the responsibility of a body such as this to make available to those of us who are inquiring, know-

ledge upon these various subjects. If the House does review the question of this board, I hope it will do so from the point of view of asking that it make a real study of these conditions.

My proposals, which I have put on the notice paper, show that I have asked that the three medical men on the board be given the right to investigate cases, and the results of the methods of treatment of various injuries, and, where they think it is in the interests of the administration of the Act, to publish their findings. They could send their findings to the members of the medical profession, to the industry where the accidents occur, and to the men themselves. I do not think we are yet seeing the end of the result of workers' compensation and we will not do so until we reach the stage where we pay a man for the loss of his earning capacity—in other words, a pension. Lump sum compensation is not the end. I think the Third Schedule will be one that time will see amended in that direction.

Another question suggested in this House that I hope members do not pursue very far is this, that the worker must bear his responsibility for what is called negligence of work. Negligence, yes, if it comes within the common law, but not negligence if it means that the worker has refused to use some means of prevention which have been given to him and which he has been told to use. There are certain definite rules and laws laid down now by those who are specialists in workers' compensation and in the prevention of the hazards of industry. The first golden rule laid down by Sir Thomas Leigh is that, unless the means of prevention are external to the worker, they will never succeed. We must bear that salient point in mind when we come to the question of saying that the worker must share the responsibility.

The mere fact that we say to a worker in some dusty occupation that he must wear a mask of the type we provide, does not, I am afraid, absolve industry if the man refuses to wear the mask. It has been accepted —world-wide now—that if we desire to prevent injury to the worker, then our method of prevention must be external to the worker. In other words, if, in chemical industries, we want to avoid the hazard arising from using very dangerous chemicals, then we must eliminate those chemicals and substitute a method by which we use chemicals that are not nearly so dangerous, or not dangerous at all.

Right through industry the world over there is an attempt to take away from the worker any hazard, and not to impose restrictions upon him, because if we look at the matter calmly we find it would only lead to stagnation and not progress in industry if we tried in any way to harness the activities of the worker. Whilst one may feel that one has moral grounds for saying, "I shall not pay you for your negligence," one also has to realise that morally one must accept the experience of industry all over the world as an indication of the road along which one is travelling. The Bill proposes a board. I have asked members to view the board in two ways, firstly, the set-up with its psychological effect upon the worker, and, secondly, the effect it must have on research into the prevention of accidents.

I want members now to look at it from a third point of view, that the board will be composed of a legal man, a representative of industry and a representative of the employees, and it will be faced with the dual responsibilities of adjudicating on claims and of administering the Act. Therefore, the board must be composed of men who can adjudicate and administer. Admittedly, they will have a registrar under them but they will be responsible for the entire administration of the Act. When we look through the measure we see the immense amount of administration that will fall to their lot.

There are two clauses in the Bill that I am quite certain would have an effect, when put together, which those who sponsored the measure never dreamed of. One clause states that the board will be empowered to form a register of medical men who are entitled to practise workers' compensation under the Act. It means that the board will be able to eliminate certain medical men from treating workers. I think the worker must view that with a certain amount of concern because there still is, and must remain, the faith of a man in his medical adviser. Admittedly there is then a clause which allows the board to eliminate from the register, medical men who have transgressed against the Act—and I quite agree with that.

But I think the register should be so wide as to contain the name of every medical practitioner within the State except those who have transgressed against the Act, and the names of those men should be expunged only for the length of time which the board decides that they cannot carry out their duties as medical men under the Act. About three pages further on in the Bill another clause gives the board the right to do anything necessary in regard to the provision of medical and surgical care for an injured worker.

If we put these two together—that is, first of all, that there is to be a register and, secondly, that the board can do anything at all to provide treatment for a worker—we find that the board could set up its own medical service. This would not be in the interests of the State or the workers, and certainly not in the interests of the medical profession. I am quite sure that was not in the minds of those who proposed the Bill. So as to put the matter in proper order, I have suggested two provisos, one that every medical man, except those who have transgressed, shall be entitled to have his name on the register, and secondly, that the board shall not exercise its powers to the exclusion of the men on the register. If we allowed this to happen we would find that the worker would no longer have the right to choose his own doctor, but would be told where to go, and the decision as to where he should go would rest with three laymen. They would decide the names of the medical men to be on the register.

It might also, taking it to its logical conclusion, lead to the position that in a country town the board could say, "There are two doctors practising and we only want one to handle workers' compensation cases." That would mean that the sale of medical practices within such a town would be governed by whether the board decided to allow all the men to practise, or only some of them. I am quite certain that was not the intention of the Bill, and I have suggested an alteration to the proposed board to meet what I think was the intention of the framers of the measure.

There are certain other features that I want to emphasise and I will go into them in greater detail later if members wish. I have put on the notice paper suggestions by which the proceedings of the medical board can be entirely altered. The medical boards, as constituted under the Act, have grown into, shall we say, more or less a farce, and I hope they will not be perpetuated in the Bill, as they would be if my amendments were not accepted. Let me put it this way: If a person comes to consult me in my rooms, I am on my own ground and that person has come purposely to see me. I have all the things around me with which I am accustomed to practise. I have all my facilities available and my room is in such a place that I can at least have quiet while arriving at a considered opinion as to my patient's claims.

Now, take the other side of the story. Three men go down to rooms which are not fitted up in anything like the way that mine is now, possibly members of the staff are knocking at the door, and there are three men trying to work out a worker's claim, while the lift is rattling up and down, as it does at the moment, which does not help one's thoughts at all. At the end of that time one is supposed to come to a reasonable conclusion about the man's claim. It just cannot be done. It must also be realised that under the present Act the decisions of the medical board are not final and may be challenged at any time. I am afraid that they do not give effect to the true meaning of the Act in the way I would like to see it carried out.

Many men in the medical profession agree with my contention that the only sound way to conduct a medical board is for the patient to see each member of that board separately before a decision is reached. For that reason I have drawn up the amendments that appear on the notice paper. If these medical boards are to be final in their decisions, and if their opinion is to be binding, then they must, in the interests of the worker, be as thorough in their task as it is possible for them to be. There can be no possible loophole by allowing medical or other boards to be slipshod or careless or inefficient when they will have a tremendous amount of weight in deciding the claims of injured men.

There is another feature to which I shall briefly refer and that is that I regret very much that the Minister has not seen fit to increase the sum of £100 which has been set aside for medical and hospital expenses in conformity with some of the increases that have been made to the worker. If the

money to the worker is to be increased because of the alteration of monetary considerations, then surely the same must apply to hospitals and—

Hon. C. F. Baxter: In comparison with the other States—

Hon. J. G. HISLOP: I would like to reserve detailed remarks until the Committee stage and therefore I will not reply to Mr. Baxter at the moment but I am quite willing to debate it with him in Committee. I would put this to Mr. Baxter: Does he expect that industry has a right to go to a profession and say, "We will come to an agreement with you to treat our workers up to a certain point of injury and then beyond that we ask that they be dealt with on the basis of your charity?" Is industry entitled to do that? It is a point we have to face and comparison with the other States does not really carry any weight at all when we realise that if we make it £25 to cover hospital and medical expenses, all that we will be doing is asking the nursing and medical professions to carry industry's burden. Does the hon. member want that? If we do not do that, then the injured workers must go to the Government hospitals and their serious injuries be treated by the State and again at the charity of the medical profession which does its work in an honorary capacity at these hospitals. Does industry want that? There is no longer any justification whatever for the £100 limit.

The Honorary Minister for Agriculture: What amount do you suggest?

Hon. J. G. HISLOP: I should say that there is no justification for any amount because if this board gets the powers laid down in this Bill to control the amount that is paid, then the limit can be taken off completely. To get rid of this provision which would enable the two professions to be relieved of the burden, would not cost £2,000 a year. Let me quote one or two examples of what actually happens at the present time. I should say that the £100 covers 90 odd per cent. of all cases which come under the Act. In the vast majority of instances it is extravagant but it does not cover those men who are seriously injured.

Hon. Sir Charles Latham: There is provision for an additional amount for them.

Hon. J. G. HISLOP: No.

Hon. Sir Charles Latham: Yes, for specialists.

Hon. J. G. HISLOP: No, once the £100 is used up the man must return to the charity of the hospitals. I can produce cases and I have a statement with me which states that St. John of God Hospital in 1944-45 lost £500 by treating workers' compensation cases. Does industry want a religious institution, simply because it is religious, to do that? Because it is such an institution, it does not refuse to take such cases. I think this expenditure on medical and nursing fees has grown into a sort of red herring and is used as a catch-cry. Here are figures which show where individuals have been in hospitals like St. John of God for six months. We must not forget that such men have been seriously injured and have been so injured that a long stay in hospital is necessitated. Here is a case where a man was kept for 26 weeks and three days in hospital and the total account rendered was £114. The insurance company paid £45 of it and in this particular instance the hospital had to meet the nursing care and the food for the man for the whole of that 26 weeks and at the end of that time they received £45 instead of £114.

Under the present arrangement the Commonwealth Government does pay, under certain conditions, when the £100 has run out, a sum of 6s. per day and from today onwards that will be increased to 8s. per day. In this particular case the Commonwealth Government found £46 10s. and the hospital actually lost £22 1s. for keeping that man in hospital for a period of 26 weeks. Is it any wonder that it is not possible to get an injured worker into hospitals —except one or two such as St. John of God—when such conditions obtain? No other hospitals could stand up to it. When I was speaking to the Reverend Mother of St. John of God Hospital the other day she told me that were it not for the fact that the hospital is a religious organisation and the staff working as they do the hospital could not afford to take workers' compensation cases.

There is not a private hospital in Perth today where it is possible to get a bed for these cases. It is not possible to get a bed under £6 6s. a week and these sisters are taking workers' compensation cases for £4 4s. a week and then still lost £22 in the

particular instance I mentioned. Is that what industry wants? It does not seem to me that industry does want it. I have more respect for employers than to believe that they expect hospitals to do this work for nothing. The list I have in front of me states that St. John of God Hospital during the last 12 months, despite the contributions from the Commonwealth, lost £83 5s. 5d. in its treatment of workers' compensation cases. In 1944-45 it lost £497 17s. 2d. and there are cases in which it has lost as much as £52.

Here is an instance where a man was in hospital for 26 weeks and six days and the cost would be much the same as in the previous instance I mentioned, and the hospital lost £52. There is another one where a man was in hospital for 21 weeks and the bill came to £90. The insurance company paid £54 and the hospital lost £36. No hospital is going to take workers' compensation cases on that basis and it is not fair to suggest that those who run private hospitals should bear the cost of treating seriously injured men.

In the Committee stage I hope members will agree not to take away the limit of £100 as that would be too radical to suggest at the moment, but I hope it will be agreed that the board, when it sees fit, can alter the charges and the amount paid under this heading in order to make a just payment. If the board itself is satisfied that the cost is genuine and that the treatment is necessary, then I am quite certain that it would stand up to those increased costs. I want members to face the fact that there is one hospital only in the metropolitan area—or rather there is another small one as well—that will take workers' compensation cases and that is because it is a religious institution and takes the cases because of the hospital's religious character.

We must face the fact, whether we like it or not, that as money decreases in value then these costs will rise and so we must meet our responsibilities on that basis. Finally, I hope the Committee will agree to an amendment that the board shall have power to pay fees for various of its services as it thinks fit. Not all medical boards are alike in the amount of work entailed. For instance, it is quite simple to look at a man's joint and decide whether he has lost a certain amount of efficiency, but it takes a long time to decide whether a man's head injury, or heart injury, or chest injury, is causing a percentage of damage that is permanent, or what its after effects may be. Therefore I want power given to the board to vary the fees that it pays to these medical boards.

The Bill itself suggests in the first place that cases under the Second Schedule only shall be referred to medical boards but I think power should be given to the board to send any case to a medical board. I want to try to obviate as much as possible cases going outside the board, because I think all types of injuries, not only broken bones, must be referred and the board should have the power to refer such cases to medical boards. This is a very large Bill with a large number of implications. I hope that members will give it full consideration and will pay considerable thought to the avenues that I have opened to them in regard to the Workers' Compensation Act and its influence upon the worker.

I do not desire to see anything in the Bill that widens any further the chasm between employer and employee but that the measure will make the injured men more secure in mind. I do want to see the board set out on some field of investigation, not necessarily policing, but some field of investigation into the ramifications of industry in relation to its work and to prevent accidents wherever possible rather than grant monetary compensation. I again ask that all these factors which are combined to make the Workers' Compensation Act possible, should receive equal justice.

Question put and passed.

Bill read a second time.

BILL—WESTERN AUSTRALIAN MARINE.

Second Reading.

THE CHIEF SECRETARY (Hon. H. S. W. Parker—Metropolitan-Suburban) [9.0] in moving the second reading said: The Bill is somewhat bulky and formidable, but it should not prove as troublesome as its bulk would suggest. All navigation originally was controlled under the provisions of an Imperial measure, the Merchant Shipping Act. It is

a very old enactment and represents one of the few Imperial Acts that still apply to any extent in connection with Australian shipping. In many respects it has become obsolete. The Commonwealth Government has its Navigation Act which deals with Australian shipping and oversea ships. The Bill now before the House deals with intrastate shipping and that applying to rivers and harbours. It follows very largely the existing Western Australian Navigation Act and the drafting of the measure has been based on the Imperial Merchant Shipping Act, the Commonwealth Navigation Act and the navigation laws of Queensland, New South Wales, Victoria and South Australia. Of these, the Queensland and South Australian Acts have been most closely followed.

The Bill embodies various amendments to the existing Navigation Act and brings the legislation up to date. The Title of the Bill is the Western Australian Marine Bill, and that has been adopted to distinguish it from the Navigation Act of the Commonwealth. In view of the rapid advances in all maritime affairs, it is most unsatisfactory, from the departmental point of view, endeavouring to control modern practices under an out-of-date Act. Consequently, it has been found necessary to bring the existing legislation up to date. New provisions have been included and old sections modernised. The only satisfactory method of accomplishing the desired end is to repeal the existing Act completely, as well as a number of other Acts that apply. They are consolidated in this measure and thus the Bill seeks to bring the law right up to date.

Part I is the preliminary section of the measure and deals with definitions, which have been altered considerably to cover what is required to bring the legislation into conformity with modern requirements. Members will notice that for their convenience the marginal notes set out from where the various provisions have been taken. Part II deals with the general provisions and most of the clauses are taken from the existing Act with additions from the South Australian Marine Act of 1936. Part III deals with certificates of competency and the examinations for such certificates. The classes of certificates have been extended beyond those covered by the existing Act to provide for a third-class engineer (motor), only steam certificates being dealt with under the present legislation. At the same time, marine motor enginedrivers' certificates have been limited in horsepower in view of the new engineer's certificate. Only third-class engineers' certificates are dealt with because first-class and second-class certificates are covered by the Commonwealth Navigation Act.

Part III also provides for the number of officers and engineers to be carried. The number of officers is increased beyond the provision made in the existing Act, and conforms to the requirements of the Commonwealth Navigation Act with respect to limited coastal voyages. The number of engineers required has also been increased. This was done after consultation with the Engineer Surveyor and Examiner, and is designed to cover the modern class of vessel likely to be used on this coast. The provisions in this part are based mainly on those in the existing Act but have been widened to cover modern conditions. The general effect is to clarify and tighten up on the manning of vessels, qualifications, examinations and the issue of all certificates.

Part IV deals with the survey of intrastate ships and harbour and river vessels engaged in trade or commerce. With few exceptions, the clauses under this part are similar to the sections in the existing Act. This is so because we must legislate for our own domestic conditions, which are not similar to those appertaining to other States. A departure has been made from the existing Act with respect to the renewal of certificates and the appropriate section of the South Australian Marine Act, 1936, has been inserted in preference to the section that now applies. This provides for a new survey while the previous certificate is still current, instead of within 30 days after the expiration of the certificate granted on the previous survey. Such a provision ensures that, except on rare occasions, a vessel will have a continuous certificate.

Part V deals with safety precautions and prevention of accidents and has been completely modelled on the lines of the South Australian Marine Act to bring our legislation up to date with modern practice. It also deals largely with the law relating to lights at sea and the provision of proper lighting generally. It seeks to give effect to the recommendations of the Geneva Conference and to the decisions of various conferences that

have been held throughout Australia as well as to the International Convention Agreement. It also embodies the requirements of the various international load line conventions, where they apply.

Part VI makes provision for investigations and inquiries into casualties, incompetency and misconduct, and has been modelled completely on the South Australian Marine Act, with necessary modifications. I may mention that the Bill has been drafted generally with the object of making the legislation as nearly uniform as possible with the Acts in operation in the other States. Part VII is entirely new. It deals with the engagement, discharge and conditions of employment of seamen and others. It has been partly adopted from the Merchant Shipping Act, but has been modified to deal with Australian conditions. Members will understand that the awards of the Arbitration Court will still apply, quite apart from any conditions laid down in this legislation.

Hon. Sir Charles Latham: Will not this legislation supersede it?

The CHIEF SECRETARY: No, not the Arbitration Court.

Hon. Sir Charles Latham: Another measure we passed had that effect.

The CHIEF SECRETARY: But specific provision was made to deal with that phase. Quite apart from that, however, the awards of the Arbitration Court will apply. With regard to Part VIII, the existing Act controls only vessels trading on the coast and harbour and river vessels engaged in trade or commerce and propelled by motive power other than oars or sail. Harbour and river vessels plying for hire or engaged or let for hire or reward, come under the jurisdiction of honorary boat licensing boards constituted under various boat licensing measures dating back to 1897. It has been impossible to get people to act on those boards, which have more or less ceased to function, and the Acts concerned are almost dead letters. The position has become so serious that there is now virtually no control over such boats, and it is necessary for some such provision to be made.

No control exists under our present legislation over boats let out with flats, cottages and camps and seaside or holiday resorts, and provision has been made under this part of the Bill to remedy that position. No legislation exists for the control of vessels engaged in fishing, whaling or pearling from the standpoint of the seaworthiness of the craft or the life-saving equipment aboard. With the advent since the war of large and high-powered vessels engaged in these pursuits, some legislation is necessary and, in collaboration with the Fisheries Department, provision is embodied in the Bill with this end in view. This question was raised at the last interstate conference of Australian harbour authorities, and all States favoured the enactment of legislation to control such vessels. The control of private vessels, such as those let to people occupying flats or cottages at holiday resorts, must be regarded as necessary by anyone who knows the existing conditions. Observation has disclosed that boats are let out in such a condition that they are definitely unseaworthy and a menace to the lives of the people who use them. Only through good fortune have there been no serious accidents in the past.

As I mentioned, provision is made in the Bill to give the authorities some measure of control over the seaworthiness of private vessels. There is no suggestion that such boats must be licensed, but it has been found, particularly at Fremantle, that positively unseaworthy small craft attempt to make their way to the islands and frequently the harbour officials are required to despatch launches to their assistance, for which there is really no authority. The suggestion in the Bill is that power shall be provided so that the authorities shall have the necessary sanction to take action to stop obviously unseaworthy private craft from embarking upon dangerous trips. It is not proposed that a number of inspectors shall be appointed to carry out this work, but the provision is included in the Bill so that the authority will be there for use when necessary.

If members peruse the Bill carefully, they will see that it embodies nothing drastic or really new. There are, of course, a few provisions that are new to our law. For instance, there is one that requires certain vessels proceeding to a distance of over 26 miles, to have wireless equipment on board. Members will agree that wireless equipment, which is not expensive in these days, should be installed on vessels. Apart from a few small matters of that kind, the Bill is really a re-enactment of the existing law. That

law could have been altered by amending the various statutes, but that would have been a clumsy method. It was therefore thought best to bring all these various statutes into one Act and repeal the other Acts. I move—

That the Bill be now read a second time.

On motion by Hon. J. A. Dimmitt, debate adjourned.

BILL—THE WEST AUSTRALIAN CLUB (PRIVATE).

Second Reading.

Debate resumed from the 27th October.

THE HONORARY MINISTER FOR AGRICULTURE (Hon. G. B. Wood—East) [9.17]: This is a very small Bill which was explicitly explained by Mr. Watson. I do not intend to repeat the arguments which he advanced. The Bill legalises the transference of the West Australian Club as a company to an association under the Associations Incorporation Act. The Solicitor General advises that there are no legal difficulties and that the Bill is in order. I support the second reading.

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—FOUNDATION DAY OBSERVANCE (1949 ROYAL VISIT).

Second Reading.

THE CHIEF SECRETARY (Hon. H. S. W. Parker—Metropolitan-Suburban) [9.20] in moving the second reading said: This short Bill is designed to give effect to the desire of the Government that a special holiday shall be observed in Western Australia in honour of the visit of Their Majesties the King and Queen and Her Royal Highness Princess Margaret. The logical day to observe such a holiday is Monday, the 6th June. That will be the principal day of the public celebrations, including the Royal progress through the city in the morning, the running of the King's Cup in the afternoon, which His Majesty will attend, and the youth torchlight procession and fireworks display in the evening.

Monday, the 6th June, however, is the day set aside to be observed as a holiday for Foundation Day. It is therefore proposed that a special Royal Visit holiday should be held on Monday, the 6th June, and that Foundation Day should be observed on a Monday later in the year. The Government has power to declare a paid holiday for its own employees only, and consequently the Employers' Federation was consulted. The Federation advises me that it agrees with the Government's proposal. As the observance of Foundation Day is fixed in some Acts of Parliament, the proposed transfer necessitates the passage of this measure. It is intended to issue a proclamation fixing the first Monday in September—the 5th—as the day on which the Foundation Day holiday will be observed in 1949.

The visits of Their Majesties to Kalgoorlie and Fremantle will each take place on a Saturday and therefore the question of a holiday on those days does not arise. Careful consideration has been given to the position arising at Northam and York, which will be visited on a Thursday. To declare that the special holiday in those towns should be observed on the Thursday rather than on the Monday would give rise to many practical difficulties. To quote one example, I might refer to the effect upon the train crew taking the train from Perth to Northam or York.

Hon. H. A. C. Daffen: It might run on time.

The CHIEF SECRETARY: It might run right off! However, the major problem would be to define the area in which the holiday would be held, in view of the fact that people will come from many distant towns. In the circumstances, the Government has decided to make Monday, the 6th June, a State-wide holiday; and at Northam and York it will release its employees where they can be spared for the period necessary to enable them to attend the local celebrations. It is hoped that the private employers in those towns will follow the lead of the Government. I move—

That the Bill be now read a second time.

HON. H. HEARN (Metropolitan) [9.23]: I am glad to have the opportunity of supporting the Bill, particularly because I have very often heard in the House of the evils of big business. On this occasion it is re-

freshing to hear the Chief Secretary mention the co-operation and assistance which the Government has received from those who represent big business. I hope this lesson will not be lost on the House and that when occasionally some representatives of big business are discussing important matters affecting the conduct of the State, they will at least be given credit for good intentions. I think that country employers will again do all they can to meet the Government's wishes, although it is but fair to say in this respect that an additional load will be placed on them owing to the fact that a State holiday will be observed on the Monday and that on the following Thursday there will be an additional holiday. I am sure, however, that both employers and employees will enter into the spirit of the Royal Visit. I am glad to have played some part in reaching this agreement to assist the Government in this important matter.

HON. SIR CHARLES LATHAM (East) [9.25]: I am quite sure that York and Northam can look after themselves on this occasion. It is nice to know that Mr. Hearn is collaborating with the Government in this matter, but I point out that this is an occasion which will happen only once in the lifetime of our people.

Hon. G. Fraser: And that is all the assistance that they will give to the Government.

Hon. Sir CHARLES LATHAM: Even if industry does suffer a little, it will be compensated in other directions. Nevertheless, although there may be but few people working in York and Northam on the occasion of the Royal Visit, somebody will have to be employed to look after the large influx of people to those towns. I have no objection to the measure, although I was rather surprised that the Chief Secretary proceeded with it tonight, as it has been so long on the notice paper.

On motion by Hon. R. J. Boylen, debate adjourned.

MARGARINE ACT AMENDMENT BILL.

Order Discharged.

THE HONORARY MINISTER FOR AGRICULTURE (Hon. G. B. Wood—East) [9.27]: As it is not my intention to proceed with this measure, I move—

That the Bill be discharged from the notice paper.

HON. G. FRASER (West) [9.28]: I was hoping that the Minister would have given some reason for moving that the Bill be discharged from the notice paper. He has merely made a bald statement. I was particularly concerned with the measure, and I think the public are entitled to know why it is not being proceeded with. To discharge it from the notice paper without such an explanation is not in the best interests of the public. I therefore hope the Minister will give the House some explanation.

THE HONORARY MINISTER FOR AGRICULTURE (Hon. G. B. Wood—East—in reply) [9.29]: Mr. Fraser is certainly entitled to know why I am moving to discharge the Bill from the notice paper. It is a great disappointment to me that I cannot proceed with the measure. After having received some support from the House and an assurance that the Bill would pass, I discovered that there was an agreement between all the States—made in 1940—that no alteration would be made as regards the manufacture of margarine in Australia without an agreement being reached by the State Ministers. I find myself therefore in the unhappy position of being able to do nothing else but decide not to proceed with the Bill. Until a meeting of the Agricultural Council is held in Canberra and the various States reach an agreement to increase the manufacture of margarine, I cannot proceed further with the Bill.

I believe it is highly desirable that margarine should be manufactured in greater quantities than is the case at present. To those people who said that would be to the detriment of the butter industry, I reply that they do not understand the position which exists in regard to the rationing of butter and what little effect this measure would have had thereon. It is with great reluctance that I have taken the step of asking that the Bill be discharged from the notice paper.

Question put and passed.

Order discharged.

House adjourned at 9.31 p.m.