Legislative Assembly.

Tuesday, 7th September, 1937.

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

QUESTION—RAILWAYS, CARRIAGE OF SUPER.

Mr. HILL asked the Minister for Railways: 1, What is the approximate average loss per ton to the Railway Department on the haulage of superphosphate from Picton to the Albany zone? 2, What was the approximate percentage of empties amongst the trucks which left Albany between 1st January and 30th June, 1937? 3, What is the load for a Class F engine—(a) from Collie to Brunswick; (b) from Brunswick to Collie?

The MINISTER FOR RAILWAYS replied: 1, It is impossible to estimate with any degree of accuracy. 2, Including stock trucks and covered vans—approximately 39 per cent. 3, (a) 505 tons. (b) Brunswick Junction-Beela 275 tons, Beela-Fernbrook 235 tons, Fernbrook-Moorhead 275 tons, Moorhead-Yokain 380 tons, Yokain-Allanson 505 tons, Allanson-Collie 305 tons.

QUESTION—SEWERAGE RATES.

Mr. J. MacCallum SMITH asked the Minister for Water Supplies: Why were the sewerage rates in the metropolitan area increased during 1936-37 from 10d. to 1s. and for the current financial year to 1s. 1d.?

The MINISTER FOR WATER SUPPLIES replied: Sewerage rate was increased to meet fixed charges on sewerage works.

QUESTION—MIDLAND RAILWAY.

Freights and Fares.

Hon. P. D. FERGUSON asked the Minister for Railways: 1, Has approval been given by the Government to the present scale of freights and fares charged by the Midland Railway Company, Ltd., for the carriage of goods and passengers over the Midland Railway? 2, If so, when?

The MINISTER FOR RAILWAYS replied: 1, Yes. 2, 5th November, 1925, and subsequent dates.

QUESTION—SECOND-HAND BAGS.

Wild Turnip Seed.

Mr. SEWARD asked the Minister for Agriculture: In view of the many reported cases of wild turnip seed having been carried into country districts by means of second-hand bags, will he compel all retailers of second-hand bags to (a) thoroughly clean them of all seeds before selling them; (b) supply to the purchaser of the bags a certificate, containing the vendor's name and address, that such cleansing has been done?

The MINISTER FOR AGRICULTURE replied: (a) An officer of the department inspects second-hand bags on bag merchants' premises and when any seeds of noxious weeds are found adhering to them, orders the merchant to thoroughly clean them, also informs the merchant that under the Noxious Weeds Act it is an offence to send seeds of any noxious weeds from any place to any other place in the State—Penalty £10. (b) There is no power under the Noxious Weeds Act that would permit of such action.

QUESTION—FINANCIAL EMERGENCY TAX, REFUNDS.

Mr. FOX asked the Premier: Will he expedite legislation required under the Financial Emergency Act to enable wage earners, with dependants, who have earned over £191 and who have had emergency tax in excess of the requirements of the said Act deducted by the employer, to obtain refunds forthwith?

The PREMIER replied: This matter will be dealt with as early as possible.

QUESTION—BIRTHRATE.

Mr. NORTH asked the Premier: 1, Have the Government considered the various published reports to the effect that the British Empire in general and Australia in particular are doomed unless the birthrate is re-

stored to earlier levels? 2, Has there been any co-operation between State and Federal Governments regarding a solution of this problem?

The PREMIER replied: 1, Yes. 2, Nothing definite at present.

BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT (No. 2).

Second Reading.

THE MINISTER FOR WORKS (Hon. H. Millington—Mt. Hawthorn) [4.34] in moving the second reading said: The Act to amend and consolidate the law relating to municipalities was passed by Parliament in 1906, 31 years ago, and assented to in December of that year. Since then minor amendments have been made—in 1912, 1915, 1919, and 1920. The original Act has been out of print for some years, and probably very few members of municipal councils now in office possess a copy. Last year I communicated with the Local Government Association of W.A., the Country Districts Local Government Association, the town clerks of Perth, Midland Junction, and Boulder, and invited proposals for consideration. In response to this invitation I received communications from those concerned, and also from the Trades Hall. It will be remembered that my predecessor, the late Mr. McCallum, introduced a Bill to amend the franchise, providing for one ratepayer one vote. When doing so, he indicated that unless Parliament agreed he would not be prepared to make any comprehensive amendments to the Act. That Bill was not approved by Parliament. The Bill now before the House provides for the abolition of plural voting. The Act sets out that a qualified person is entitled to vote in accordance with the values of the property owned or occupied by him. For instance, for the election of a mayor a ratepayer may have from one to four votes, the valuations being set out in Section 84 of the principal Act. In the case of the election of a councillor, the minimum is one vote and the maximum two, the number of votes being according to the rateable value of the land owned by the ratepayer. In the case of a value of £50 or under, one vote is given, and for over £50 in value, two votes. The result is that the owner or occupier of land in one, two, or more wards has a right to cast one or two votes for each ward for which he is entitled to be registered on the roll. Therefore if a qualified person owns or is in possession of land valued up to £50 in each of the eight wards of the municipal district of Perth, he is entitled to eight votes, and if the value exceeds £50 in each of the eight wards he is entitled to 16 votes. That is the present position. The Bill proposes that a qualified person shall have the right to only one vote for mayor and only one vote for councillor, irrespective of the value of the land he may possess in the various wards of any given municipality. The latest information available to me is that in the Eastern States, for the election of mayor, only one vote can be cast irrespective of values of the land owned by the person enrolled. It may also interest the House to know what the position is in the Eastern States as well as in the Dominion of New Zealand in regard to the election of councillors. In New Zealand every elector has one vote and no more at each poll at which he is entitled to vote. In the case of a divided district the name of any person shall not appear on the electors' list for more than one ward. A person having qualifications in more than one ward may select the ward for which his name shall be entered. In New South Wales the provisions are practically the same as they are in New Zealand. In Victoria the votes are according to property qualifications. In South Australia the ratepayer has only one vote for each ward in which he owns or occupies property. If the municipality is not divided into wards, he has only one vote. In Tasmania the votes vary from one to six, and in subdivided municipalities a ratepayer has up to six votes in each ward. In Queensland for the mayoralty or any other election there is only one vote irrespective of wards or value. That is the position as regards the Eastern States and the Dominion of New Zealand. The Bill also extends the preferential voting to all elections. The Act as amended by No. 42 of 1919 provides that at an election of a mayor or, when a municipal district is divided into wards, of a councillor, every elector shall indicate his preference in the same way as he is required to do in voting for Federal or State members of Parliament. The Bill provides that even if a district is not divided into wards electors shall be required to vote in the same way as if it had been divided into wards. With respect to voting in absence, the Bill provides that a person who, for the specified reasons, is unable to attend a polling booth on the day of

election, may vote in absence before the returning officer, a town clerk, or other person appointed by the Minister. It will be noted that justices of the peace will not be permitted to take absentee votes unless they are appointed by the Minister. To meet modern developments, power is given in the Bill to make by-laws relating to fencing, hawkers, stall-holders, petrol pumps, lawns and gardens in streets, noises in streets, and the erection of verandahs. It has become necessary to grant these powers to councils. Such powers are already contained in the Road Districts Act. The Bill also empowers councils to sell materials from their quarries to the Government and to other local authorities. It is deemed right to give that power to municipal councils. It was the desire of those bodies to sell such material to contractors and others besides the Government and local authorities. However, the Bill limits the trading to other local authorities and the Government. Provision is made for the additional system of valuing on the unimproved value as well as on the annual value of land. From time to time this has been asked for by municipal councils, and the Bill gives them the option of making their valuations either on the unimproved or on the annual value, or on both. This provision also is taken from the Road Districts Act, which measure is considerably more up to date than the Municipal Corporations Act. Provision is contained in the Bill to substitute in respect of the distribution of proceeds of the sale of land for unpaid rates the corresponding method to be found in the Road Districts Act.

Mr. Sampson: That is complicated and unsatisfactory.

The MINISTER FOR WORKS: Yes. Further, the Bill empowers councils to redeem a loan by half-yearly payments instead of creating a sinking fund. This provision likewise is to be found in the Road Districts Act. It will enable municipalities to make considerable savings in interest charges by repayment of portion of the principal each half-year. At present under the provisions of the Municipal Corporations Act, a council must pay interest on the full amount of principal involved, until such time as the loan has matured. Provision has also been made in the Bill giving power to a council, with the approval of the Governor, to spend a sum not exceeding in the aggregate 10 per cent. of its ordinary revenue for the purpose of providing or constructing and maintaining upon any land, estuary, river, lake, or watercourse, situated outside the municipal district, any road, aviation landing ground, pleasure resorts, recreation places or other similar works, or for tourist propaganda, and further enables the council to subsidise any adjoining municipality or road district in respect of the expenses incurred in providing the above-mentioned works within such adjoining road or municipal district which will be of benefit to the residents of the first-mentioned municipality. This power has been particularly asked for by the municipalities throughout the State. The need for it has arisen in recent times. Therefore, it is now contained for the first time in an amending Bill. The qualifications requisite for the election of an auditor have also been amplified by making it necessary for such auditor to hold a certificate of competency from some recognised institute of accountancy. I have referred in brief outline to the main provisions of the Bill, but it will readily be agreed that the measure is particularly a Committee one. The amendments proposed have, except in a few instances, been asked for by the authorities concerned. To a large extent this is a machinery Bill. Considerable assistance has been given by the local governing bodies in directing attention to the limitations of the existing Act. On account of the recent revision of the Road Districts Act, the whole question of powers to municipalities was investigated and, as a result, many of the provisions of the Road Districts Act have been embodied in the Bill. I realise that some of the proposals are debatable. Many members in each House have had considerable experience of local government, and will follow the measure very closely. The urgency now is that the original current Act is out of print, and it is necessary that members of municipal councils should be able to obtain a copy of the Act they are called upon to administer. Governments have been urged for a number of years either to reprint the 30-year old Act or to bring down an amending measure. If the Bill is passed, it will not be printed exactly as a consolidating measure. There will be one print and this amending measure will be embodied in that print. One of the debatable points which has not been asked for unanimously by the local authorities—

Mr. Doney: That is a generous admission, at any rate.

The MINISTER FOR WORKS: —is the abolition of plural voting. That question is not new to this House. Although the principle of one ratepayer one vote has been agreed to in this House, it has not so far been agreed to by the Parliament of Western Australia. While the Bill will be considered on its merits, it is nevertheless an advantage to be able to cite precedents. I know precedents have great weight with members of another place when considering any measure. Unless it can be shown that some authority has previously adopted something that is proposed here, there is not much hope of getting it seriously considered elsewhere. For that reason I have furnished information with regard to the corresponding laws of the Eastern States and the Dominion of New Zealand. However, I feel sure that on this occasion, having regard to the urgency for reprinting the Act, and in view of the fact that most of the proposed amendments have been requested by the local authorities, and are not particularly debatable, being merely machinery but necessary amendments, an agreement can be arrived at on all the proposals. Thirty years have passed since the principal statute was enacted and present-day ideas are far in advance of that period. Modern requirements demand a modern Act, and progress invests itself with unavoidable conditions which must be provided for in our legislation, particularly legislation dealing with the varied complexities of municipal government. It might be of interest to remind members that the first municipalities were constituted under the early Roman Empire, the term being applied to subordinate cities which were allowed a certain measure of self-government. With the downfall of that Empire, municipal forms of government fell into disuse for many centuries. Then, as towns and cities grew in strength and importance, they began to assert their independence and to win charters, either by force or by purchase from their feudal lords. In this way rose the city-republics of Italy, the "free cities" of Germany, the communes of France, and the chartered boroughs of England. These cities usually adopted some form of council government headed by a mayor or similar official, and out of the various changes and modifications that took place our modern forms of municipal government have developed. I would urge that the question of franchise should be discussed entirely on its merits. In this vast State of Western Australia, as the years go on, the trend is to give more power to local authorities. That is inevitable. If more power is to be given to local authorities, we must bear in mind that their functions embrace more than the collection of rates and the provisions of roads, bridges, and so forth. Local authorities deal with matters of health. A local authority has to deal with the activities of the people, and is actually a governing body. That being so, it is to be expected that at least every ratepayer should have a vote, and that there should be no superiority of one ratepayer over another. With regard to our Legislative Council, we complain that the franchise is too restricted, but even under that franchise there is only one vote for property of enormous value as against the qualification of residing in a place which has an annual rateable value of £17. The principle is applied to a legislative body which we are often reminded has enormous powers—a body which actually dictates the policy of Western Australia. On many occasions it has proved to have more power than Governments. It has proved to be possessed of the right of vetoing Governmental policy; yet those who elect that body do it on the principle of one qualification one vote. That being so, surely it is not asking too much that the principle of one ratepayer, one vote shall obtain in regard to municipal elections. Conditions which obtained 30 years ago should not necessarily be binding on us now. How can we expect to keep abreast of modern developments if we remain blindly wedded to past routine and continue to be fettered by habit and tradition? The Bill also includes many provisions as the result of requests from local governing bodies. The reason for their inclusion is that the franchise has been liberalised. When I say extended powers should be given to local authorities, I have in mind the fact that the alteration in the franchise justifies increased powers and responsibilities. The Government would not be disposed to grant increased powers in the absence of the reservation referred to. In framing the Bill, I have had regard to the desires of local authorities and naturally expect that Government policy will be given

equal consideration. Whatever might have transpired in past years, we have endeavoured to meet local authorities. I have discussed matters with them and officers of Government departments have also gone to a good deal of trouble in this connection. We have also acceded to the requests of local authorities to extend their powers considerably. In almost every case we have met them. With the granting of extended power, the old idea of local government disappears to an extent, and these bodies become actually, in their districts, the governing authorities, dealing with many matters which affect the whole of the people of the district. Since the modern trend is to give more power to local authorities, we say that side by side with that and as a condition of that extension, the abolition of plural voting should be accepted. Therefore it is not with any apology that we say that, just as we have attempted to act generously to meet the wishes of the local authorities, so do we expect this House, and for that matter, the local authorities, to agree to the conditions we impose in this Bill. I move—

That the Bill be now read a second time.

On motion by Mr. Doney, debate adjourned.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

In Committee.

Resumed from the 2nd September. Mr. Sleeman in the Chair; the Minister for Employment in charge of the Bill.

Clause 4—Amendment of Section 11:

Hon. C. G. LATHAM: I hope that this clause will not be accepted. Some years ago the point involved was thoroughly debated, though I admit that the personnel of the Committee has changed considerably since that time. The two provisos were inserted in the law to protect the farmer from claims arising from injuries to workers employed by a contractor temporarily engaged on the property. A travelling chaff-cutter visits a farmer perhaps once a year. It may be on a particular property half-a-day, one day, or two days, but it is not always possible for the farmer to ensure that the contractor's men are protected by insurance. The contractor might say they are insured, but the policy might have expired. Contractors undertake clearing work and might be engaged on a particular property for two, three, or four days, and difficulty would arise to determine whether a man had been injured on a particular property. The farmer certainly desires to insure the workers employed by him, and to see that other workers are insured, but to foist this responsibility on the farmer is quite unnecessary. I should say that practically all the clearing required in the wheat areas has been done and that the Act has served its purpose. I suggest that the Minister could hardly quote one case where unfair treatment had been meted out to an employee engaged by such a contractor. There is no greater need for this legislation now than when the original measure was passed. To approve the amendment would merely make conditions harder for the farmer, who has quite enough difficulties to contend with at present.

Mr. SEWARD: I oppose the clause, and hope the Minister will not press it. Conditions in such industries as chaffcutting and shearing are by no means stable. In my district many farmers have a stack of hay to be cut, the average size being from 30 to 50 tons. The hay is sold at any time between January and March; the cutting is done between March and October, and there would be merely a matter of two or three day's cutting on each property. The cutters might call when the farmer was not on his holding. He would have sold his hay and his interest in it would have disappeared. The arrangement for cutting is made in conformity with the movements of the chaff-cutter, and all the farmer has to do is to leave sufficient wood for use of the cutters. Thus it would be most unfair to make the farmer responsible for seeing that the contractors' employees were covered by insurance. I agree that they should be covered; it would be most unfair if an employee met with an accident and found that he was not insured. Responsibility, however, should rest on the contractor and not on the farmer. Many chaffcutting teams are made up from day to day; there are frequent changes, and the same remark applies to shearing teams. Arrangements are made for a team months ahead, and the farmer does not know of whom the team will consist. The contractor is the man who should be responsible, and steps should be taken to ensure that his employees are protected.

Mr. McDONALD: I oppose the clause, which embodies a peculiar type of provision. The duty of insuring should rest with the

contractor by whom the men are employed, and a contractor can be compelled to insure his men. Parliament, as a rule, is reluctant to impose upon third parties obligations that belong to somebody else. Though the imposition of liability for the act of a third party is allowed generally by this law, the exception that removed the responsibility from the shoulders of the farmers was a fair one. In view of the difficulties in which the farmers would be placed to protect themselves from any such secondary liability, the original protection given to farmers was justly provided, and I should be sorry if Parliament withdrew that protection from them.

Hon. P. D. FERGUSON: Parliament at the time of the passing of the Act was wiser than the Administration that has proposed this amendment. This would be a most inopportune time to place additional burdens on any section of the agricultural industry. It would be unwise and distinctly unfair to require the farming community to shoulder additional financial burdens at this stage. The difficulty of ensuring the observance of the law is greater than appears on the surface. Farmers employ contractors for chaff-cutting, shearing, clearing, haycutting and harvesting, and often for ploughing and seeding operations. Quite a number of farmers in my electorate do a lot of their work by contract, and it would be difficult for them to provide for the intermittent insurance of men employed by contractors, men over whom the farmer has no control and to whom he issues no instructions or orders. Those men are employed by the contractor and should be the sole responsibility of the contractor. I hope the Minister will not press the amendment to a division. No good could result from passing it, and it would merely have the effect of making the farming community think less of Parliament than they think to-day.

Mr. CROSS: I hope the clause will be agreed to. There is very little foundation for many of the excuses which have been advanced in opposition to it. Many travelling chaff-cutting plants visit the farms, and frequently the labour on the farms is made use of by the owners of such plants.

Hon. P. D. Ferguson: It is a long time since you were on a farm.

Mr. CROSS: I have worked on chaff-cutting plants and know what I am talking about. There would be no difficulty about a contractor producing the necessary certificate to show that he had insured his men. When adjustments are made at the end of the year I fail to see how an insurance company could raise any objection, seeing that the farmer has entered into a contract to insure all the men who have been employed on his farm throughout the year. That is the practice which has prevailed in the past. To make sure that the men are covered by insurance the farmer should be the responsible party.

The MINISTER FOR EMPLOYMENT: This legislation deals with compensation to workers who are injured while carrying out their employment. It has been found that workers covered by this particular section of the Act have not received the compensation to which they were entitled. The clause seeks to remedy that weakness.

Hon. C. G. Latham: Have you instances of where they have not received compensation?

The MINISTER FOR EMPLOYMENT: There are cases where men employed by contractors, doing the type of work set out in the proviso, have been injured. I am not referring to chaff-cutting.

Hon. C. G. Latham: They have all been insured, have they not?

The MINISTER FOR EMPLOYMENT: No. This amendment to the Act only places the farmer in exactly the same position as any other principal in any other undertaking. If a farmer lets a contract for any other type of work he is equally responsible with the contractor or sub-contractor. This merely extends the principle which already applies in most cases. I have never known trouble to arise in the case of men employed by chaff-cutting contractors. They are always insured.

Hon. C. G. Latham: Difficulties may arise through the contractor not having paid his premium.

The MINISTER FOR EMPLOYMENT: I think in such a case the insurance company would take a reasonable view of the position. If a farmer were called upon to pay compensation in such a case to an injured worker, he would have a claim against the contractor. The amendment is designed to make the farmer realise that it is his responsibility to make sure that any contractor employed by him takes out an insurance policy covering the men who are working for such contractor.

Mr. Seward: Suppose a man travelling with a chaff-cutting plant is injured on his way to the farm. Who would be responsible then?

The MINISTER FOR EMPLOYMENT: I should think the farmer's responsibility would commence only when the work of carrying out the contract began on the farm itself. It would be remarkable if a worker who was not covered by insurance were injured on his way to a farm. If this provision is made law, the farmer will realise that he must make sure that any contractor engaged by him shall first have taken out the necessary cover for his men.

Mr. Cross: That is very necessary in the case of small clearing contracts.

The MINISTER FOR EMPLOYMENT: This particular section of the Act was agreed to in 1924 not by either House of Parliament, but at a conference between the two Houses.

Hon. C. G. Latham: To save the Bill.

The MINISTER FOR EMPLOYMENT: Matters do not receive as careful consideration as they should at conferences of that kind. The section in question was put through this House without any proviso, but the conference decided to embody it in the Bill. If this becomes law, contractors of the type who fail to insure their employees will be compelled to do so or go out of business. I cannot see that acceptance of this amendment will have any of the serious results members opposite anticipate. The only result can be to make contractors insure or else go out of the business.

Mr. THORN: I oppose the clause. I do not think that the responsibilities outlined should be thrust on to the farmers. Why should not the contractor, who is the person who makes the profits, be made responsible for providing cover for the men? The farmer gets service for which he pays. The contractor makes a profit, and surely he should be responsible for the insurance. There is a grave risk entailed in the transport of plant from farm to farm, for there is always the danger of an accident occurring. Who will be responsible in such an event? The Minister may say the contractor will be responsible, but is that so? Particularly is it questionable when the contractor will know that the farmer becomes responsible as soon as he enters upon the property. I do not think the Minister is too sure of the position himself. It will be unfair to place the onus of insurance on the farmer in order that cover may be provided for men employed on clearing, fencing, or shearing contracts. The member for Canning said he knew all about it, but I am afraid his explanation was calculated to do the Minister's Bill more harm than good.

Hon. C. G. Latham: After the oracle had spoken, I felt that we were quite right.

The Minister for Employment: He showed that you knew nothing about it at all.

Mr. Cross: I know more about it than the Leader of the Opposition.

Mr. THORN: Why should the farmer be responsible for the insurance of the employees of contractors? It is not fair.

Mr. WARNER: I am strongly in favour of all workers, including farm employees, being insured, but I fear this clause will throw on the farmers a burden that should be borne by contractors. If any such proposal is to be made, why not put the onus on to the first mortgagee under whom the farmer is working? If that were done, it would mean that, in many instances, the Agricultural Bank would be required to make money available to enable the farmer concerned to take out a policy.

Hon. P. D. Ferguson: There would be just as much justification for that proposal.

Mr. WARNER: Many of the farmers have their work done by contract. That applies particularly to wheat-carting. We should not require the farmer to pay the premium in order to provide cover for the employees of the contractor, who is the man who makes the profit out of the operations. If the Minister persists with the clause, it will not be in the interests of the farmers who are already suffering too much because of bad harvests, low prices and obsolete plant.

Mr. HUGHES: I am afraid some of the members representing farming interests are unduly perturbed regarding the clause. The man that deserves our full sympathy is the injured worker, who is unable to provide for himself and his dependants and yet finds himself deprived of compensation. I can see one difficulty and it arises where the sub-contractor leaves one farm to proceed with a contract on another farm. Offhand, I should say that the farmer to whose holding the contractor is travelling

will be the principal from the time the latter leaves the other premises.

Hon. C. G. Latham: Yes, immediately he leaves the gate of the other farm.

Mr. HUGHES: Yes; otherwise there would arise a stage at which the man was not working for either of the principals, and would not be employed by anyone.

Hon. P. D. Ferguson: Your opinion does not coincide with that of the Minister.

Mr. HUGHES: Which shows that the Minister is wrong.

Mr. Fox: But what about the men travelling to and from work?

Mr. HUGHES: Can it be said that the employees of a contractor who is shifting plant from farm "A" to farm "B," are not employed by one or the other farmer? There might, of course, arise a stage at which the contractor ceases to be that and becomes the principal himself. It would be an easy matter for farmers who have insurance policies to take out sufficient extra cover in order to meet any liabilities that might arise under Section 11 of the Act. They would merely have to inform the insurance company that they required cover not only for the workers they might employ, but also those in respect of any sub-contractor, so as to provide for any liability under this clause. That extra provision might not involve any additional cost. Insurance premiums are paid on the basis of the wages paid throughout the year.

Mr. Cross: And the premium is paid at the end of the year.

Mr. HUGHES: At which stage adjustments are usually made. In any event, the additional cost would be very small. The only subsidiary risk would be that involved in the defaulting of a contractor. That would be a minor risk. Probably the farmer would be instructed by the insurance company to demand from the sub-contractor, before letting him a contract to do any work, the production of the receipt for the premium paid for insurance cover for his own men. I am afraid the representatives of the farmers see here a mountain where there is not even a molehill. Of the two evils, if they be evils, the slightly additional premium cost to the farmer is less harsh than that involved in leaving a worker without adequate compensation for injuries received.

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

Ayes	27
Noes	17
Majority for	10

AYES.			
Mrs. Cardell-Oliver		Mr. Munsie	
Mr. Collier		Mr. Needham	
Mr. Coverley		Mr. Raphael	
Mr. Cross		Mr. Rodoreda	
Mr. Doust		Mr. Shearn	
Mr. Fox		Mr. F. C. L. Smith	
Mr. Hawke		Mr. Styants	
Mr. Hegney		Mr. Tonkin	
Miss Holman		Mr. Troy	
Mr. Hughes		Mr. Willcock	
Mr. Johnson		Mr. Wilson	
Mr. Lambert		Mr. Wise	
Mr. Marshall		Mr. Nulsen	
Mr. Millington			(*Teller.*)

NOES.			
Mr. Ferguson		Mr. Sampson	
Mr. Hill		Mr. Seward	
Mr. Keenan		Mr. Stubbs	
Mr. Latham		Mr. Thorn	
Mr. Mann		Mr. Warner	
Mr. McDonald		Mr. Watts	
Mr. McLarty		Mr. Welsh	
Mr. North		Mr. Doney	
Mr. Patrick			(*Teller.*)

Clause thus passed.

Clause 5—agreed to.

Clause 6—Further amendment of First Schedule:

The MINISTER FOR EMPLOYMENT: I move an amendment—

That in lines 7, 8, and 9 of proposed paragraph (b) the words "the actual cost of meals and lodging (not exceeding in any event 30s. per week)" be struck out, and there be inserted in lieu thereof the words "the sum of six shillings per day but not exceeding the sum of thirty-five shillings per week."

The paragraph provides that when an injured worker is brought from his home town by the employer for the purpose of submitting himself for examination by a medical practitioner, he shall receive the actual cost of meals and lodging, not exceeding 30s. a week. We now propose to amend it to read that it shall not exceed 35s. a week, and, further, that a daily wage shall be set down.

Hon. C. G. Latham: Without the daily rate they would charge for a week.

The MINISTER FOR EMPLOYMENT: If the daily wage is not set down, they would claim two-sevenths of a week for two days, three-sevenths for three days, and so on, with the result that the daily allowance would be very low. The daily cost of board and lodging is always much higher than the weekly rate, so it is desired that special

provision shall be made for a daily wage. In the event of a worker in these circumstances not being required to remain away from his home town longer than a week, he will receive the daily rate for the number of days he is compelled to remain away. It is also thought that an injured worker called away from his home town and compelled to board and lodge in some other town will have to pay, in addition to board and lodging, something because of his sick condition. So it is considered that 35s. a week will not be an excessive amount.

Amendment put and passed.

The MINISTER FOR EMPLOYMENT: I have another amendment upon the Notice Paper.

Mr. Hughes: I also have an amendment, which I think comes before the Minister's.

The MINISTER FOR EMPLOYMENT: I think they come in at just about the same place.

The CHAIRMAN: I think the Minister had better move his amendment first, after which the member for East Perth can move to amend it.

Mr. Hughes: Very well.

The MINISTER FOR EMPLOYMENT: I move an amendment—

That there be added to Clause 6 the following paragraphs:—

(e) by inserting in clause twenty of the Schedule after the word "genuineness" in line seven of the clause the words "and, where the agreement provides for the payment of compensation or other moneys, as to the adequacy of the amount thereof";

(f) by deleting paragraph (d) of clause twenty of the Schedule and inserting in lieu therefor a new paragraph, as follows:—

(d) (1) Upon receipt of a memorandum for registration the clerk of the court shall examine the same in order to satisfy himself as to the genuineness of the agreement and as to the adequacy of the amount of any compensation or other moneys payable thereunder, and if it appears to the clerk of the court as the result of such examination or as the result of any information which he considers sufficient, that an agreement as to the redemption of a weekly payment by a lump sum, or an agreement as to the amount of compensation payable to the worker or to a person under any legal disability or to dependants, ought not to be registered by reason of the inadequacy of the sum or amount, or by reason of the agreement having been obtained by fraud or undue influence or other improper means, he shall refuse to record the memorandum of the agreement sent to him for registration, and in that case shall refer the matter to the magistrate, who shall, in accordance with Rules of Court, make such order (including an order as to any sum already paid under the agreement) as under the circumstances he may think just.

(2) For the purpose of carrying out his duties under subparagraph (1) of this paragraph, the clerk of the court may by notice in writing require the attendance before him of the parties to the agreement and interrogate them in relation to the agreement, and, where the medical opinion of a medical practitioner is material and relevant to the question of the adequacy of the amount of compensation payable under the agreement, the clerk of the court may require the employer to have the worker examined by a medical practitioner nominated by the clerk of the court at the expense of the employer in any case where the clerk of the court is of the opinion that a report from such medical practitioner will assist him in determining the matter of the adequacy or inadequacy of the amount of the compensation aforesaid;

(g) by inserting in paragraph (e) of clause twenty of the Schedule after the word "means" in line seven of the said paragraph the words "or that the amount of compensation payable under the agreement is inadequate."

The first portion of my amendment deals with the first portion of Clause 20 of the Schedule, which provides that the clerk of courts shall record a memorandum setting out the agreement of the nature covered, as to his being satisfied with its genuineness. So the clerk shall be called upon, not only to be satisfied as to the genuineness of the agreement, but also as to the adequacy of the amount of compensation provided for in the agreement. The balance of my amendment seeks to place on the clerk of courts the obligation to satisfy himself as to the genuineness of a final settlement made under this clause, and as to the adequacy of the amount provided in such final settlement. He will have power under this amendment to call the employer and the worker concerned before him, to question them regarding the details of the final settlement. If he is still not satisfied that the agreement arrived at is a fair and just one, he may nominate an independent doctor and have the injured worker examined by that doctor for the purpose of ensuring that the final settlement agreed upon between the worker and the employer is fair and reasonable and fully protects the interests of the injured worker. So the whole object of the amendment to the clause is to provide adequate protec-

tion for the injured workers who are prevailed upon to sign voluntary final agreements. At the present time provisions of the clause are such as to allow the clerk of the courts a good deal of discretion. There is no real obligation placed upon him to examine carefully these agreements. All he does is to satisfy himself that the agreements are genuine, that no improper means have been adopted, and no undue influence used for the purpose of having the final agreement arrived at. In connection with this type of agreement the object is to see that no fraud is practised, no improper methods are used, and no undue influences employed to cause the worker to sign the final agreement. Usually the agreements are brought about by suggestions made to the worker. The great temptation offered is a lump sum payment of perhaps £100 or more. We know that the temptation of suddenly receiving £100 or more is considerable to a man who has always been on the basic wage or less, and so although the clerk of the court at the present time has to satisfy himself that no improper means have been used, no fraud practised and no undue influence exercised, we feel that that is not sufficient. Consequently we place the obligation on the clerk of the court to examine the details, to call the parties before him, to question them regarding the contents of the agreement, and if necessary to set up or nominate an independent medical practitioner to examine the worker, and so prove whether the amount of compensation contained in the final agreement is sufficient. Another portion of the amendment provides that paragraph (e) of Clause 20 of the First Schedule shall also be amended. At the present time paragraph (e) gives the magistrate power within six months after the memorandum of agreement has been recorded, to cancel that agreement if, in the opinion of the magistrate it has been obtained by fraud, undue influence, or improper means. The present Act provides that a final agreement may be recorded or registered by the clerk of the local court and during a period of six months a magistrate has the power to cancel the registration of that agreement if it is proved to the magistrate that the agreement was obtained by fraud, undue influence or improper means. Here again the provision in the paragraph is not adequate and so we propose to give the magistrate power to cancel the registration of a final agreement if he ascertains it was obtained by fraud, undue influence, or other improper means, or if it is proved to him that the amount of compensation is inadequate. The amendment is comprehensive and will straighten out the position regarding the final agreements. It will ensure that in the future no worker will be exploited by being persuaded to sign a final agreement without being given adequate protection.

Mr. HUGHES: I do not consider that the amendment will make any difference to the law as it exists to-day, because the clerk of the court to-day gets the bald agreement in which there is cited the fact that a man has been injured, and that it has been agreed to settle the claim for a lump sum; and so long as the signatures appear to be genuine, how is the clerk of the court to satisfy himself regarding the adequacy or otherwise of the amount of compensation? The only way he could do that would be, as soon as he got the agreement, to summon the worker before him, take a complete record of the injury, examine the medical certificates that the worker had received from time to time, and from them form the basis of his procedure. The amendment means the setting up of a new tribunal. The clerk of the court receives the agreement, which is just a document setting out the final arrangements, and there is no evidence before him as to whether or not payment may be adequate. There would be nothing in the agreement to indicate to the clerk that he should investigate it. If the amendment is to be of any effect, the clerk of the court, whenever he gets an agreement, must send for the employee and go through the whole of the circumstances. That means setting up the clerk of the court as a kind of inquiry agent or a special magistrate to examine the details of the claim. He will then be obliged to send for the employer and so we shall have a quasi magisterial jurisdiction vested in the clerk of the court. Of course if the injured person has any sense he will take with him a lawyer, for whose services he will have to pay. The amendment does not even put an obligation on the clerk; it says that he "may" call these people before him. It is my intention to submit an amendment, but I do not know whether I should move it at the present stage. The question whether an adequate amount is being paid is primarily one

of law, and the best person to protect an individual would be a legal practitioner who would make a short statement of the facts, produce a copy of the agreement, and get advice there and then without any prolonged trial. This would not cost very much, probably a guinea or two, and that would be about as much as a clerk of the courts would agree to allow.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. HUGHES: I move an amendment on the amendment—

That the following be added to proposed paragraph (c):—"and until it has been certified to be a fair and reasonable settlement by a legal practitioner selected by the employee and the fees of such legal practitioner as allowed by the clerk of the court (but not in any case exceeding the sum of five guineas) have been paid or agreed to be paid by the employer."

The MINISTER FOR EMPLOYMENT: I cannot accept the amendment on the amendment. It provides that the memorandum of agreement shall not be registered by the clerk of the court until it has been certified to be a fair and reasonable settlement by a legal practitioner selected by the worker, the fees of such legal practitioner, as allowed by the clerk of the court but not exceeding in any case five guineas, to be paid by the employer. The type of individual who signs a final agreement which is not a fair and reasonable final agreement, is the type of individual who might select any kind of legal practitioner. Numbers of legal practitioners do not know a great deal about the Workers' Compensation Act, this not being part of their everyday practice. Even if this amendment were passed, the type of worker we have in mind would not, in my opinion, receive any protection additional to that which he receives at the present time. In any event, the question of the adequacy of the amount provided for in this final agreement is often a question requiring not legal testimony but medical testimony. Most final settlements are decided as the result of the latter. That is the basis of settlement, at any rate, although representatives of the insurance companies which make these unfair final settlements make them without giving the worker the opportunity, at the time of signing the final agreement, to obtain the proper medical examination. Therefore, although on the surface the amendment on the amendment would go a good deal of the way to protect an injured worker from being imposed upon as the result of signing one of those agreements, in practice the provision would not be found of great value, certainly not of nearly the same value to the worker as the amendment I have moved. It is true that my amendment is not absolutely fool-proof, if I may use that expression. It may contain certain weaknesses, but at a later stage it provides a safeguard against any weakness which might appear as the result of the exercise of his duties by any clerk of courts. My amendment provides that after the clerk has made all the inquiries which he considers reasonable and necessary, after he has used the opportunity to call the worker and the employer before him if he considers that step necessary, and after he has appointed an independent medical practitioner if he considers that advisable, and after the final agreement has been approved by the clerk, the magistrate may at any time during the following six months cancel the registration of a final agreement on it being shown to him that the amount of compensation provided for in the final agreement is inadequate. My amendment, it seems to me, tightens up the clause to a considerable degree and provides that measure of protection which should be available in instances of this nature.

Mr. WATTS: I also oppose the amendment moved on the amendment by the member for East Perth, primarily because I consider that the effect of all the amendments now under discussion, and particularly that of the member for East Perth, would be, in the common phrase, to increase the burden upon industry. The amendment of the Minister, in my opinion, provides quite sufficient safeguards for the worker, without inflicting upon the employer a further compulsory liability not exceeding five guineas. If that liability is to be placed upon the employer, it is fairly obvious that in the majority of cases the whole, or a considerable portion, of the sum allowed by the clerk of the court will be payable by the employer. In that event the amount of compensation payable will be increased correspondingly, and before a great deal of time has passed there will be the likelihood of an increase in the amount of premium for such insurance. I agree that the Minister's amendment makes sufficient provision for consideration by the clerk of the court as to the adequacy of the amount of compensation, thereby protecting the worker against the

position that has, I know, arisen in the past, when the worker has been inclined, in an optimistic moment, to enter into an agreement for a lesser amount of compensation than he afterwards finds he should have claimed. The Minister's amendment deals with that satisfactorily; in fact, more satisfactorily than I want, for it seems to me that paragraph (f) of his amendment should be deleted. That is a matter which I shall have the opportunity of discussing later. I think it somewhat ridiculous to say that the clerk of the court will not give any consideration to the question if the Minister's amendment becomes law. In that case it will be part of his duty, and it has never been my experience that a clerk of courts having a duty placed upon him will not do his utmost to discharge the onus of carrying out that duty.

Amendment on the amendment put and negatived.

Hon. N. KEENAN: I am in accord with paragraphs (e) and (f) of the Minister's amendment, but in common with the member for Katanning I hope the Minister will not seek to amend the section by inserting paragraph (g). If there is no fraud, and improper means have not been adopted to get an agreement, and if at the time the agreement is entered into its adequacy is fully and properly investigated—as it would be under the preceding paragraphs—it would be something extremely harsh to hang over the head of an employer that at the end of six months the adequacy might again be examined into. If fraud or improper means had been adopted, at the end of six months, a year, or two years. I would be prepared to allow the agreement to be set aside, if the agreement continued for such a period. But where such an agreement has been examined at the time, and has been properly perused, as the preceding subclauses provide for, and then entered into, it should not be set aside unless there is some proof of fraud or improper means. Therefore, I hope the Minister will not force paragraph (d) on the Committee because it appears to me to be foreign to the intent which is to protect the worker within legitimate limits, but not beyond those limits.

Mr. HUGHES: I move an amendment on the amendment—

That in line 3 of subparagraph (2) of paragraph (d) "may" be struck out, and "shall" inserted in lieu.

The member for Katanning is in error if he considers this section will cover the worker. It is not a question of the clerk neglecting his duty, because it is not his duty to inquire. He "may" if he likes. I have moved that the word "may," in line 3 of paragraph (2), be deleted with a view to inserting the word "shall." If this is accepted, it will definitely become the duty of the clerk to call these people before him and ascertain by questioning what were the preliminary facts which led to the signing of the agreement. If he does not do that, the agreement will not be in accordance with the Act and can be upset. That will at least ensure for the worker that the obligation is placed on the clerk to do a certain thing, rather than that discretionary power is given him to do something should he have the fancy to do so.

The MINISTER FOR EMPLOYMENT: Paragraph (d) states that the clerk shall examine the memorandum for registration to satisfy himself as to the genuineness of the agreement and as to the adequacy of the amount of compensation payable under the provisions of the agreement. There is, therefore, an obligation on the clerk of courts to satisfy himself that the agreement is genuine, and that the amount of compensation is adequate. That duty is compulsory upon the clerk dealing with an agreement of this nature. Sub-paragraph (2) sets out the action the clerk of courts may take to carry out his duties under the previous sub-paragraph. I have no serious objection to the amendment moved by the member for East Perth. The amendment suggests that instead of its being discretionary for the clerk to take this action it shall be compulsory. The only point about deleting the word "may" and substituting "shall" is that both parties to every agreement made will have to be called before the clerk of courts for the purpose of being examined. The number of agreements of this type is fairly considerable and approval of the amendment would necessitate the clerk calling each party before him for the purpose of interrogating them. This would entail a considerable amount of work. I do not think that their being brought before him would assist him a great deal in every case. In any event, it will not make him any less capable of deciding the issue, and in many cases it may have the effect of putting him in a better position of deciding whether the

compensation provided is adequate in view of the nature of the injury suffered by the worker. I have no objection to the amendment.

Mr. McDONALD: I oppose the Minister's amendment and the further amendment moved by the member for East Perth. My opposition to both amendments is made for the reasons which were mentioned by the Minister just now. He pointed out that if it were made compulsory for a clerk to summon the parties before him in the case of every agreement, it would entail a great deal of work for the clerk and it would also mean a lot of trouble for the parties. As the Minister said, there are many of these agreements. The proposed new rule says that the parties shall be summoned. A party may be at Leonora or at Port Hedland, or at some other distant place. A worker comes down here for medical treatment and if the employer is to be called to appear before the clerk he may have to travel a long distance at considerable inconvenience. It might be said that he could send a substitute—say his solicitor or insurance agent—but that would not be in accordance with the purpose of the amendment which is to get those people before the clerk who are actually concerned with the accident and the conditions of employment. This is the inconvenience that would be caused if the amendment moved by the member for East Perth were adopted and it was made mandatory for the parties —the employer and the employee—to be summoned before the clerk in the case of every agreement. The same thing would happen and the same objection would lie if the amendment as drawn up by the Minister were carried. What is the clerk's position? As it is now, he may, on any information he has, make an inquiry into the adequacy of an agreement, and as to whether the agreement has been obtained by fraud. What occasionally could happen is this: The clerk may make inquiry—I have never known him to make one—because someone has come to him, either an employee or a friend, declaring that the man has been under-paid, and asking the clerk to look into the matter. He would do so and report to the magistrate, who would be in a position to summon before him any necessary parties. That is the procedure now.

Mr. Fox: Have you ever known that to happen?

Mr. McDONALD: It does not because there are very few cases in which there is any real imposition on the man. It may happen occasionally. In my experience I cannot recollect one case in which it has been suggested that a man has been badly treated.

Mr. Fox: I can give you three.

Mr. McDONALD: The hon. member may have been more fortunate than I. And yet it may be that there has been no unfair treatment after all. It sometimes happens that a certain sum is paid to a man. The worker feels that if he goes to the court he may get nothing at all. His claim is doubtful. Both the lawyer and doctor have told him so. He therefore agrees to accept, say, £100. Had he gone to the court he might have obtained £200. On the other hand he might have got nothing at all. If occasional cases of this kind are investigated it may be found that what appears to have been a small payment was not so at all. What will happen if the Minister's amendment is carried? Either the clerk will carry on precisely as he does to-day and not call any evidence unless there is something on the face of the agreement which is unfair, or unless somebody tells him the matter should be looked into, or he may feel that to carry out his duties conscientiously he must in almost every case summon the parties before him, and not only that but also get medical opinion, and as the member for East Perth said very justly the result is a new investigation into the whole case superimposed upon the previous investigation. In case of lump sum agreements almost always the worker has been examined by a doctor to see that he gets a fair deal. Very often he is represented by a solicitor. There are negotiations and investigations into his case, and finally an agreement is lodged. Then, if the clerk of courts takes a conscientious view of his duties, he will summon the parties, employ a fresh medical practitioner, and go through the whole rigmarole again. The existing provision is exactly the same as that in the English law, and most people agree that England leads Australia in social legislation for the benefit of the worker. While everyone would sympathise with the Minister in any measure to assist people least able to take care of themselves, especially injured workers, in legislation limits must be set. Various other people make improvident deals, but we can-

not have solicitors and doctors wherever they go, and we cannot have the transactions of commercial life tied up with so many red-tape provisions that they become irksome to carry out. We might well rest on the present provision under which the clerk of courts is a reasonably effective watch-dog for the worker, and not impose on the machinery of the workers' compensation law a clause that might involve a tremendous amount of extra bother and expense. I should like to know how many people have been unfairly treated by employers or insurance companies after the facts had been investigated.

Mr. Fox: The trouble is that the facts are not investigated before they are badly dealt with.

Mr. McDONALD: But what might appear to be an under-payment might prove to be a perfectly fair payment if all the facts were investigated. If it could be shown that a serious evil exists under which many people are being victimised, I would support any movement to tighten up the law, but I consider the present provision sufficient to safeguard the workers.

Mr. FOX: I hope the Minister's amendment will be passed. Some provision is necessary to prevent people from entering into agreements as at present.

The CHAIRMAN: We are discussing the amendment on the amendment.

Mr. FOX: I do not suppose that 1 per cent. of the accidents result in a lump-sum payment being made. The trouble arises over the partial loss of a limb or partial incapacitation under the First Schedule. At one time I dealt with 80 accidents a week on the waterfront and could have given quite a number of instances such as the member for West Perth requested. One case came under my notice a few weeks ago. A young fellow had lost two joints of the first finger, and the insurance company offered him £100. When asked how the compensation had been assessed, the reply was, "You would be entitled to £150 for the loss of a finger, and two-thirds of £150 is £100."

Mr. McDONALD: The explanation of the member for South Fremantle is not convincing. The question of the amount payable when a man loses part of a finger is a very difficult one. In some cases it is possible to have three honest views as to the rate of compensation payable under the Schedule.

Mr. HUGHES: The clerk of courts has never inquired into any settlement. All he gets is a bald statement that there has been an accident and that the parties have agreed to settle for a certain sum. When he finds that the document is properly signed, what is there to direct him to inquire further? If all the facts leading to the settlement, plus the medical certificate, resided in the document, he might be able to form an opinion. If the amendment were made permissive instead of mandatory, what data would the clerk of courts have on which to inquire? Provided the worker instanced by the member for West Perth had a legal representative, he would not need the assistance of the clerk of courts.

Hon. C. G. Latham: If you insert the word "shall," the worker will have to obtain the help of the clerk of courts.

Mr. HUGHES: Without the word "shall," the provision will not be worth the paper it is printed on, and I shall vote against the amendment, because it would be without substance. If a worker is not represented by a solicitor, nobody apart from himself and the company knows that he is settling a claim.

The MINISTER FOR EMPLOYMENT: The position is not as stated by the member for East Perth. Clause 20 of the First Schedule provides that the clerk of courts shall satisfy himself as to the genuineness of an agreement before recording it. The amendment will make it compulsory for the clerk of courts to satisfy himself not only as to the genuineness of the agreement but also as to the adequacy of the amount of compensation. That is a definite addition; it will be a compulsory obligation on the clerk of courts.

Mr. McDonald: It is now, in the case of some agreements.

The MINISTER FOR EMPLOYMENT: Only where information is received by him that the amount of compensation is inadequate. There is no provision for him to investigate, on his own initiative, whether an amount of compensation is adequate.

Mr. Hughes: How would you suggest he will determine that?

The MINISTER FOR EMPLOYMENT: I want to make it compulsory for him to satisfy his mind that the agreement is genuine and the amount of compensation is

adequate. It is not right or fair to say that this amendment will leave the position as it is. It will place on the shoulders of the clerk of courts a new and important responsibility, under which he must satisfy himself that the compensation provided is adequate. He will have the right to call both parties to the agreement, and do other things set out in the amendment. Its acceptance will tighten up the position, and render it more difficult for final agreements of an unfair nature to become effective.

Hon. N. KEENAN: I find myself in agreement with the Minister in his contention that the paragraph which appears on the Notice Paper as ("d") makes it compulsory on the part of the clerk of the court to satisfy himself, not only as to the genuineness of the agreement, but the adequacy of the amount of any compensation payable thereunder. Paragraph (d) is merely a machinery paragraph. I will support the Minister if he is satisfied that the amendment is effective.

Amendment on amendment put and negatived.

Hon. N. KEENAN: I move—

That the amendment be amended by striking out paragraph (g).

Where an agreement has been properly examined, and its genuineness and its adequacy have been arrived at and proved, it is an unfair burden to place upon any employer to keep the mere adequacy open for six months after the investigation. I am in accord with setting aside any agreement which is produced and obtained by fraud or improper means.

Mr. MARSHALL: I hope the paragraph will not be struck out. Doctors do make mistakes. One some occasions they bury them, and on other occasions the persons concerned live as a monument to the mistakes. Occasionally certain injuries do not reveal their serious nature until the lapse of some time. An injured party should be fully compensated for his injuries in accordance with the Act. I do not want for the worker any more than he is entitled to receive. I know of a man at Meekatharra whose foot was crushed. The doctor advised him to accept compensation on the basis of the removal of the big toe and the second and third toes. A fortnight after the worker had signed the agreement and accepted a lump sum in compensation, his foot developed gangrene, and finally had to be taken off at the ankle.

Hon. P. D. Ferguson: That was a matter for the doctor, not for the employer.

Mr. MARSHALL: The worker could not take the responsibility of suing the doctor in the Supreme Court.

The Minister for Employment: He would have no claim against the doctor.

Mr. MARSHALL: Such a case could have been re-opened if the Minister's amendment had been embodied in the Act, and the person concerned would then have been fully compensated.

Hon. W. D. JOHNSON: I assisted to convince the Minister that this amendment to the Act should be made. A sustenance worker was injured at Geraldton, and accepted a lump sum in compensation on the basis of the removal of his middle finger. When I saw the man in Guildford I found his hand in such a state that I got for him the advice of another medical man. It was then found that he had completely lost the use of his hand. I tried to have the case reviewed by the State Insurance Office, but without success. I then made representations to the Minister without success. Finally I moved for the papers to be laid on the Table of the House. The Minister said the matter would be reviewed by the board. I produced the man and the new medical evidence, and a review was made by the very doctors who had asserted that the original injury was limited to the finger. Finally I was informed that the first decision would have to stand. The man had no redress. A medical board can make a mistake, and they did so in this instance. That man's hand to-day is not anything like as efficient as was represented. This particular provision in the Bill is required so that men in such circumstances shall be protected, and obtain the compensation to which they are justly entitled.

Mr. FOX: I hope the amendment will not be agreed to. Very often employees are coerced into signing agreements because of their unfortunate financial position. Injured workers may receive pay for some months and then the employers endeavour to arrive at agreements for lump sum payments. One method adopted by employers is to cease the weekly payments. Unless a worker in that position is able to hold out, he is forced to sign an agreement in settlement of his claim, and in doing so he acts unfairly to himself and his family. In one instance an employer offered a worker £70 in full settlement, but the union on his be-

half asked for £480. Then again it sometimes takes upwards of three months before a hearing can be obtained in court. That also penalises the worker. Where such agreements have been signed, there should be an opportunity to review and I think the Government's proposal is fair. The member for Nedlands appeared in connection with one compensation case. In that instance a man was asked to sign an agreement in full settlement of his claim, although he had received only weekly payments. The employer, if he had his just dues, should have been put in gaol. People are imprisoned because of confidence tricks and if ever there was one it was in connection with that case. In that instance, notwithstanding that the case was taken to the High Court, it was ruled out, and the man could not secure any redress.

The MINISTER FOR EMPLOYMENT: In the great majority of instances claims will be finally decided when the clerk of courts has finished with them. There is a strong probability that there will be a few cases that, when investigated, will develop in such a way within a period of six months as to demonstrate clearly that the amount of compensation paid has been inadequate. It is felt that there should be some protection for the worker confronted with such a position. The only object to be served by the provision, to which exception has been taken, is to assure to the injured worker the full amount of compensation that the injury from which he suffers entitles him to receive under the Act. I hope the Committee will not agree to the amendment.

Amendment on amendment put and negatived.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 7 and 8—agreed to.

New clause:

Mr. HUGHES: I move—

That a new clause be added as follows:—"Section 20 of the principal Act is amended by inserting after 'charge' in line 6 of Subsection 1, the words: 'in priority to all other existing charges, liens or mortgages.'"

Section 20 is another shadow section of the Act that has never been effective and has seldom proved of any value at all. It was originally designed to provide workers with additional security in cases where, after receiving judgment for compensation, it was found that the employer had not insured his employees, and was then proved to be a man of no substance. Section 20 provides that the claim of the worker shall be a first charge on the whole of the property and land on which the industry, in which the man was working, is carried on. That section would appear to be watertight and would indicate that so long as there were buildings and plant associated with the industry, the worker had a first claim on the property. In practice the section has proved a dead letter, because the employer is often found to be a man of no substance who has failed to insure his workers, in addition to which the plant and equipment is under a bill of sale or some other charge registered in court. It may be, too, that the land is subject to a mortgage. In those circumstances the worker has no redress at all. I have been concerned in three or four cases in which, after judgment for compensation was obtained and attempts were made to exercise the powers under the Act, it was found that the property was subject to a bill of sale. Frequently the mortgagee of a farm has a greater interest in the continuance of the farming operations than the farmer himself. Unless the farm continues and the farmer is willing to remain there as a caretaker to maintain the improvements intact and the farm in working order, the mortgage security is of no value at all. In such circumstances, it would not be any hardship to the real legal owner of any farm or other premises if the amendment were agreed to, and it were made an obligation upon him to see that the workers engaged in carrying on the industry were adequately protected by insurance. The mortgagee could assure himself that the mortgagor had taken out adequate insurance cover and any of the trading banks would, in such circumstances, be obliged to furnish additional money so that proper insurance could be provided. If my amendment be agreed to, the charge in respect of workers' compensation will have priority as against bills of sale, mortgages or liens.

Mr. CHAIRMAN: I cannot accept the amendment, which is outside the scope of the Bill. I must rule it out of order.

Mr. HUGHES: What is the scope of the Bill?

Mr. CHAIRMAN: There is nothing in the Bill dealing with liens or mortgages.

Mr. HUGHES: If that is the only trouble, I can alter the amendment because the word "charges" will cover liens and mortgages.

Mr. CHAIRMAN: I cannot accept the amendment, and must rule it out of order.

Mr. HUGHES: But on what grounds?

Mr. CHAIRMAN: It is outside the scope of the Bill. The hon. member cannot discuss my ruling; he can only move to disagree with it.

Dissent from Chairman's ruling.

Mr. Hughes: I shall have to move to dissent from your ruling.

Mr. Marshall: Put it in writing.

Mr. Hughes: I move—

That the Committee dissents from the Chairman's ruling.

[*The Speaker resumed the Chair.*]

The Chairman reported that the member for East Perth had moved to dissent from his ruling.

Mr. Hughes: If I interpreted the Chairman of Committees rightly, his objection to the amendment is that it deals with mortgages and liens. After all, a lien or a mortgage is only a charge, and the amendment would probably have the same meaning if the words "lien or mortgage" were left out. The Bill is designated "A Bill to amend the Workers' Compensation Act, 1912-1934." I understand that when there is general leave given to bring in a Bill to amend an Act, any section in the parent Act can be amended under that Title. In order that the general leave to amend may be restricted, we frequently have introduced Bills to amend section so-and-so of a particular Act. The reason for that is that the House is given leave to amend only certain sections of the Act under review, and any amendment outside those sections is deemed to be outside the scope of the Bill. If the Bill is limited to the section specified in the Act, it will have the same effect as though the Title were A Bill to amend Section 7, or some other section, of the said Act. Therefore, if the Chairman's ruling be right, there is no need to bring down a Bill and specify it a Bill to amend a certain section of the Act; all you have to do is to get a general leave and specify in the Title the sections proposed to be amended. I submit that the Chairman is in error. Under this Title of A Bill to amend the Workers' Compensation Act, 1912-1934, I submit that any amendment that fairly comes within the scope of any section of the parent Act is an amendment under the leave that has been granted to introduce the Bill.

Hon. C. G. Latham: I support the hon. member in his motion, because I think if we look at the Title it clearly sets out that this is a Bill to amend the Workers' Compensation Act of 1912-1934. That Title is wide enough to allow of any amendment being made to the parent Act. But if we turn to the principles contained in the Bill, we may find that they, perhaps, are more exclusive than is the Title itself. Let us examine the principles of the Bill. The principles of the Bill are to protect the worker under the Workers' Compensation Act. You will find that the Bill protects the worker in many ways. It may be that in the case of his death his dependants have obtained only £400, but here they are protected to the extent of another £200. Then it protects him where there is a disagreement between medical practitioners, or where there is an unfair agreement entered into. All that the hon. member proposes to do is to go a little further and say that while we have protected the worker, we are going to protect him still further, and that if a man fails to insure his worker, and that man has property and the property happens to be mortgaged, the worker shall have a claim prior to the mortgage. Surely to goodness that is within the principles of the Bill, because it gives greater protection to the worker. I contend that if we were going to restrict amendments to such an extent as not to allow any amendment at all, it would be futile. I hope you, Sir, will find it possible to give to the Committee the right to amend a Bill within reason, so long as the amendments are within the principles contained in the Bill, and particularly where the Title is broad enough to allow of bringing down any amendment to the parent Act.

Mr. Sleeman: I have no feeling in the matter; I am leaving myself in your hands, Sir. But I contend the Leader of the Opposition is in error when he claims that because of the Title of the Bill, anything can be brought down to amend the Act. Of course that is not correct. There is no doubt in my mind that the proposed

amendment moved by the member for East Perth is outside the scope of the Bill, and therefore should be ruled out.

Mr. McDonald: I will support the member for East Perth in his motion. This Bill contains a provision whereby if a contractor is employed by a farmer and does not pay his injured employee, the injured employee may recover from the farmer. The amendment moved has exactly the same object, namely, the recovery of compensation from property where the individual himself is not able to pay.

Hon. W. D. Johnson: I shall be particularly interested in your ruling, Sir, because it is quite within my experience that a general amending Bill, which this is, is open to amendment. It is not so long ago since a ruling was given that where a Bill was introduced with a definitely limited scope, a member was able to get from the House an instruction that that particular Bill could be extended beyond the intentions of the Bill when introduced. I thought at the time the ruling was wrong, but in reading up the matter I discovered that it was right, that it was a practice that had been admitted according to parliamentary procedure and authority, but had not been used in the House over a number of years. It introduced something new but, nevertheless, I found, much to my astonishment, that it was perfectly in order. There is a case where the power of a member is allowed to extend beyond the scope of a measure as introduced. When it is a general amending Bill, I submit that the whole principle of the Act is subject to review. I cannot see how we can limit it, and say when we introduce an amending Bill that because we specify certain sections of the Act, those are the only sections that can be reviewed. I say that if a member gives notice of his intention to move a new clause, he should have the right to move it.

Mr. Patrick: The Minister himself put in new amendments.

Hon. W. D. Johnson: It could be argued that the Minister was amending clauses already in the Bill, whereas the motion before us covers a new clause and, according to the ruling of the Chairman of Committees, the new clause cannot be inserted. In other words, you cannot extend the scope of an amending Bill by introducing new amendments dealing with sections not already contained in the Bill. Surely there should be means by which a member can exercise his right to insert new amendments in the particular principal Act.

Mr. Marshall: Your ruling, Mr. Speaker, on this question will be of great interest to the Chamber, because I think you yourself have figured in discussions from time to time with regard to what is and what is not possible to move as an amendment to a proposed Bill to amend a parent Act. I do not yet understand the objections taken by the Chairman to the amendment moved by the member for East Perth. The Bill as introduced by the Minister is for an Act to amend the Workers' Compensation Act 1912-1934. Therefore I am entitled to assume that the whole of the parent Act is before the House. If I understand the Chairman's ruling correctly, he takes exception to the member for East Perth's proposed amendment because it touches upon the subject of mortgages and liens over property owned by people who may have some obligation to pay compensation under the Act. If that be the objection it means that we can never introduce a Bill to amend an Act and depart from the scope of the leave given. In other words, if we adopt such a policy, we can never amend a parent Act by inserting a new clause which might be outside the scope of the parent Act. The Chairman has ruled that the member for East Perth's amendment cannot be accepted because it is outside the scope of the leave of this Bill, and the Bill does not mention anything with regard to mortgages.

Mr. Hughes: A mortgage is a charge.

Mr. Marshall: The principal point is that the whole object of the parent Act, in substance and in spirit, is to provide compensation at all times to injured workers before, during the course of, or arising out of employment. If I understand the hon. member's amendment correctly, it is to further protect the objective of the parent Act. If an amendment of that character is going to be forbidden, it will practically mean that no one will be able to introduce an amendment to give effect to the very spirit and letter of the parent Act. In the circumstances I consider that the ruling of the Chairman is one I cannot support.

Hon. N. Keenan: The ruling of the Chairman in this case is most undoubtedly in accord with past rulings given in this Chamber. As I have always differed from those past rulings, I propose to differ from this

one also. Let us look at the Titles of several Bills we have on our files. The Mortgagees' Rights Restriction Act Continuance Bill and the Financial Emergency Act Amendment Bill can be mentioned. The former is a Bill for an Act to continue the operation of the Mortgagees' Rights Restriction Act, 1931, and it goes on to say, "This Act may be cited as the Mortgagees' Rights Restriction Act Continuance Act, 1937, and shall be read as one with the Mortgagees' Rights Restriction Act, 1931, hereinafter referred to as the principal Act." Then the other is "A Bill for an Act to continue the operation of the Financial Emergency Act, 1934, as amended by the Financial Emergency Act Amendment Act, 1935," and it goes on to say that it shall be read as one with the Financial Emergency Act, 1934, as amended by Acts No. 26 of 1934, No. 19 of 1935, and No. 18 of 1936, hereinafter referred to as the principal Act. Now let us look at the Bill under discussion. It is identical in its introduction with what I have already read. It says, "This Act may be cited as the Workers' Compensation Act Amendment Act, 1937, and shall be read as one with the Workers' Compensation Act, 1912-1934 (No. 69 of 1912 as reprinted in the Appendix to the sessional volume of the Statutes for the year 1927 as amended by the Act No. 36 of 1934) hereinafter referred to as the principal Act." There is no doubt the ruling of the Chairman is consistent with past rulings. I objected to those past rulings when they were made, and it is open to you, Mr. Speaker, to revise the opinion you formed on other occasions. When a Bill is brought down to amend an existing Act, it seems to me it is entirely subversive of the principles of a deliberative Chamber that we should be restricted to the principal sections of the Act. The Chairman ruled that the only amendment that could be moved to the Bill under discussion would be in reference to the section mentioned in the Bill. That is logical and quite correct, although I am strongly of opinion that the proper course is that when a Bill is brought down to amend an existing Act, that throws open the whole Act for discussion, even though in the past we have adopted the attitude to restrict the discussion to the sections named in the Bill. I support the Chairman, though I object to his ruling.

Mr. Speaker: The member for East Perth moved to insert a new clause which, in effect, is an amendment of Section 20 of the original Act. The Chairman of Committees ruled the new clause out of order. Now the member for East Perth has moved to disagree with the Chairman's ruling. The Chairman's ruling is really based on Standing Orders 277 and 391. Standing Order 277 reads—

> Any amendment may be made to a clause, provided the same be relevant to the subject matter of the Bill, or pursuant to any instruction, and be otherwise in conformity with the Rules and Orders of the House; but if any amendment shall not be within the title of the Bill, the Committee shall extend the title accordingly, and report the same specially to the House.

Standing Order 391 is an instruction to all Committees relating to the power they have to make amendments. It sets out—

> It is an instruction to all Committees of the whole House to whom Bills may be committed to make such amendments therein as they shall think fit, provided they be relevant to the subject matter of the Bill.

The whole of the Chairman's ruling is wrapped up in those words, and the subject matter of the Bill is undoubtedly what is printed in the Bill, read a second time, and referred to the Committee. I do not wish to weary members by quoting extensively what has been done, but I might refer to a rather good ruling given by Mr. Troy, when Speaker, on a similar subject. It has been the custom of the House of Commons, as well as in our own House, that the subject matter of a Bill before the House consists of the actual clauses and the wording of those clauses, and only those clauses can be amended. It is not the Title of the Bill at all; the Title is not under consideration. Many members have the erroneous idea that the Title of the Bill is the Bill. That is not so. The Bill is what is actually contained in the clauses, and Standing Order 277 is very definite on the point. It says that any amendment may be made to a clause, provided it is relevant to the subject matter of the Bill; and the subject matter of the Bill has been ruled to mean the provisions of a Bill as printed, read a second time, and referred to the Committee. It has definitely been decided on more than one occasion that only that subject matter can be dealt with in Committee. It has also definitely been decided in the House of Commons that a Bill in Committee cannot be amended or, in other words, a Bill once adopted in the second reading and referred to the Committee, the Committee has no

jurisdiction to go outside the subject matter of the clauses. Any alteration it is proposed to make to the Bill should take the form of a second reading instruction to the Committee. Therefore any member who desires to insert an amendment to a clause in the parent Act, a clause which is not contained in the amending Bill, must take advantage of the Standing Orders, and do so in the form of an instruction to the Committee. That is the only way in which it can be done. I uphold the Chairman's ruling.

Dissent from Speaker's Ruling.

Mr. Hughes: I move—

That the House dissents from Mr. Speaker's ruling.

I do not feel any regret, Mr. Speaker, at being obliged to take this step, because you stressed Standing Order 277. If that Standing Order means what you, Sir, say it means, we have abandoned our language altogether. It states specifically—

Any amendment may be made to a clause provided the same be relevant to the subject-matter of the Bill——

"To a clause." It refers only to an amendment to a clause existing in a Bill.

——or pursuant to any instructions, and be otherwise in conformity with the rules and orders of the House; but if any amendment shall not be within the Title of the Bill, the Committee shall extend the Title accordingly and report the same to the House.

What is the subject-matter of the Bill is defined in the first instance. Before a member can bring down a Bill to this Chamber, he must get leave to introduce the Bill, and he must inform the House what is the subject-matter of the Bill he proposes to bring down. If he wants general leave to amend an existing enactment, he makes his Title a very simple Title; but from its very simplicity it is a very broad Title. He asks for leave to introduce an Act to amend an existing parent Act. If he does not desire to throw the whole parent Act into the melting pot he asks for leave to amend certain specific sections of the parent Act. Surely that is the stage at which this House determines what is the subject-matter of the Bill. It is either the whole Act or it is limited to parts of the Act. If the ruling is right, there is no necessity for leave to be granted limiting the leave to certain sections of the Act, because all the member introducing the Bill has to do is to get a general leave and then prescribe certain amendments of certain sections, and no amendment can be to any section outside those. It is hard to believe that skilled parliamentary draftsmen and other people skilled in parliamentary procedure have been so far astray from fundamentals as to delude themselves into the belief that if we limit the scope of a Bill we have to specify certain sections in the Title. The practice which is established not only in this Parliament but in the mother Parliament, is to determine at the outset whether it is to be a general and unrestricted leave or a leave limited to certain sections. I submit that is where we define what is the subject-matter of the Bill. But we can go further in respect of a clause. If a clause is moved a member can move an amendment to that clause. It is then found that provided the clause is within the subject-matter of the Bill, it may go beyond the Title. The Standing Orders do not "allow" the House to amend the Title: if any amendment made is not within the Title of the Bill the Committee "shall" amend the Title. The Standing Order, I repeat, does not say "may" amend the Title. Provided the amendment is relative to the subject-matter of the Bill, the Title must automatically be amended. The House has no discretion at all under those circumstances. Otherwise the Standing Order would say the Committee "may." The whole of Standing Order 277 refers to a clause such as I have proposed, a new clause. I submit that Standing Order 277 merely provides that any member of this Chamber can move an amendment to any clause provided his amendment is within the subject-matter of the particular clause then under discussion.

Mr. Marshall: Provided it is relevant.

Mr. Hughes: Relevant to the particular clause. But that has nothing to do with the fact that it limits the original authority. I submit that under such a broad Title as the Title of this Bill, specifying the subject upon which leave is given to introduce a Bill, we would be able to go through the parent Act section by section and amend each section. I have frequently known it to happen in this House that leave has been given to amend an Act generally and that the Minister has found during the progress of the debate that owing to some inadvertence, or for some desirable end, he is anxious to insert a new clause in the Bill, and without more ado a notice of amendment has been placed on the

Notice Paper and an additional clause has been moved. If I had time to make researches, I am sure I could find many instances not only in the House of Commons but in this House where a Minister, after introducing his Bill, has moved an entirely new clause. I hope the House will disagree with your ruling, Sir. One of the worst features of the present Parliament is the continual encroachment on private members' rights, the continued whittling-down of the right of a private member to use what legislative ability he has in the service of the people. If we are to continue having those rights whittled away, we shall become persons who merely have proposals submitted to them to say yes or no to. I admit that frequently members do bring forward amendments which are not wise, but it is better to allow some members increased scope for exercising their legislative talents. That, after all, is the principal function of a member of Parliament—to be a legislator—and not a glorified agent. We should rather encourage members to take an interest in legislation and bring forward their ideas for the consideration of the House. To encroach upon and whittle away the rights of private members is a retrograde step. Such a proceeding strikes at the root of our Parliamentary institutions. We should not allow the idea to get abroad that in this Chamber there are certain anointed people to whose proposals ordinary members can only say yes or no. I do not say that it is with regret I move to disagree with your ruling Mr. Speaker. You, Sir, would probably disbelieve me if I did say it. The only regret I shall feel is if your ruling is upheld.

Mr. Speaker: The member for East Perth has moved to disagree with my ruling. Before reading a ruling which was given by Mr. Speaker Troy in 1913, I desire to correct the member for East Perth in regard to what he termed an encroachment on the rights of private members. I do not know exactly what he meant by that expression; but I do desire to point out that the work of the Speaker and the Chairmen of Committees is to endeavour, to the best of their ability, to uphold the Standing Orders of the House. They are not our Standing Orders. They belong to the House. All we have to do is to administer them to the best of our ability. The very Bill introduced by the Minister for Works, the Municipal Corporations Act Amendment Bill, was already before the House last session. The Minister had a motion on the Notice Paper to bring the Bill to that stage in this session. I read in the Press that the Minister had been waited on by certain road boards with a request, and that he had acquiesced in their desire, to bring down a further amendment giving local authorities the right to subsidise certain works outside their own boundaries. Such a provision is not contained in the original Bill. I may have done wrong in not allowing the Minister to bring the Bill before the House and then informing him that the additional amendment was not within the scope of the Bill. I thought it better to warn him that if he introduced that amendment, as the Bill was already before the House, I would have no option but to rule it out of order, even if it was moved in Committee. If the House had agreed with that ruling, the Bill would have gone out and the Minister would have had to start all over again. Accordingly he withdrew his Bill and brought in another measure. Thus my ruling does not apply only to private members. The Minister for Works is not exactly a private member. Now, with the permission of the House, I will read a ruling given by the present Minister for Lands as Speaker in 1913. A Bill was then before the House, and certain amendments were moved to it by the Hon. J. Mitchell and ruled out of order, and that member moved to disagree with Mr. Speaker Troy's ruling. Certainly, after hearing the Speaker, the hon. member withdrew his motion of dissent. Here is what Mr. Speaker Troy said—

> Before the House concurs in the withdrawal of the hon. member's dissent, I would like to make a few remarks because I think the question has been raised opportunely. There is a tendency in this House to introduce amendments into Bills which ought properly to be introduced into other Bills, and that practice is becoming an abuse. If the question had not been raised by the hon. member, and I am obliged to him and to the Attorney General for raising it, we might have continued in that practice, and our legislation would have had a tendency to become ridiculous. When the matter was mentioned I looked up the precedents of the British House of Commons, and I intend to make a few remarks in regard to the distinction as between the Title and the scope or subject-matter of a Bill. The second point raised by the hon. member for Northam was that the present Bill includes among its provisions the same subject-matter as is raised by his amendment (see Subclause (2) of Clause 6). As regards this contention I would

like to direct attention to page 480 of "May," which states—

> An attempt to engraft novel principles into a Bill, which would be irrelevant, foreign, or contradictory to the decision of the House taken on the introduction and second reading of the Bill, is not within the due province of an instruction.

Standing Order 391, which has been quoted by the Attorney General, governs the procedure in this House. This Standing Order provides that all amendments must be relevant to the subject-matter of the Bill. I admit that the amendment proposed by the hon. member for Northam is within the Title of the Bill, but the amendment is not relevant to the subject-matter of the Bill. I shall give two examples of the application of this rule, showing the distinction between the Title and the subject matter or scope of the Bill. A Bill to enable municipalities to establish fish markets is introduced with a Title for an Act to amend the Municipalities Act. A new clause is moved to alter the mode of election of mayor. The new clause is well within the Title, but foreign to the subject-matter of the Bill as introduced and is therefore disallowed. On the other hand a Bill to license motor cars in Perth is introduced with the Title of an Act to regulate the licensing of Perth motor cars. A new clause is moved to extend the provisions to Fremantle. The new clause is outside the Title but relevant to the subject-matter of the Bill and may therefore be allowed, the Title afterwards being amended to cover it.

These examples show the distinction clearly. Recently the point was raised in the British House of Commons, on introduction of an amendment to the Franchise Bill to provide the franchise for women. The question was raised by Mr. Bonar Law, the Leader of the Opposition, and the Speaker ruled that whilst the amendment was within the title of the Bill, it was not relevant to the subject-matter of the Bill; it introduced novel principles, and therefore could not be allowed. The amendment desired to be introduced by the hon. member for Northam into this Bill has a similar objection, and whilst I am glad he is not pressing his dissent, I think it necessary to give this instruction to the House so that the tendency to create abuses in legislation will be checked.

That was in 1913. Notwithstanding what the member for East Perth might say, if he had the time for research he would find that practically every Speaker since has followed that ruling on every occasion where attention has been drawn to the matter. Of course it may be possible that such an amendment has got through without the Chairman seeing it, but mainly that ruling has been followed. So far as disagreement with my ruling is concerned, I am in the same position as the member for Fremantle. It does not matter to me very much. We both simply do our best; but I want to point out that these rulings, upheld or otherwise, are going to set up a precedent in this House and if my ruling is disagreed with tonight, I can assure hon. members—and I think that I can speak for the Chairman of Committees as well as for myself—that we shall have no option but to allow amendments to any clause of the parent Act.

The Minister for Lands: It would soon be a case of "Rafferty's rule."

Mr. Speaker: Call it what sort of rule you like. It will not be a Standing Order of this House and I assure hon. members that if they want to overcome this matter it is not a question of disagreeing with the ruling of the Chairman or of my ruling but of amending their own Standing Orders. I leave it to hon. members to decide the question for themselves. There is no doubt about the ruling. It is in accordance with our own Standing Orders and in accordance with the practice of the House of Commons.

Hon. C. G. Latham: With the case from "Hansard" to which you, Sir, have referred, I agree, but the question is involved in the word "relevant." I suggest that if the member for East Perth by the amendment proposed to set up a medical board, although that is within the scope of the Act itself, it would be irrelevant to the subject matter before the House now. But that is not so. The matter he refers to is distinctly relevant inasmuch as it protects the worker under the Act. All the legislation we have passed has been protecting the worker, making it more difficult for him to be imposed upon, providing him with further safeguards. The proposal of the member for East Perth provides a further safeguard. So I say it is relevant. The Standing Order refers only to the clause and not the Bill. I should like to quote from "May" on page 293. It is there stated, "It is an imperative rule that every amendment must be relevant to the question on which the amendment is proposed." "The question," it will be observed.

Mr. Speaker: That is the question that happens to be before the Chair at the particular moment; an amendment to that particular question and not to the Bill, surely. I am sorry to interrupt.

Hon. C. G. Latham: I contend it is an amendment to the Bill. If you Sir, are going to follow conclusively the ruling you have given, at no time can a new clause be inserted in a Bill. It has been the custom

for many years for new clauses to be brought down. You will remember that, when you were a floor member, repeatedly new clauses were inserted and always after the Bill had been dealt with in Committee. This new clause is relevant to the subject matter of the Bill because it gives additional protection, as we have been attempting to do all the year. The Chairman of Committees said that it was outside the Title of the Bill. As I pointed out, the Title of the Bill permits—

Mr. Sleeman: That is not correct.

Mr. Speaker: Order!

Hon. C. G. Latham: If it is a question of only the Title we can deal with any of it.

Mr. Speaker: The Chairman of Committees did not say that. He said "scope" of the Bill.

Mr. Sleeman: The Leader of the Opposition ought to be fair.

Hon. C. G. Latham: We can find out what Mr. Sleeman said. If the hon. member desires, I shall ask for the notes of "Hansard" to be produced.

Mr. Sleeman: Call for them, then. I have no objection.

Hon. C. G. Latham: May I ask for the notes to be produced, Mr. Speaker?

Mr. Speaker: Very well.

Hon. C. G. Latham: I contend that there can be no new clause added if we are going to adhere to the ruling you have given. It is no pleasure for us on this side of the House to disagree with your ruling, Mr. Speaker. I agree that, after all, while you may make a mistake in your ruling, if the House is going to say you have made a mistake, it then becomes the responsibility of the House. To my mind our Standing Orders are absolutely letter perfect in respect to this, and I do not believe that the amendment moved by the member for East Perth is a violation of our Standing Orders. The whole argument rests on the word "relevant." I contend that the amendment moved by the member for East Perth is relevant to the subject matter of the Bill itself. In no other way can it be read because he desires to give additional protection to the worker exactly the same as the Minister who introduced the Act desired to do. Nothing more and nothing less.

The Minister for Justice: If it were amended to establish a convalescent home for beneficiaries, would that be relevant?

Hon. C. G. Latham: It would be outside the scope.

The Minister for Justice: It would be additional protection.

Hon. C. G. Latham: It would be irrelevant if he proposed to deal with a medical board, but there is nothing dealing with a medical board at all. It is only a question of tightening up in order to give additional protection to the worker insured under the Act. I contend that that is all that the amendment does. If a man has failed to insure his employee and he has a property which is mortgaged, the claim the employee makes shall take precedence before the mortgage debt. If we are going to follow the ruling given a member will not be able to move a new clause. Yet you and I, Sir, have seen quite a number of new clauses added. It has been the custom to put them on the Notice Paper and to move them when the Bill has been at the Committee stage. If your ruling is followed——

Mr. Speaker: That is not my ruling. Nothing of the sort.

Hon. C. G. Latham: That will be the effect of it.

Mr. Speaker: No.

Hon. C. G. Latham: If there is a disagreement between this side of the House and yourself it is on what the word "relevant" means. If that is the question we shall have to disagree with your ruling because I contend that the matter brought forward by the member for East Perth is relevant to the subject matter of the Bill we have been discussing.

Mr. Speaker: These are the notes for which the Leader of the Opposition asked—

The Chairman: I cannot accept the amendment. It is outside the scope of the Bill. I must rule it out of order.

Mr. Hughes: What is the scope of the Bill?

The Chairman: There is nothing in the Bill dealing with liens or mortgages.

Mr. Hughes: If that is the only trouble, I can alter the amendment because the word "charges" will cover liens and mortgages.

The Chairman: I cannot accept the amendment. I must rule it out of order.

Mr. Hughes: But on what grounds?

The Chairman: It is outside the scope of the Bill. The hon. member cannot discuss my ruling; he can only move to disagree with it.

Mr. Hughes: I shall have to move to dissent from your ruling.

Mr. Marshall: Put it in writing.

Hon. C. G. Latham: I did not refer to those remarks, but to the speech by the

Chairman of Committees from his seat on the floor of the House.

Mr. Speaker: I have just read the portion of the "Hansard" report at the stage at which the Chairman of Committees ruled the amendment out of order.

Hon. C. G. Latham: That is not the part I referred to.

Mr. Sleeman: I hope that you, Mr. Speaker, will read the remarks referred to by the Leader of the Opposition. I consider he has been most unfair. My experience of him is that it is not usual for him to be unfair, and to try to misrepresent what I said was not right. It does not matter to you, Mr. Speaker, or to me as Chairman of Committees, what happens as regards our rulings, because we are both appointed to our respective positions to carry out the Standing Orders. It is laid down that a member cannot move an amendment which is outside the scope of the Bill. I would remind the member for East Perth of an incident when we sat side by side. I can remember when that hon. member endeavoured to move a similar amendment, and it was ruled out of order as being outside the scope of the Bill. I think the hon. member will agree that at the time he said, with a nice smile on his face, "It does not matter so much, Mr. Speaker, what you are trying to move; what matters is, who tries to move it."

Mr. Hughes: I may have said something like that.

Mr. Sleeman: Now the member for East Perth has endeavoured to move a somewhat similar amendment. As to whittling away the rights of private members, I agree that they should have more latitude. There is nothing to prevent the member for East Perth accomplishing what he desires by presenting a Bill to amend the Workers' Compensation Act and embodying in it the amendment he seeks to move at this sitting. I shall support your ruling, Mr. Speaker, because it bears out my ruling which I consider was the correct one.

Mr. Speaker: I have the "Hansard" report of the remarks of the member for Fremantle, to which the Leader of the Opposition has made reference. The report is as follows:—

Mr. Sleeman: I have no feeling in the matter; I am leaving myself in your hands, Sir. But I contend the Leader of the Opposition is in error when he claims that because of the Title of the Bill anything can be brought down to amend the Act. Of course, that is not correct. There is no doubt in my mind that the proposed amendment moved by the member for East Perth is outside the scope of the Bill, and therefore should be ruled out.

Mr. Sleeman: Now be a gentleman, and withdraw!

Hon. C. G. Latham: I have very much pleasure, Mr. Speaker, in withdrawing.

Hon. W. D. Johnson: The whole difficulty has arisen on account of the importance attached to the words "subject matter of the Bill," and the neglect of the fact that the amendment can be relevant to the subject matter of the Bill, and be in order. The subject matter of this Bill is undoubtedly the amendment of the principal Act.

The Premier: In what respect?

Hon. W. D. Johnson: In full respect. The amendments in the Bill have been introduced for the purpose of liberalising the principal Act.

The Premier: In certain particulars.

Hon. W. D. Johnson: The Premier can put it that way, if he likes.

Hon. C. G. Latham: They are to liberalise the Act and protect the worker.

Hon. W. D. Johnson: The subject matter of the Bill is the amendment of the principal Act. What we have to determine regarding the amendment moved by the member for East Perth is whether it is relevant to the subject matter of the Bill. In my opinion, it is relevant. It follows on and is connected up with the amendments embodied in the Bill, which will alter the principal Act. It makes provision to protect the worker in the event of non-payment by his employer of a claim for compensation and recognises that claim as a first charge against the employer's property. If that property is covered by a bill of sale, the amendment sets out that that fact shall not restrict the right of the worker to obtain his compensation. The point at issue is not the same as that involved in the objection raised by Sir James Mitchell on one occasion and referred to by yourself, Mr. Speaker. It was argued correctly on that occasion that the amendment suggested was not one that should be moved to the Bill under consideration. In this instance, the amendment can be introduced because it is relevant to the subject matter of the Bill that amends the Act.

The Minister for Lands: I know that you have ruled correctly, Mr. Speaker, because I ruled similarly myself.

Mr. Marshall: I do not know that that makes it right.

The Minister for Lands: You could not have done otherwise, Mr. Speaker. Any amendment moved to a Bill before the Committee must be relevant to the subject matter of that Bill. To suggest that an amendment can be relevant to a Bill because it is relevant to the Act that the Bill seeks to amend, is merely ridiculous. The amendment must be relevant to the subject matter of the Bill before the Committee, irrespective of its relevancy to anything else. To say that the amendment is relevant to another Act is to argue that the amendment is not relevant to the Bill but is relevant to some other measure.

Mr. Patrick: Nothing of the sort.

Mr. Speaker: Order!

The Minister for Lands: The amendment is not relevant to the Bill before us, but is relevant to an Act that the Bill seeks to amend, and the Standing Orders show that the amendment cannot be moved to this Bill.

Hon. W. D. Johnson: That is the argument.

The Minister for Lands: The Bill contains no provision having any relation to Section 20 of the Act. None at all. No mention of it. Now it is argued that in this Bill, which has no provision in any way related to the Act, the amendment is relative, because it is relative to another Act not under discussion.

Hon. C. G. Latham: You read Section 20 and see what it states.

The Minister for Lands: It does not matter what it states. There is nothing in the Bill relating to Section 20 of the principal Act, therefore how can an amendment to Section 20 be relevant to the Bill? Of course it cannot. You, Mr. Speaker, have ruled correctly. You could not have ruled in any other way. On another occasion I stated that if we were going to have rafferty rules, we would reach chaos. If the rules of the House are going to be interpreted as desired by every member, we might as well abandon our rules entirely. The Standing Order provides that any amendment must be relative to the subject matter of the Bill before the House, not to some other Bill. And since there is no provision in this Bill having any relation to Section 20 of the Act, then an amendment of Section 20 cannot be relevant to the Bill. I have no option to supporting your ruling, Sir, and I appeal to the House not to insist upon an interpretation of rules that will only lead to confusion in the end.

Mr. Hughes: I thought I might have heard in the course of the debate some reason why it is that when we want to limit the scope of a Bill the Title is brought down to say that it is a Bill to amend Section so-and-so of an existing Act. I thought that an ex-Speaker, in the person of the Minister for Lands, might have explained why it is necessary on some occasions that the Title shall be for a Bill to amend only certain sections of the Act. If what the hon. member said is right, then we can only amend certain sections of the Act until we have a general title. I think that effectually disposes of the Minister for Lands. The quotation read from May is more effective to my argument, Sir, than to yours, because it goes on to say—

> There is a distinction between the Title and the scope of the Bill.

I took particular note while you were reading, of a line wherein the writer stated that if you introduced any novel principle contradictory of the subject-matter of a Bill it would be outside the scope of the Bill. I do not think that in the quotation you read from May there was any mention about "not in accord." I know this is a Bill designed to tighten up and give further proection to the worker who has been injured—that is the whole purpose of the Bill—and I could understand that if we started to put in amendments taking away the rights of the worker it could then be said that what we proposed to do was in direct contradiction to the scope of the Bill, and would be contradictory to the ruling from May. I can quite understand that there is a marked distinction between the establishment of fisheries and the election of a mayor, notwithstanding that frequently the conduct of mayors is somewhat fishy. Of course the establishment of fisheries would be a novel departure. It would be novel amongst municipal activities, and the election would go to the constitution, and it might truthfully be said that the two were contradictory. My amendment proposes to give the worker relief when he has been defeated of his lawful compensation by virtue of existing and prior liens and charges. The recently amended Section 11 of the principal Act was because when some contractor defaulted it was attempted to bring in a third party, the principal con-

tractor, and make him liable. It would be as difficult to get the principal and make him responsible for the default of a sub-contractor, as it would be to go for the mortgagor and making the mortgagee responsible. It would be difficult to get a better analysis. Standing Order 391 which you, Sir, quoted, says that it is an instruction to all Committees of the whole House to whom Bills may be committed that they have power to make such amendments as they shall think fit, provided they are relevant to the subject-matter of the Bill. So the Committee has open authority, provided amendments be relevant to the subject-matter of the Bill. This is not a question of amending our Standing Orders; this is not a question that is going to lay down a precedent; this is a question that will decide only one thing—it will decide whether this particular amendment before the Committee at present is relevant to the subject-matter of the Bill. How can it be said that the amendment will be a precedent for some other set of circumstances that may arise to-morrow night or on some other night if the same question arises in future? All that we shall determine to-night is that in the opinion of this Committee they are satisfied that the amendment is in order. That will not have any effect upon any future set of facts. If another set of facts comes up next week the Committee will have to decide whether, on the facts, the amendment is relevant. I submit there has been no case at all made out for your ruling, Sir. The member for Fremantle referred to something I might have said to him when fighting something of the same sort of thing in bygone days. Probably I did say what he alleged I said, but I am sorry the hon. member was not able to-night to state whether or not he voted with me on that occasion or against me.

Mr. Sleeman: No vote was taken.

Mr. Hughes: I think there was. I admit that I take a lot of things without hitting back, but the worm will turn.

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

Ayes	16
Noes	25
Majority against	9

Ayes	
Mrs. Cardell-Oliver	Mr. McLarty
Mr. Doust	Mr. North
Mr. Ferguson	Mr. Patrick
Mr. Hill	Mr. Seward
Mr. Hughes	Mr. Shearn
Mr. Latham	Mr. Warner
Mr. Mann	Mr. Watts
Mr. McDonald	Mr. Thorn
	(Teller.)

Noes	
Mr. Collier	Mr. Nulsen
Mr. Coverley	Mr. Raphael
Mr. Cross	Mr. Rodoreda
Mr. Fox	Mr. Sleeman
Mr. Hawke	Mr. F. C. L. Smith
Mr. Hegney	Mr. Styants
Miss Holman	Mr. Tonkin
Mr. Johnson	Mr. Troy
Mr. Keenan	Mr. Willcock
Mr. Marshall	Mr. Wilson
Mr. Millington	Mr. Wise
Mr. Munsie	Mr. Doney
Mr. Needham	*(Teller.)*

Question (dissent) thus negatived.

Committee Resumed.

Title—agreed to.

Bill reported with amendments.

BILL—FAIR RENTS.

Second Reading.

Debate resumed from the 2nd September.

THE MINISTER FOR JUSTICE (Hon. F. C. L. Smith—Brown Hill-Ivanhoe—in reply) [10.5]: In listening to the debate I was surprised at the many subjects that were discussed. Actually, the principles contained in the Bill are confined to the control of rent. Although the Leader of the Opposition postulated to the contrary, this is not experimental legislation. True, we have no measure of the kind on our statute-book, but similar legislation operates in many other countries of the world. Experience has demonstrated that it is definitely remedial with respect to the control of rents, and that such control is not cancelled out by the effects of legislation on private enterprise with respect to building. If it were cancelled out, the differences that exist in the cost of housing in the many countries considered by the International Labour Bureau would not have existed. With the extract I read when moving the second reading, I pointed out the differences referred to because of legislation that affected rents in many countries and made it difficult to draw comparisons. The Leader of the Opposition said that the only remedy was a housing scheme. I take it that a housing scheme would involve expenditure on the part of the Government to provide

the necessary capital with which to build the houses. When money was spent to build those houses, and when they were erected, would not that also affect the amount of money invested by private enterprise on house building? So the remedy he suggested, while it would add to the number of houses through governmental expenditure, would reduce the number of houses that would be built by private enterprise, because, owing to the increase in the total number of houses, the investment would be made less attractive.

Hon. C. G. Latham: You know you had to build on the goldfields.

The MINISTER FOR JUSTICE: Yes; on the goldfields we built under the workers' homes scheme.

Hon. C. G. Latham: You know why you built there.

The MINISTER FOR JUSTICE: Yes, to stimulate the amount of building then going on.

Hon. C. G. Latham: There is a shortage of houses still.

The MINISTER FOR JUSTICE: We felt that the workers on the goldfields were as much entitled to the privileges conferred under the workers' homes scheme as were the workers in other parts of the State.

Mr. Hughes: What a pity that £100,000 was not spent on homes instead of on a new brewery up there!

The MINISTER FOR JUSTICE: It might be a pity. I do not know that it comes within the scope of the Bill. The member for East Perth (Mr. Hughes) had a lot to say about the measure. I looked up "Hansard." I saw what he had to say on a similar Bill he introduced in 1923.

Mr. Hughes: There was no similarity about it.

The MINISTER FOR JUSTICE: He subsequently supported several similar measures that were afterwards introduced. I had intended quoting from "Hansard" to let the House know what he said.

Hon. C. G. Latham: You cannot introduce new matter in your reply.

The MINISTER FOR JUSTICE: It is not new matter. To quote from "Hansard" what some member said some years ago is a cheap form of political argument, and I am now disposed to discard it. There is this difference about the member for East Perth, that the speeches from which I might have quoted were made when he was a member of the party which is now on this side of the House. Having changed his political colour he apparently feels it is necessary for him to support the point of view of the landlord on the question of fair rents legislation, and he referred to a measure which he formerly supported when on this side of the House as kite-flying now that he is sitting on the opposite side.

Mr. Hughes: Even the workers at Kalgoorlie would not swallow that.

The MINISTER FOR JUSTICE: They will not swallow very much of what the hon. member says. They know too much about him and about his record to swallow anything he might say.

Mr. Hughes: You ought to hear what they have to say about you.

The MINISTER FOR JUSTICE: Instead of discussing the principles of the Bill which is merely to control rents, he dealt with the necessity for statistical reform, pioneers on the goldfields, monetary reform currency linked with realty, and many other extraneous subjects.

Hon. C. G. Latham: That is an awful insult to the Speaker, for he would not have allowed all that.

The MINISTER FOR JUSTICE: He did this merely to camouflage the real issue contained in the Bill. He said that the basis of capital value provided in the measure was bound to defeat it. The capital value referred to is almost identical with what appears in the definition of capital value in the New Zealand Valuation Land Act, 1925, which says:—

> In this Act, if not inconsistent with the context, capital value of land means the sum which the owner's estate or interest therein, if not encumbered by any mortgage or other charge thereon, might be expected to realise at the time of valuation if offered for sale upon such reasonable terms and conditions as a bona fide seller might be expected to require.

The hon. member seems obsessed with the idea that the capital value of a residence is to be deduced from the rent that can be obtained for it. The Leader of the Opposition said that the rent that could be had for a building depended upon the cost of the building. In the Commonwealth Law Reports on this particular subject, dealing with the case of the Atherton Tolga Resumptions, it was stated that the rent obtainable for land is the element which would ordinarily get some consideration in connection with proposals for the sale of the freehold, and to that extent is a factor

which failing any better guide might be considered in arriving at the capital value for the basis of compensation; but the prices obtained in sales of the fee simple in the open market are unquestionably better evidence of capital value than any other calculation based on rent, especially on a rent receivable at a particular time or over a limited period. The hon. member made some statement last session when the Bill came up to the effect that capital value was to be deduced from the rent obtainable from the property. Was the capital value of the house he was talking about in Central Australia to be decided by the rent which was to be paid for it? He said that the basic wage was arrived at by rents, and that if the rent was reduced it would come off the basic wage. I recognise that rent is an element in the basic wage, but it does not represent the rent that is paid by all. I indicated that pretty clearly when introducing the Bill. I showed that rents throughout the goldfields area, whilst they were considered for the calculation of the basic wage at about £1 7s., actually were as high for a four and five-roomed house, such as is taken into consideration in the calculation of the basic wage, as £2 5s. and £2 10s. Consequently it does not follow, in connection with these houses that are being charged for at more than a fair rent, that if by legislation we could bring about a reform that would prevent more than a fair rent being charged for them, there would be any reduction in the rent element so far as the basic wage on the goldfields is concerned. But if there were rent reductions, they would not be in proportion to reductions in rent that would be effected by this legislation. The hon. member spoke of a great scheme enabling workers to provide their own homes. He declared that was the line of action the Government should take instead of bothering about people who have to pay rent, or about legislation which would ensure that the rents charged to workers who have of necessity to shift from one district to another shall not be excessive. In pursuing that line of argument, however, the hon. member forgets that under modern conditions great possibilities exist for labour having to be transferred from one district to another. In recent years we have had that experience in Western Australia. Workers have had to move about for the purpose of obtaining employment, and they cannot enter into the purchase of homes. Those who have to work for a living and are not secure in their occupations, even with respect to the geographical position, cannot embark on investments of that kind readily, but must rent houses. Therefore a need exists for this kind of legislation in respect of those workers who require protection because of the very economic conditions existing now with regard to labour, and because of the necessity which frequently arises for workers to move from one district to another. The member for Nedlands (Hon. N. Keenan) declared that possibly there might be some occasion for a measure like this on the goldfields, because of the demand existing there for houses. I would point out to the hon. member that a few years ago there was a great demand for houses in the metropolitan area. In fact, a few years ago—I do not remember the exact year, but I mentioned it in my speech of last session—there was a fall in the figures from which the basic wage is calculated of 2s. with respect to food and clothing and an increase of 3s. in rent. This meant that the workers had to be paid, in respect of the basic wage, 1s. per week additional because of the 3s. rise in rents whilst the cost of food and clothing and other elements entering into the calculation had actually fallen by 2s. The hon. member said that house rents depend upon the number of houses and the demand that exists for them. I agree with him there, because houses are owned by landlords who, with existing opportunities to exploit the people, take advantage of any house shortage, sometimes in the metropolitan area, sometimes on the goldfields, and sometimes even in the country districts of this State.

Mr. Raphael: And at all times in Victoria Park.

The MINISTER FOR JUSTICE: I know of many Government servants, school teachers and others who are forced by their occupation to go to country towns throughout the State, and who in consequence of having to live in those towns must rent houses there. Their necessities are exploited.

Hon. C. G. Latham: Some of them who live in Government houses pay high rents.

The MINISTER FOR JUSTICE: They do not do anything of the kind.

Hon. C. G. Latham: Yes, they do.

The MINISTER FOR JUSTICE: Not in any school house that I know of.

Hon. C. G. Latham: Yes, in school houses.

The MINISTER FOR JUSTICE: They do not pay excessive rents.

The Premier: Some of them pay low rents.

The MINISTER FOR JUSTICE: They pay what would be fair rents under this measure. However, many of them, stationed where Government houses do not exist, have their necessities definitely exploited. I am referring to Government employees residing in country towns throughout the State. I venture to say also that in the metropolitan area many are definitely exploited. The question of houses, as regards the various districts, is on a broad basis. The metropolitan area is a very broad area, and so are the South-West Land Division and the goldfields district. Rent in the basic wage is calculated on the average rent within those areas whereas the worker has no possibility of making a selection of a house over the whole or any of those areas. He is confined to some small portion within an area, and consequently greater opportunities exist to exploit him in the matter of rent. He is restricted to a very small area, since of necessity he must live somewhere near the place in which he carries on his occupation. The member for Nedlands went on to say that under Clause 8 of the Bill no houses would be built, because, he inferred, when we limit the rights of those who invest their money in houses to returns approximating 7 per cent. or 8 per cent., we stop the building of houses. The hon. member's argument was that under Clause 8 rents would not be high enough. When the member for East Perth (Mr. Hughes) dealt with the same aspect, he tried to convince the House that under the provisions of the Bill rents would be higher than those ruling at the present time. Another curious feature of the attitude adopted by the Leader of the National Party, the member for Nedlands, was his remark that we were endangering the measure by making its provisions apply to the whole of the State. He said that there might be necessity for a Bill of this description applying to properties on the goldfields, but that if we sent the measure up to the Legislative Council with its provisions applying to the whole of the State we would be endangering its passage. So there we have an authoritative opinion from the Leader of the National Party on the possible attitude of the Council towards this measure. If its every provision does not fall in with their desires, the hon. member says, it will be endangered.

Mrs. Cardell-Oliver: You are wrong. We are voting for the Bill.

The MINISTER FOR JUSTICE: The Leader of the National Party submits to this Chamber, by that statement of his, that if the legislation does not suit "the House of Review," as he would term it, on other occasions, in every particular, members there would throw it out. They would not review it or amend it. They would not amend its provisions to confine it to the goldfields, as he thinks it should be confined. They would throw it out because its provisions applied to the whole State, although that House would be perfectly within their rights to amend it so as to confine it to the goldfields, as he suggested. There we have from the lips of the Leader of the National Party himself why the industrial legislation we sent down last year got so little notice from the Legislative Council.

Mr. McDonald: That is quite a misunderstanding.

The Minister for Health: If the Bill went through it would save £4,000 to the workers at Kalgoorlie and Boulder alone.

Mr. McDonald: Confine it to the goldfields and it will be all right.

The MINISTER FOR JUSTICE: As the Leader of the National Party said——

Mrs. Cardell-Oliver: You misunderstood him.

The MINISTER FOR JUSTICE: The Leader of the National Party asked, "Why take a risk with the Bill by sending it up in this form? Why not confine it to the goldfields?" But we are told that the Legislative Council is a House of review. Evidently the Leader of the National Party has other ideas about the Legislative Council. He feels that unless the Bill is suitable to them in every particular we are endangering it by sending it to the Council. I will respect his opinion. I will take some notice of it in the future where legislation is concerned. We have some evidence that seems to confirm us in our point of view. Evidently the Leader of the National Party is well confirmed in it. The Leader of the Opposition has said that the Bill will not do any good. It is a curious thing that a similar Bill has done good elsewhere. It is a curious thing, as I pointed out, that with regard to the investigations

of the International Labour Bureau effective comparisons cannot be made because of the rent legislation existing in some countries in which they made inquiries with respect to the cost of housing and the total of family budgets. I pointed out, too, when I introduced this measure what the registrar in New South Wales had to say about it. The Leader of the Opposition has said that in New South Wales this legislation has been allowed to lapse. That is easily explained. It is because the Government of New South Wales for the past three or four years and perhaps longer—I cannot remember just how long—has represented the landlord class, the same class as the member for East Perth is now representing. That is why this legislation has been allowed to lapse. But in introducing the measure I pointed out——

Hon. C. G. Latham: They would not stand your Minister at East Perth, you know.

The MINISTER FOR JUSTICE: The Leader of the Opposition says the Bill will not do any good.

Hon. C. G. Latham: I told you I would support it. I know you do not want me to, but I will do so in spite of you.

The MINISTER FOR JUSTICE: I want the hon. member to support it, because even if it is contrary to his views at least I shall be able to point to him and say that he supported it. The member for Kalgoorlie said that it would afford little relief to rent payers in the metropolitan area. If it affords a little relief it will be something favourable in its application in the metropolitan area. There may be cases in the metropolitan area that definitely require the attention of a fair rents court.

The Minister for Health: The rents of many places will be reduced in the metropolitan area if this Bill becomes law.

Mrs. Cardell-Oliver: It will increase them.

The MINISTER FOR JUSTICE: It has been said there is not much necessity for the Bill here. The same could have been said about the goldfields five or six years ago. There was not much necessity for it there during that period. Not many people worried about it on the goldfields when this type of legislation was rejected on a former occasion, but one never knows what will happen with the whirligig of time. There certainly was a necessity for this type of legislation in the metropolitan area seven, eight or nine years ago, when there was a shortage of houses and when rents went up very rapidly. The member for Kalgoorlie said that if rents were reduced the worker would not be much better off. I do not think that is quite correct.

Mr. Styants: I do not think I said that either.

The MINISTER FOR JUSTICE: I think the hon. member said they would be no better off.

Mr. Styants: No I did not; I have no recollection of it.

The MINISTER FOR JUSTICE: I understood the hon. member to say it. Perhaps someone else said it; perhaps it was the member for East Perth who said it by interjection while the member for Kalgoorlie was speaking.

Several members interjected.

The MINISTER FOR JUSTICE: I do not want to blame the member for East Perth for all the bad things. He has enough to put up with as it is.

Mr. Hughes: I can look after myself.

The MINISTER FOR JUSTICE: This type of legislation would definitely effect a reduction in the average rent. Consequently it would have a tendency to reduce the basic wage, but it would not effect a reduction in the basic wage to the same extent as it would relieve rent payers who were paying more than the average rent, and who are the class of rent payers that this type of legislation seeks to protect. If this type of legislation were in existence, the rent factor which is used for the purpose of calculating the basic wage would be nearer to reality than it is to-day. I commend this legislation to the House. It is definitely necessary on the goldfields for the purpose of rectifying the present rental situation, and it is definitely necessary in other districts throughout the State for protecting the rent position within those districts.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Hegney in the Chair; the Minister for Justice in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—Jurisdiction of local courts:

Hon. C. G. LATHAM: Jurisdiction is vested in the local courts to determine

cases that will arise under this legislation. There is much congestion now in connection with the local court work, particularly in the metropolitan area, due to the fact that there is a shortage of magistrates. Do the Government intend to appoint additional magistrates to deal with these cases? It is useless to pass legislation and then ask magistrates, who cannot cope with the work available now, to deal with additional hearings. No magistrate has been available for the Children's Court on two or three occasions recently. Is another magistrate to be appointed?

The MINISTER FOR JUSTICE: The Government will meet that position when it arises.

Hon. C. G. Latham: It has arisen now.

The MINISTER FOR JUSTICE: It has not. There is no congestion in connection with local court work.

Hon. C. G. Latham: There was no magistrate available to preside over the Children's Court on two or three occasions.

The MINISTER FOR JUSTICE: The magistrate in charge of that court has retired. We will have to appoint another magistrate in his place.

Clause put and passed.

Clauses 5 to 7—agreed to.

Progress reported.

House adjourned at 10.46 p.m.

Legislative Council,

Wednesday, 8th September, 1937.

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

QUESTION—WYNDHAM MEAT WORKS.

Eastern States Tender.

Hon. L. B. BOLTON asked the Chief Secretary. 1, When accepting the tender of a Sydney firm for the manufacture of certain pipes and fittings for the Wyndham Meat Works at a cost of £3,724, against the lowest local tender of £3,861, was the usual preference of 10 per cent. given the local tenderer? 2. If so, in view of the Government's avowed policy of preference to local manufacturers, should not the local firm have been given opportunity for revising their tender?

The CHIEF SECRETARY replied: 1, The matter of 10 per cent. preference was given due consideration, but there were other factors which made the Sydney offer more acceptable. 2, No.

QUESTION—GOLDFIELDS WATER SUPPLY.

Hon. H. SEDDON asked the Chief Secretary: Will the Government arrange for the full report, including tabulated statements, of the Goldfields Water Supply Department for the year ended June, 1937, to be made available for Parliament, as was done in 1925?

The CHIEF SECRETARY replied: A report for the last financial year together with necessary statements, will be tabled during the current session.