

problem, the better will it be for the State and for us all. Even at this late hour, it is possible for the Government at any rate to endeavour to balance their Budget by special taxation, and also to provide funds for the employment of the unemployed by special taxation.

Hon. Sir Edward Wittenoom : And by economies.

Hon. H. SEDDON: We understand we are getting economies, at all events in Government expenditure. Special taxation on the lines I have suggested would help us very materially, for it would serve to distribute the burden. Under present conditions, we know, 80 per cent. of the community are escaping income taxation. Those people, surely, should take their share of the burden directly. Special taxation certainly would be to the advantage of the State, for it would help us to meet our difficulties, it would give us a far better financial record, and would solve for us the vital problem of unemployment.

On motion by Hon. E. H. H. Hall, debate adjourned.

BILL—TRAFFIC ACT AMENDMENT (No. 2).

Received from the Assembly and read a first time.

House adjourned at 5.45 p.m.

Legislative Assembly,

Tuesday, 2nd June, 1930.

	PAGE
Questions : Unemployment—1, Registration, sustenance, etc. ; 2, National Park improvements ; 3 Commonwealth grant, expenditure...	3194-5
Hospital for Insane, dietary	3195
Pigs condemned	3195
Wheat, Federal Pool payments	3195
Bunbury Harbour Board—1, Batteries recharged ; 2, Salvage work ; 3, Preference of employment ; 4, Weighbridge ; 5, Dredging ...	3195-6
Bills : Firearms and Guns, 1st	3196
State Manufactures Description, 1st	3196
Traffic Act Amendment, 3rd	3196
Hire-Purchase Agreements, Report	3198
Farmers' Debts Adjustment Act Amendment, Com.	3198
Workers' Compensation, Com.	3202
Privilege : "Daily News," Land & Homes, Ltd., advertisement, to refer to Select Committee ...	3196-7

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

QUESTIONS (3)—UNEMPLOYMENT.

Registration, Sustenance, etc.

Mr. PANTON asked the Minister for Railways: 1, What is the number of unemployed registered in Western Australia? 2, How many of these are receiving sustenance? 3, How many men employed by the Government on part time were on sustenance? 4, What is the average time worked by the men on part time? 5, Are any of the men on part time work included in the reply to question No. 1?

The MINISTER FOR RAILWAYS replied: 1 to 5, As these questions involve the compilation of a return, if the honourable member will give notice of motion for such return, I shall treat it as formal.

National Park improvements.

Mr. PANTON asked the Minister for Railways: What is the amount of money expended to date in sustenance payment to unemployed for improvements to National Park?

The MINISTER FOR RAILWAYS replied: Men who are being provided for at Blackboy unemployment camp have been employed on various works, including National Park, new camp at Hovea, firewood, Greenmount deviation, etc. Separate costs of each work cannot be obtained without a great amount of work.

Commonwealth Grant, Expenditure.

Hon. W. D. JOHNSON asked the Minister for Railways: Replying to questions regarding the expenditure of £32,000 received from the Commonwealth Government last Christmas for relief of unemployment, answered on the 14th May, the Minister stated that portions of the grant were spent in the Perth, Canning and Greenmount Road Board districts. 1, What was the amount spent in each road board district? 2, What was the nature of the work carried out in each road board district?

The MINISTER FOR RAILWAYS replied: 1 and 2, Perth Road Board, £4,500. Reconstruction, Peninsula Road, leading to Commonwealth Aerodrome, £1,500; improvements to Maylands State School grounds, £1,500; Government drainage, Maylands, £1,500. Greenmount Road Board: Clearing and forming deviation at the railway crossing on the Midland Junction-Merredin Road in the Greenmount Road Board district, £2,500. Canning: Clune Park Road, leading to Christian Brothers' College, at Cannington, £3,363.

QUESTION—HOSPITAL FOR INSANE, DIETARY.

Mr. SAMPSON asked the Chief Secretary: 1, Will the Government forthwith reinstate the dietary scale previously provided at the Hospital for the Insane? 2, Does the scale include occasional provision of fruit, as was previously the practice? 3, If not, will he take advantage of the present low prices and supply fruit at frequent intervals?

The CHIEF SECRETARY replied: 1, The recent alteration in the dietary has been revised so as to include almost the whole of the previous dietary. 2, Neither the present nor the previous dietary scales provided for the issue of fresh fruit. 3, So far as is possible, without increase to cost of dietary, this suggestion will be favourably considered.

QUESTION—PIGS CONDEMNED.

Hon. W. D. JOHNSON asked the Minister for Agriculture: 1, Do stock salesmen deduct from sellers of pigs 1½ per cent. as compensation to purchasers for Government

condemnation? 2, If so, how many pigs have been condemned during the past two years? 3, What percentage of the total slaughtered were condemned?

The MINISTER FOR AGRICULTURE replied: 1, Yes. 2, In 1929 and 1930 the number of whole pigs condemned in the metropolitan area was 210, and part carcasses 416. 3, Whole carcasses, .261 per cent.; part carcasses, .519 per cent.

QUESTION—WHEAT.*Federal Pool Payments.*

Hon. W. D. JOHNSON asked the Minister for Lands: 1, What is the total amount received by the Government up to date from undistributed funds of the Federal compulsory wheat pool administration for deferred payments of wheat sales made during its control? 2, Do the Government intend to pay this money over to the producers? 3, If this is impracticable, what is it proposed to do with such funds? 4, How much more money is it estimated the Government will receive?

The MINISTER FOR LANDS replied: 1, £8,427 8s. 3d. 2, No. It would be impracticable to attempt to do so. 3, Pay into revenue. 4, It is not possible to say; it depends on the result of the liquidation.

QUESTIONS (5)—BUNBURY HARBOUR BOARD.*Batteries Recharged.*

Mr. WITHERS asked the Chief Secretary: Is it a fact that batteries have been recharged on the Bunbury Harbour Board property; if so, by whose authority, and what amount was charged in each case, and what was the total amount received by the board?

The CHIEF SECRETARY replied: Yes, for the Harbour and Light Department and the Bunbury Harbour Board only. No charge was made.

Salvage Work.

Mr. WITHERS asked the Chief Secretary: 1, Do the Bunbury Harbour Board operate similarly to the Fremantle Harbour Trust in connection with the contracts for

salvage work done for ships in port? 2, If so, what was the amount received for each of the following ships: s.s. "Bradavon," s.s. "Koolonga," s.s. "Ashburton," and s.s. "Stanley"; and were the conditions of payment similar to those operating at Fremantle?

The CHIEF SECRETARY replied: 1, The Bunbury Harbour Board and the Fremantle Harbour Trust carry out salvage works for ships in port when necessary. 2, The amounts received in respect of the following ships are as under: April, 1925, s.s. "Bradavon," £32 0s. 6d.; February, 1927, s.s. "Koolonga," £15 5s.; August, 1927 s.s. "Ashburton," £10; June, 1928, s.s. "Stanley," £24. There is no special scale of charges. With both the Bunbury Harbour Board and the Fremantle Harbour Trust the principle is to charge the wages that are paid, plus a reasonable charge for use of equipment and gear, and a small margin to cover overhead costs.

Preference of Employment.

Mr. WITHERS asked the Chief Secretary: Is it the policy of the present Government to give preference to returned soldiers and married men, and to have regard for seniority, when retrenchments are being made; if so, why was this practice departed from in the case of men retrenched by the Bunbury Harbour Board?

The CHIEF SECRETARY replied: Yes. The Bunbury Harbour Board, however, are an independent administrative entity, and as such are not controlled by the Minister.

Weighbridge.

Mr. WITHERS asked the Chief Secretary: Has any request been made by the Bunbury Harbour Board during the present financial year for the provision of a weighbridge on the wharf?

The CHIEF SECRETARY replied: Such a request was received from the Bunbury Harbour Board in June, 1929. The request involved the transfer of a weighbridge from Fremantle, and the strengthening of the jetty at Bunbury, at an estimated cost of £1,000. As the Works Department found it difficult to provide the necessary funds, and as the Bunbury Harbour Board stated that the provision of the weighbridge was not imperatively necessary, the work

has been deferred with an assurance to the board that it will be proceeded with at the first favourable opportunity.

Dredging.

Mr. WITHERS asked the Chief Secretary: 1, Have any requests been made during the last 12 months for a dredge to cope with the continual silting up of the Bunbury harbour? 2, If so, why were the requests not complied with? 3, If such requests were made and refused, were further representations made by the board to have this very necessary work continued as it was done by the previous Government?

The CHIEF SECRETARY replied: 1, Yes. 2, Owing to the very difficult financial position the Treasury could not find the necessary funds. 3, In December, 1930, the board expressed the view that further postponement of the work would mean additional outlay later.

BILLS (2)—FIRST READING.

- 1, Firearms and Guns.
- 2, State Manufactures Description.

BILL—TRAFFIC ACT AMENDMENT (No. 2).

Read a third time, and transmitted to the Council.

BILL—HIRE-PURCHASE AGREEMENTS.

Report of Committee adopted.

PRIVILEGE—"DAILY NEWS."

Land and Homes, Ltd., Advertisement.

Order of the Day read for the resumption of the debate, from the 28th May, on the motion by Mr. Wells—

That the printer, E. Selby Walker, of the "Daily News," is guilty of contempt.

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

Ayes	..	..	..	..	23
Noes	..	..	..	..	10

Majority for 8

AYES.

Mr. Angelo	Mr. Marshall
Mr. Barnard	Mr. Panton
Mr. Brown	Mr. Parker
Mr. Corboy	Mr. Patrick
Mr. Cunningham	Mr. Piessie
Mr. Doney	Mr. Richardson
Mr. Ferguson	Mr. Scaddan
Mr. Keenan	Mr. Teesdale
Mr. Keaneally	Mr. Thorp
Mr. Latham	Mr. Wells
Mr. Lindsay	Mr. North
Mr. J. I. Mann	(Teller.)

NOES.

Mr. Collier	Mr. Sampson
Mr. Johnson	Mr. Sleeman
Mr. Lamond	Mr. Troy
Mr. H. W. Mann	Mr. Walker
Mr. McCallum	Mr. Wansbrough
Mr. McLarty	Mr. Willcock
Mr. Millington	Mr. Wilson
Mr. Munster	(Teller.)

Question thus passed.

To Refer to Select Committee.

MR. NORTH (Claremont) [4.48]: I move—

That in view of the complaint made to the House that an article published in the "Daily News" newspaper on the 28th May, 1931, under the heading "Land and Homes; The Other Side of the Question" contains statements which are a breach of privilege, a committee of the House be appointed to inquire (a) Whether the company, Land and Homes (W.A.) Ltd., by its officer or officers caused the article in question to be published, and (b) Whether the said article insults a member on account of his behaviour in Parliament? Such committee to have power to call for persons, papers and records, take evidence on oath, sit on days over which the House stands adjourned, and report this day week.

MR. SAMPSON (Swan) [4.51]: I regret that at the very moment when the motion was submitted I was called out of the Chamber to answer a telephone call. The motion is a reasonable one, and should have the support of the House. It is distinctly unfair that a newspaper publishing an announcement over the name of a limited company and for which there is absolutely no vestige of editorial approval, should be made to carry the burden of responsibility for that notice. As a printer, I may suggest that the announcement was sent to the Press at a very late hour. I am led to that belief by the fact that, contained within the notice, or advertisement as it really was, are several typographical errors. Typographical errors in the "Daily News" are by no means common, and so the presence of such errors in that advertisement proves to me that the matter reached the office of the paper at a very late hour, which resulted

in the sending of the matter to press without full or careful revision.

The Minister for Mines: Would it not be better to have the newspaper make that statement before the proposed select committee?

MR. SAMPSON: On the face of it, it seems to me the statement is well justified. Again, we had the other night the statement by a member that the editor was sick. Consequently it would be ridiculous to expect the publisher of a newspaper to check all the advertisements. And imagine what the "old man" would have to say to the publisher if the last-named insisted upon having the "old man" travelling back and forth merely to check any matter that came in. I will support the motion because, whether this one be right or wrong, it is certain that the motion which has been carried is absolutely wrong and would impose a very unfair burden on the paper which, by its writings and reports, editorial and otherwise, does provide a good and reliable service to the people of the State. I am sorry the previous motion was carried, but I will support that now before us.

HON. W. D. JOHNSON (Guildford-Midland) [4.55]: I submit that a motion such as this should appear on the Notice Paper or, alternatively, copies of the motion should be distributed amongst members. I cannot follow the wording of the motion and so I move—

That the debate be adjourned.

MR. SPEAKER: To a later stage of this sitting?

The Minister for Lands: To-morrow would be better, for the motion would then appear on the Notice Paper.

HON. P. COLLIER (Boulder) [4.56]: Should I be in order in opposing the motion at this stage, in view of the motion for adjournment?

MR. SPEAKER: Let us deal with the motion for adjournment first.

Motion put and passed.

Hon. P. Collier: This is making a farce of the whole thing.

Mr. Sampson: Will the adjournment be to a later stage of this sitting?

MR. SPEAKER: No, until the next sitting.

BILL—FARMERS' DEBTS ADJUSTMENT ACT AMENDMENT.

In Committee.

Mr. Richardson in the Chair; the Minister for Lands in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Amendment of Section 4:

Mr. PIESSE: This deals principally with the cost of administering a farmer's estate. I move an amendment—

That in line 7 of paragraph (b) "of" be struck out and "not exceeding" inserted in lieu.

A fee of £10 10s. is here provided. Frequently when a fixed amount is mentioned it becomes the minimum. We should prescribe that the amount of £10 10s. shall not be exceeded.

The MINISTER FOR LANDS: The amendment is unnecessary; sufficient safeguards are already provided. The ten guineas was inserted because a receiver would be transacting the business of a farmer for a longer period than that provided for in the Act. The clause goes on to provide that the receiver shall be entitled to retain also such percentage, not exceeding 3 per cent., of the proceeds as may be allowed by resolution of the creditors and approved by the director. The creditors will protect themselves and the director will have the final say.

Amendment put and negatived.

Mr. PIESSE: Many farmers who have to seek protection have not the money to pay the necessary railway fare. I myself have provided fares for many farmers for the purpose. There should be some limit.

The MINISTER FOR LANDS: If the hon. member reads the clause carefully he will find there is ample provision and protection.

Mr. Marshall: There is a lot about the creditor, but little about the debtor.

The MINISTER FOR LANDS: Creditors will watch the interests of the farmer, and I have purposely stipulated that the approval of the director is necessary. If there is need for a long and careful oversight of the farmer's business, ten guineas is not too much. Probably a receiver would not act for less. Under the Bankruptcy Act the charge would be much greater.

Clause put and passed.

Clause 4—Amendment of Section 5:

Mr. DONEY: I move an amendment—

That the following proviso be added to Subclause 2:—"Provided also that where a stay order is granted upon the application of a creditor or creditors of a farmer, it shall be incumbent upon the director so to inform the farmer by telegram immediately.

The amendment would work no harm and, in some circumstances, would be of definite service. There have been occasions when farmers have been brought under the provisions of the Act without knowledge of the fact, have issued cheques, and have had the mortification of having the cheques stopped. The proviso would obviate that.

The MINISTER FOR LANDS: There is no need for a definite instruction of the kind. I shall bring the matter under the notice of the director. If stay orders have been issued without the knowledge of the farmers concerned, I have not heard of it.

Mr. DONEY: I do not mind how the end is achieved, but I know there have been instances, and some action is necessary. I accept the Minister's assurance, and ask leave to withdraw the amendment.

Mr. MARSHALL: I hope the amendment will not be withdrawn. The Minister would have no knowledge of an application being granted and would be unaware of whether the farmer was notified. The Minister personally does not administer the Act. The amendment might be amended by striking out the words "by telegram."

Mr. DONEY: Perhaps the Minister will explain to the hon. member how my desire will be met.

Hon. P. Collier: He will give a general instruction.

Mr. DONEY: I am quite satisfied with the Minister's assurance.

The MINISTER FOR LANDS: The Act requires that, when a stay order is issued, notification shall be sent immediately to the farmer and to all creditors. It might not reach a farmer any quicker if it were sent by telegram as against letter.

Mr. Marshall: I am not concerned about sending it by telegram.

The MINISTER FOR LANDS: A farmer will be notified immediately. I cannot understand that this has not already been done.

Mr. Marshall: You may be responsible, but the poor wretch of a farmer may have no knowledge of the stay order.

The MINISTER FOR LANDS: When a stay order is issued, the director gets into touch with the farmer and the creditors immediately. Most stay orders are issued at the instigation of the farmers, not of the creditors. I cannot believe that there is any need to insert such a definite instruction in the Act.

Mr. MARSHALL: I move—

That the amendment be amended by striking out the words "by telegram."

Some farmers might be informed as quickly by letter or telephone message as by telegram.

Amendment on amendment put and passed.

Amendment, as amended, put and negatived.

Clause put and passed.

Clause 5—agreed to.

Clause 6—Amendment of Sections 3 and 7:

The MINISTER FOR LANDS: I move an amendment—

That the following words be added:—"Or if the director consents to his continuing in possession."

This will make the clause more clear.

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

Clause 7—agreed to.

Clause 8—Amendment of Section 10:

Mr. PIESSE: I hope the Minister will see that some amendment is made to Sub-clause 4, in order to prevent the possibility of the largest creditor being able to block the resolution of the meeting.

The MINISTER FOR LANDS: The reason for this clause is that if a creditor does not turn up at the meeting, we bind him by the resolution that is carried.

Clause put and passed.

Clause 9—Amendment of Section 11:

The MINISTER FOR LANDS: I move an amendment—

That after "creditor" in line 21 the words, "and order another meeting of the farmer's creditors to be convened by the director and held at such time and place as the director shall determine" be added.

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

Clause 10—agreed to.

Clause 11—Amendment of Section 13:

The MINISTER FOR LANDS: I move an amendment—

That the words "at the request of the farmer and" be struck out and the following subclauses be added:—

(2.) The owner of the machinery may, subject as hereinafter provided, at any time and from time to time, make application to the director for such consent, and the director shall accede to the application unless in his opinion it will be necessary to use the machinery for the purpose of taking off or putting in a crop on the farm during the current or next ensuing season, in which case he may refuse the application and the owner shall thereupon become entitled to the rights hereinafter defined.

(3.) The said owner shall, in such case as aforesaid, have the right to prove against the proceeds of the said crop when received for an amount equal to the whole balance unpaid and due or to become due under the hire-purchase agreement (including interest accrued due under the agreement on any overdue instalment at the date of the application) if such amount does not exceed the sum of fifteen pounds, but if it does exceed that sum, he shall be entitled to prove for fifteen pounds or a sum equal to one quarter of the said balance (including interest as aforesaid) whichever is the greater sum: provided that in no case shall the said owner be entitled to prove for more than seventy-five pounds.

(4.) No claim (not being a claim for fertilisers or bags or twine supplied or for money advanced to pay the price thereof or to pay for the insurance of the farmer's crops or advanced pursuant to any resolution of the creditors with or without interest on any sum so advanced at a rate not exceeding current bank rate) shall be payable out of the said crop proceeds in priority to the claim of the owner of the said machinery.

(5.) In case an application is so refused as aforesaid no further similar application shall be made, except at the instance of the director or pursuant to a resolution of the creditors, until the relative crop has been taken off or put in, as the case may be.

This is to obviate the trouble that originated with the machinery merchants, and put the whole business on a better basis. It was agreed that this amendment should be moved in fairness to the machinery merchants, who should have some recompense for the use of their machinery.

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

Clause 12—Insertion of new section after Section 13:

On motions by Minister for Lands the following amendments were agreed to:—

Line 15—Strike out the words "at is" and insert in lieu thereof the words "as it."

Line 16—Insert after the word "cornsacks" the words "or bags or twine."

Line 18—Insert after the word "pay" the words "such price or to pay."

Line 19—Insert after the word "crops" the words, "with or without interest on any money so advanced at a rate not exceeding the current bank rate."

The MINISTER FOR LANDS: I move a further amendment—

That to paragraph (b) the following proviso be added:—"Provided that nothing in this paragraph shall prejudice the rights of the grantee of any duly registered bill of sale."

It has been contended that the clause may interfere with existing registered liens or mortgages, but this amendment will make it clear.

Amendment put and passed.

The MINISTER FOR LANDS: I move an amendment—

That in line 2 of Subclause 2 the word "assignment" be struck out.

Hon. M. F. TROY: Why?

The MINISTER FOR LANDS: Because we are endeavouring to exclude wheat orders, and "assignment" might be taken as covering a wheat order.

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

New clause:

The MINISTER FOR LANDS: I move—

That a new clause, to stand as Clause 11, be inserted as follows:—

"11. There is hereby inserted in the principal Act, after section twelve thereof, a new section as follows:—Policies of insurance protected. 12A. The property and interest of any farmer in any policy effected on his own life shall, to the extent to which it is protected against legal process under section two of the Life Assurance Companies Amendment Act, 1905, be unaffected by any stay order or resolution of creditors under this Act."

The amendment will make it clear that life insurance policies of farmers will be protected.

Hon. J. C. Willecock: Who will pay the premiums on a policy to keep it intact?

The MINISTER FOR LANDS: The farmers will make the necessary arrangements.

Hon. M. F. TROY: Why should the surrender value of a life insurance policy be exempted? Protection is being granted the farmers because of their debts to other people. If that is the policy, why should this exemption be granted?

The Minister for Lands: Life insurance policies are not assignable under any Act; therefore why make them so under the Bill?

Hon. M. F. TROY: It does not appear to be reasonable.

The Minister for Lands: But surely that is fair.

Hon. M. F. TROY: It is a question of payment of debts. One man may invest his savings in property or stock and if he gets into difficulties, those investments have to be surrendered under the ordinary legal process.

The Chief Secretary: That is not so.

Hon. M. F. TROY: Not if money is invested in stock?

The Minister for Lands: It would apply to stock.

Hon. M. F. TROY: Yet if that man were to invest his money in a life insurance policy, that security is to be dealt with on a different basis.

The MINISTER FOR LANDS: Under the Life Assurance Companies Act Amendment Act of 1905, provision is made that "the property and interest of the assured in a policy effected upon his own life shall not be liable to be applied . . . in payment of his debts by any . . . process of any court, and shall not, in the event of bankruptcy, pass to the Official Receiver or the trustee or assignee of his estate." All that is sought by the new clause is to place the farmer in the same position. Why pass a Bill under which a farmer will not have the protection that he has under the Bankruptcy Act?

Hon. W. D. JOHNSON: I disagree entirely with the views of the member for Mt. Magnet, and support the clause. It would be wrong to include any provision that might give creditors an opportunity to attack the equity in a life insurance policy.

The Minister for Lands: The principle is already accepted in other legislation.

Hon. W. D. JOHNSON: Of course it is. The member for Mt. Magnet seeks to draw a comparison between an ordinary investment and a life insurance policy. Should a man invest money in ordinary types of securities, he hopes to secure a return during the currency of his life; if he insures his life, it is for the benefit of his wife and family after his death. Unless the new clause be agreed to, there is danger that the equity in an insurance policy will be affected.

Hon. M. F. TROY: I do not propose to oppose the clause altogether, but it appears to me rather unfair legislation. If a man were to place his money in the Savings Bank and got into difficulties, he would have to draw on his funds. For my part, I would not insure myself for I do not think the insurance companies have always been quite fair.

New clause put and passed.

New clause:

The MINISTER FOR LANDS: I move—

That a new clause, to stand as Clause 14, be inserted as follows:—“Exemption from stamp duty. 14. There is hereby inserted in the principal Act, after section fourteen thereof, a new section as follows:—14A. Any power of attorney given by a farmer to a receiver or any other person for the purposes of this Act or to facilitate the carrying into effect of any resolution of creditors, shall be exempt from stamp duty.”

This will make the usual provision.

Hon. J. C. Willcock: How much will it cost?

The MINISTER FOR LANDS: The charge will vary according to the amount. I think the Committee will agree to the new clause.

Hon. M. F. Troy: Why should we?

The MINISTER FOR LANDS: The amount involved is small. We find money from another source to assist the farmer, and if we do not agree to the new clause, we will simply ask him to pay £1 or so for requiring him to do something in order that he may take advantage of the provisions of the Bill.

Hon. M. F. TROY: Again we have more class legislation. If an ordinary individual gives a power of attorney to someone else, he must pay the usual stamp duty. Why should the farmers be exempt? They are getting distinct benefits under the Bill. The present Parliament has been responsible for more

class legislation than any other Parliament during the past 20 years. We are giving everything to others nowadays. The Government are even running round the country offering the farmers 15s. if they will employ a man. This is at a time when others are walking about the country starving. This wretched miserable Government at all times consider their own supporters, but cannot provide a shilling for the battlers who made the State. A lot of people have never tried to pay their debts. They have fine homes and billiard tables. I know hundreds of such people. I want to help those who are really in need of consideration, those who are triers.

The Minister for Lands: That is what we are doing here.

Hon. M. F. TROY: No. There are thousands of good triers and there are very many who have never tried in their lives. This legislation will be the bridge over which they will travel along the road to greater liabilities. Now they need not pay stamp duty which every other man in the community is obliged to pay.

The Minister for Lands: There are many who have been crippled by buying billiard tables on the hire purchase system.

The CHAIRMAN: We are not discussing billiard tables.

Hon. M. F. TROY: Many farmers are using this legislation to tide them over. If they had their due, they would be off the land.

Hon. W. D. JOHNSON: I must dissociate myself from the remarks of the member for Mt. Magnet. Because he cannot get consideration for the prospector whom he represents, he thinks other people should receive no consideration. That is not fair. We want to get the maximum consideration for people whenever possible, provided the proposition is a just one. We are dealing with farmers who are in financial difficulties, men who have to take advantage of the Farmers' Debts Adjustment Act. Various Acts have been abused. I could relate abuses under the Mining Development Act, but single instances of abuse of Government relief do not justify the cessation of such help. When abuse occurs, we must tighten up the law to ensure that assistance is granted only to genuine cases. There are farmers who genuinely deserve help, not because they are bad farmers, not because of their own acts,

but because of circumstances beyond their control.

Hon. M. F. Troy: I guarantee that everything I have mentioned has happened.

Hon. W. D. JOHNSON: But the hon. member, in obtaining instances of abuse, must have passed over many genuine cases. To show a fair balance, he should have quoted the hundreds of cases in which the Act has been of great service to the farmer. If a man has a motor car or a billiard table, or is able to pay his debts, he will not get a stay order. He is subject to examination by the director and has to run the gauntlet of a meeting of creditors, who can judge of the fairness of his dealings. Only where he can satisfy the director and the creditors does he get the protection of the Act. We should not saddle such a man with stamp duty. I am surprised at the attitude of the member for Mt. Magnet. Scores of times I have assisted him to get protection of this kind for workers and for other industries. At no period in the State's history have the men on the land needed greater consideration than they do at present. I commend the Government upon having introduced this measure of protection and assistance for worthy cases.

The MINISTER FOR LANDS: The measure will apply, not to the misfits, but to the men whom the creditors feel they are justified in carrying on, and they are not the class of farmer referred to by the member for Mount Magnet. There may be one or two of the kind he instanced.

Hon. M. F. Troy: There are many whom the banks would not take back again.

The MINISTER FOR LANDS: I referred to men who had been discharged from the Act. Perhaps some of them are amongst those the hon. member has in mind. I hope the hon. member will not press his opposition.

New clause put and passed.

Title—agreed to.

Bill reported with amendments.

BILL—WORKERS' COMPENSATION.

In Committee.

Mr. Richardson in the Chair; the Minister for Works in charge of the Bill.

Clause 1—agreed to.

Clause 2—Commencement:

The MINISTER FOR WORKS: I move an amendment—

That the word "September" be struck out, and "October" inserted in lieu.

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

Clause 3—Agreed to.

Clause 4—Interpretation:

Hon. A. McCALLUM: I move an amendment—

That in the definition of employer, after "(b)" insert "or (d)."

I am submitting this amendment in the hope that the debate on this particular part of Clause 4 may be postponed until a decision is arrived at as to the definition of "worker," where I also desire to move an amendment. I hope it will be possible to do this.

The CHAIRMAN: Arrangements may perhaps be made to recommit the clause after the Bill has been dealt with. It is not possible to postpone consideration of a part of the clause and then go back over something that has already been passed.

Hon. A. McCALLUM: Will the Minister undertake to recommit this clause?

The MINISTER FOR WORKS: I know the hon. member's intention is to amend the definition of "worker" by increasing the amount which defines him as a worker from £400 to £500. I am not prepared to agree to such an amendment, but, if the hon. member's amendment is carried, I will recommit the clause.

Hon. A. McCALLUM: On that understanding I will withdraw my amendment meanwhile.

Amendment, by leave, withdrawn.

Hon. A. McCALLUM: I move an amendment—

That in the definition of "worker" the word "four" be struck out and "five" inserted in lieu.

This definition deals with the income a man may have earned for the 12 months preceding an accident. As things are, only if he is earning £400 or less does he benefit from the provisions of the Act. I would point out that there are pieceworkers in the timber industry, the mining industry and the printing industry, and other workers who may sometimes earn over £400 in a year. When the port of Fremantle is busy, those

engaged on the wharf, by working long hours, may also earn over £400 in a year. Members opposite are always wanting men to work, but if they work harder than ever and earn more than the amount stipulated in the Act, they will be deprived of any compensation under it. I am not asking for anything outrageous. I cannot see why a man drawing £400 should be covered and one receiving £500 should be debarred. The correct thing would be to cover the worker irrespective of his earnings. If he meets with an accident in his industry, he should be compensated on the basis of what he has earned in the preceding 12 months. I hope the amendment will be agreed to.

The MINISTER FOR WORKS: If that is the hon. member's argument, why have any limit whatever? I agree that some men earning over £400 could be classed as workers, but they are covered under the employers' liability, and at a lower rate than they would be covered under the Workers' Compensation Act. The Act which this Bill seeks to amend has been in operation for five years, and the £400 has stood for the whole of that time. Nowadays this amount will cover a great many men who have not been covered for the past four years. The Government are of opinion that the amount should not be altered, and I therefore cannot agree to the amendment.

Hon. J. C. WILLCOCK: We are living in peculiar times, and do not know what will happen to our currency. There may be inflation at any time. If that came about, quite a number of people would be put outside the Act altogether. We do not want the worker to be affected merely because there is a change in the value of money. When men are taking risks in the industries in which they are engaged, those industries should be prepared to provide compensation for injury or death.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. KENNEALLY: There is no just reason for excluding from compensation any worker in industry. The amount required for insurance need not increase because of the amendment. Provision exists already for insuring persons receiving above the existing maximum. The intention of the Bill is to constitute a fund covering not only workers' compensation, but also employers' liability and Common Law liability. People in receipt of a salary usually live fairly

well up to it; and those injured in industry, whether receiving high pay or low pay, should be covered against accident.

Mr. MARSHALL: I support the amendment. Industry should carry its own derelicts. This question should long ago have received more consideration. Men, women and children who in seeking their livelihood become incapacitated, should not be made responsible for healing themselves of injuries received in the course of their employment. With the £400 limitation, of two men working side by side in a mine, one might be protected and the other not. A man working on a machine at Wiluna would not receive compensation if he were injured, while an unskilled labourer alongside him would be compensated if he met with an accident. The same thing would apply to their respective dependants in case of a fatal accident. Men will not work on tribute or under contract if they are to be deprived of protection. Hon. members opposite constantly urge piecework, and to some extent that belief has gained ground among employees. At Wiluna, for instance, work is mainly under contract. The Minister will contend that such workers should insure themselves. However, this Bill deals not with the right of a man to insure himself, but with the right of industry to carry the whole burden of its derelicts. Even £500 a year is only about £9 10s. a week. A man might be earning at the rate of less than £400 annually for eight or nine months of the year, and by working on contract for the remainder of the year might be in receipt of more than £400 and thus find himself deprived of the benefits of this measure. Timber hewing is particularly dangerous work, and hewers are mostly on piece work. The burden of insurance under the amendment will not be greater than it has been in the past, because wages have a downward trend and consequently premiums will be less. A maximum of £500 would promote smooth working. A worker earning £500 might have domestic responsibilities reducing his effective income below that of a man earning, say, £400, and in case of a fatal accident the family of the former would not receive compensation while that of the latter would. The amendment will obviate anomalies that are bound to arise under the Bill as it stands, particularly where prospectors and tributers are concerned.

Mr. H. W. MANN: The definition of "worker" emphasises a matter that has been exercising my mind for some time. I have discussed with the Minister for Mines and with members representing mining constituencies, the position of certain miners who had been forced out of the industry. In one instance, two of the men were members of a contract party formed to expedite the sinking of the shaft at Wiluna. One man had been out of the industry for three or four years and had been called up by the under-manager to form a team to force on the sinking of the shaft more speedily. One of the men this individual called to his assistance had also been out of the industry for some years. The team was arranged and the men, in finishing the work, earned up to £12 a week per man. When the job was finished, the man who had arranged the team was offered a position of shift boss in the mine but he failed to pass the bacteriological test. While those men were earning £12 per week, they were outside the scope of this legislation. They were genuine workers called from the agricultural industry back to the mining industry. Having in mind such instances, the Minister should consider the amendment seriously. If he does not agree to the amendment, how can the men I have referred to be protected? Does it mean that such men must slow down so as to earn under a certain amount, or must they accept a contract price that will enable them to earn less than the amount stated in the Bill?

Mr. Marshall: It means they will not take the work on.

Mr. H. W. MANN: I regard the amendment as equitable.

The MINISTER FOR WORKS: I am surprised to hear some members say that I seek to deprive the workers of some benefit they now possess. The Workers' Compensation Act has been in operation since 1924 and the provision regarding £400 appears in that Act. I am including the same amount in the Bill, so how can I be accused of depriving the workers of something they already have?

Mr. Panton: The provision regarding £400 was not in the Bill introduced by the member for South Fremantle.

The MINISTER FOR WORKS: I did not say so; I said it was included in the Act. When it is a question of collecting the contributions or premiums, we will have to fix

the amounts on the wages paid. If a man earned £800, twice as much would have to be paid as in the case of a man earning £400, but they would be entitled to the same benefits. I introduced the Bill to reduce the burden on industry. To-day the £400 agreed to when the Act was passed in 1924 is worth £456, because of the reduced cost of living. If we are to compare the Act of 1924 with the Bill of 1931, the comparison must be, on the point at issue, between £400 and £456. Of course, if we did agree to the amendment, it might mean that we would collect heavier premiums from those drawing the higher wages and be able to reduce the premiums paid by those in receipt of lower wages, but I do not want to do anything that will increase the burden on industry.

Hon. A. McCALLUM: The only argument advanced by the Minister against the amendment is that because it has been so, it must continue to be. The Minister actually asks the Committee to reverse their decision of 1924. We agreed to £500, but when it came to a conference with the managers representing the Legislative Council, we had to compromise on £400 in order to get certain other provisions agreed to. Thus the Minister is actually asking the Committee to go back on its previous decision to the extent of £100 a year. In some earlier remarks he made, the Minister suggested that the workers in receipt of more than £400 could be covered by the Employers' Liability Act, but that is not so. The latter Act deals with totally different matters. It is seldom that a worker will take the risk of fighting a case under the Employers' Liability Act, the provisions of which are most treacherous, and not one in a score of workers who have taken action have been successful under that Act. If the Minister's arguments were sound, there would be no necessity for the Workers' Compensation Act where those workers were concerned. I know of many instances in which, owing to their generosity, companies have agreed to apply the provisions of the Workers' Compensation Act to men in receipt of more than the specified wage. Then, again, why should a man be deprived of the benefits of the Act merely because of special circumstances in an industry? A tributer may work for three or four years without striking anything rich. Then in one year he may make a decent find. Should he meet with an accident in that year, he will be regarded as

outside the scope of this measure. The timber industry fluctuates. When big orders are received, men work from daylight to dark and draw a large cheque. When the contract is cut out, it may be years before they have the opportunity to get such work again. Should any one of those men meet with an accident when working at great pressure, he would not be entitled to the benefits of the Workers' Compensation Act. Will the Bill give encouragement to the principle of payment by results, which is said to lead to a greater output with decreased cost of production? It will have a discouraging effect. From that point of view, £400 is too low. In the Eastern States some of the Acts include more than £400.

The Minister for Works: Two include smaller amounts.

Hon. A. McCALLUM: In the outback parts of the State wages are generally higher than in the cities in the Eastern States. Does the Minister suggest that we should allow a man in Sydney to earn £150 more than our workers, and yet have the benefit of similar legislation there? Compare the position of the waterside workers in Sydney with those working here. It means that the lumper in Sydney can earn £3 a week more than a lumper at Fremantle or other ports here, and still get the benefit of the Workers' Compensation Act. And it applies to the waterfront even as far north as Wyndham. There is neither equity nor justice in that. The Minister said it would advantage the fund. If he gets his way in this, it will permit him to lower the rates. Whichever way we view it, the £500 will be an advantage. In 1924 I tried to get the limit up to £500. This House approved, but another place would not agree, and so we had to compromise. All the facts and all the evidence are in favour of the amendment. Merely because another place forced on us the £400 limit, is no reason why the Minister should endeavour to maintain that amount. The Minister, later in the Bill, reduces the benefits contained in the old Act, and so he could well give us this. All the mining companies in Collie have said that the £400 limitation should not apply. They run their own fund, make an agreement with the unions, and pay. There is no reason why the coal miners of Collie should be outside this law. Why should this figure be fixed to debar that industry from participation in workers' compensation? Indeed, there could be no limit whatever to the

wage earned by a worker under the Workers' Compensation Act. I appeal to the Minister either to give his supporters a free hand in this issue, or alternatively to realise that the case he has put up cannot stand examination, that the logic is with us. If we were aiming at a limit of £1,000, there might be some reason for the Minister's opposition; but surely even he can see that a limit of £500 is not too high. With the provision of the State fund, the Minister has a stronger case than we had with which to face another place with the proposal for £500.

The Minister for Works: I will make a compromise. I will give you this, and you will give us the rest of the Bill.

Hon. A. McCALLUM: If I were to take the amendments of which the Minister has given notice, I would conclude that we are not likely to get much from him. He is resisting this, and I am afraid he is going to resist all our proposed amendments. On the strength of his treatment of the Second Schedule and other provisions of the Act, he is in a position to bargain with another place for this proposed increase of the wage limit. Altogether he is in a better position to get that £500 from another place than we were. Surely we are asking but very little, after all.

THE MINISTER FOR WORKS: I have had some experience of the Workers' Compensation Act since I have been a Minister, and I know that when it comes to a question of how much per annum the worker is earning, the legal fraternity go back three years in order to determine the amount. Also, I find the lumpers are insured at the rate of £7 per week. However, I agree there is a lot in the arguments of members opposite. For instance, in the Eastern States the limit is higher than £400. In Queensland it is £520.

Mr. Kenneally: In some places outside of Australia there is no limit.

THE MINISTER FOR WORKS: I do not know of them. My only reason for opposing this amendment is that it adds a further burden on industry. However, to show my reasonableness, I will accept the amendment.

Hon. M. F. Troy: That will save a lot of talking.

Amendment put and passed.

Hon. A. McCALLUM: I move an amendment—

That in line 2 of the definition of "worker" after "year" the words "(exclusive of payments for overtime and other special payments and allowances)" be inserted.

In a great many instances to-day these special payments and allowances are not counted in as part of the wage. However, that is not the law.

The Minister for Works: You have the extra £100 now.

Hon. A. McCALLUM: But this may be for overtime, or by way of district allowance, or as a special bonus for skill or invention.

Mr. H. W. Mann: You are going to kill the case I put up, of the contractor earning more.

Hon. A. McCALLUM: No, this is merely providing that if a man is paid for overtime or gets a district allowance or some special payment, it is not to be counted in his yearly wages.

The Minister for Works: Of course it must be.

Hon. A. McCALLUM: No, in a great many instances now it is not counted in. If a man works much overtime in one year and little in the next year, why should that make the difference between his being entitled to compensation or otherwise? If a man works in Kalgoorlie or on the Murchison and receives a district allowance, why should the receipt of the district allowance put him outside the law? He receives the district allowance or special payment for some sacrifice or discomfort endured. A man working on drainage might receive "wet" pay, but in undertaking that work he incurs great risk. Because of the risk he is granted extra pay, but he should not be put outside the compensation law. Otherwise, what the worker is given in one way is taken from him in another way.

Mr. H. W. MANN: I cannot support the amendment. A man might be engaged on shearing in the North for five or six months, and while engaged would be earning more than the amount stated in the definition. If he then accepted a position in the south for the rest of the year at lower pay, the member for South Fremantle would evidently have those earnings ignored.

Hon. A. McCallum: The clause says "a year." The practice is to count back from the time of the accident.

Mr. H. W. MANN: Compensation should be paid on the earnings received in the lower paid job.

Hon. A. McCallum: That is what is done.

Mr. H. W. MANN: A man goes to the Wyndham Meat Works for four or five months and for working in that trying climate receives a high rate of pay. Returning south, he comes under the southern award. Does the member for South Fremantle suggest that his earnings in the North should be averaged?

Hon. A. McCallum: You have got hold of the wrong end of the stick. We are considering whether the man should come within the provisions of workers' compensation, not the basis on which compensation should be assessed.

Mr. H. W. MANN: If the hon. member is not seeking to make that point, I have nothing more to say.

Mr. KENNEALLY: The question is whether overtime and special payments should be considered in this or other clauses of the Bill. When it comes to assessing compensation for an accident, the Minister provides that overtime shall not be considered. What earthly reason is there, then, for including overtime in the definition of a worker?

Hon. S. W. Munsie: Overtime should not be considered in determining whether a worker comes under the Act.

Mr. KENNEALLY: The member for Perth must favour the amendment. A man goes North and works under harsh conditions and receives additional pay for it. The object of the amendment is to make clear that the extra pay is given for the harsh conditions, and shall not affect the worker's eligibility for compensation.

The Minister for Works: Then I think we should have made the amount £400.

Mr. KENNEALLY: I could understand overtime being included or excluded in both instances, but the Bill in its present form would include overtime under the definition, and exclude it when calculating compensation. The Minister cannot have it both ways. He should be consistent and exclude overtime in both instances. It cannot be argued that the exclusion of overtime would increase the cost of workers' compensation to industry. The Bill provides that when the commissioners are assessing the rate, they shall consider, among other things, the amount of money in hand from the previous year, the amount of revenue likely to be re-

ceived, and the probable liability for the ensuing year. If the amendment is passed, there will be no disability to industry, because the commissioners will consider the surplus in the fund and reduce the rate accordingly.

Mr. SAMPSON: I cannot agree with the member for East Perth that the Minister wants it both ways. If a worker is entitled to claim compensation for an accident sustained while working overtime, his overtime earnings should be taken into consideration when determining who is to come within the definition of worker. Otherwise no consideration is given to the employer when a man's earnings exceed £500. Since compensation is provided for that, and since it is asked that it shall not be counted in the £500, I submit it is not an equitable proposition. We should have the one point or the other. In the amendment it is suggested that both shall be approved. In the case of overtime there is some justification for compensation being paid. If a man receives over £500 he gets no compensation.

Hon. A. McCallum: Overtime does not enter into the question.

Mr. SAMPSON: The amendment is not equitable.

The MINISTER FOR WORKS: I have already agreed to raise the amount from £400 to £500. Now members want to go further. I would point out that the district allowance is given to certain Government officials in Kalgoorlie. I do not know that the amendment is contained in any other Act in the world. I have met members opposite half-way, but they do not seem prepared to meet me in any way. The provision they now ask for was not contained in the Bill they brought down. When wages are taken into consideration they are usually taken on the three-years basis in the case of tributaries or contractors. Even the schedule makes that provision. Now that we have gone to £500 we have gone far enough.

Hon. A. McCallum: It is not a question of a man receiving £500 being outside the Act, but a question whether he should be outside the Act if he has worked a lot of overtime and receives extra pay, or has performed special services for which he has been paid. Extra remuneration for work of that kind should not deprive a man of compensation. The member for Swan is

arguing from the wrong point of view. If a man is injured while he is working overtime, his compensation would not be based on his overtime rates.

Mr. Sampson: The employer pays according to the wages the injured man is receiving.

Hon. A. McCallum: The employer pays according to the amounts appearing on the wages sheet.

Mr. Panton: Sometimes.

Hon. A. McCallum: We want either the overtime counted in both cases, or cut out in both cases.

The Minister for Works: The employer pays the premium, not the worker.

Hon. A. McCallum: The worker pays more premium than the employer. From the moment the worker ceases work, following on an accident, he is paying out half his wages. He pays out in a fortnight more than an employer pays in a year.

The Minister for Works: That does not affect this clause.

Hon. A. McCallum: In the majority of cases the worker pays 50 times more than the employer does. The amendment deals with people who are working under abnormal conditions. It is not a question of the annual wage that the man is getting, but of not calculating in that annual wage remuneration that is paid for special disabilities and special handicaps. If the Minister is immovable on this point he must have the overtime rates cut out of a later clause.

Mr. MARSHALL: The Government are evidently under the impression that this amendment will be advantageous to the employee only, whereas it will be detrimental to employers if the Minister does not accept it. Let me instance the case of certificated engine-drivers on the goldfields. If one of these becomes ill, his place has to be taken by a colleague because it is impossible to pick up such a skilled man at short notice. In order to cope with the situation one of the other certificated engine-drivers on the mine may have to work a good deal of overtime, and thus add to his annual income. At the same time by his doing this the employer will save the expense of sending perhaps a long distance for a man to take the place of the engine-driver, who may have to be away for two or three months. Hence the employer would become hostile to the

worker for forcing upon him that unnecessary expenditure. Yet the Minister wishes to penalise the worker who works overtime to suit the employer, not to suit himself. If the Minister will not accept the amendment, the question arises whether it will not be better for the skilled worker, instead of remaining on the goldfields or in the country, to come to the city to work. The purchasing power of the sovereign in Kalgoorlie and on the outer fields is certainly no greater than it was 12 months ago. On the contrary, the cost of living on the goldfields has increased instead of having decreased. The fact was acknowledged in the attitude of the Chamber of Mines when refusing to take advantage of a reduction in wages. An extra 1s. or 1s. 6d. on the goldfields is eaten up by the higher cost of living. Yet that difference in nominal pay might mean the worker's exclusion from compensation. Thus the tendency of opposition to the amendment will be to concentrate skilled workers in the city. Mine managers do not desire the Minister to do what he proposes. The mining industry to-day is hungry for skilled men. Relieving hands are men highly skilled in all branches of mining, and from time to time employed in various branches. Yet the Minister would include their additional payment in calculating whether they should come under this legislation. Mining to-day suffers from lack of skilled miners. Men do not care about remaining in the industry, and their sons are shunning it as too dangerous. Nevertheless the Minister is accentuating the tendency to desert the mining industry for work in the city.

Hon. S. W. MUNSIE: I fail to understand the Minister's antagonism to the amendment. If any district allowance or overtime brings a worker above the maximum fixed, he is to be regarded as outside this legislation. Such cases would be few; but there are numerous instances where a worker earns, say, £20 overtime or district allowance, with the result that his earnings exceed £400 a year. If a man's average wages are £200 a year, he cannot receive more than £2 per week compensation. Overtime is not to be included so as to increase his half pay. Yet this provision declares that the man receiving above the maximum by reason of district allowance or overtime is to be outside the benefits of workers' compensation. Overtime or district allow-

ance is included in the one case, and excluded in the other. I am not blaming the Minister; the Act as it stands is unfair.

Hon. A. McCALLUM: The Minister has said that we did not attempt to remedy this defect in the existing Act, but against that contention I have to point out that our Act made no mention whatever of overtime. The Minister includes overtime in one case, but excludes it in the other. The Bill provides that overtime is not to be included for the purpose of calculating the weekly allowance.

The Minister for Works: That has been so for six years.

Hon. A. McCALLUM: I repeat, our Act did not mention overtime at all. There is no inconsistency in my argument for the exclusion of overtime from this clause. The Minister's attitude is wholly inconsistent, as he includes overtime in one provision and excludes it from another. If overtime is not to be mentioned here, the Minister cannot object to its being excluded elsewhere. Overtime is not normal income in the form of weekly earnings. If it is not to be included in the one place, it should not be included elsewhere.

Mr. KENNEALLY: Does the Minister propose, if the definition is agreed to in its present form, to strike out the reference to overtime in the schedule? If he does, he will save a lot of argument. The Bill requires it both ways.

The Minister for Works: And so does the Act.

Mr. KENNEALLY: That is so. But surely it is not the intention of the Minister to have it both ways. The member for South Fremantle endeavoured to rectify the position six years ago by not mentioning overtime at all. Reference to overtime was included in spite of the desires of members of this Chamber. If we are to use the payment of overtime to exclude men from the benefits of the Act, we should be consistent. The Minister has quoted figures to show that Western Australia is by no means the most liberal in workers' compensation legislation.

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

Ayes	..	..	..	18
Noes	..	..	..	20
				—
Majority against	..	..	..	2
				—

AYES.

Mr. Corboy
Mr. Cunningham
Mr. Hegney
Mr. Johnson
Mr. Kenneally
Mr. Lamond
Mr. Marshall
Mr. McCallum
Mr. Munsie

Mr. Pantou
Mr. Raphael
Mr. Sleeman
Mr. Troy
Mr. Walker
Mr. Wansbrough
Mr. Willcock
Mr. Wilson
Mr. Withers
(Teller.)

NOES.

Mr. Angelo
Mr. Barnard
Mr. Brown
Mr. Doney
Mr. Ferguson
Mr. Griffiths
Mr. Keenan
Mr. Latham
Mr. Lindsay
Mr. H. W. Mann

Mr. McLarty
Mr. Parker
Mr. Patrick
Mr. Piesse
Mr. Sampson
Mr. Scaddan
Mr. J. H. Smith
Mr. Thorn
Mr. Wells
Mr. North
(Teller.)

PAIRS.

AYES.

Mr. Collier
Mr. Coverley
Mr. Lutey
Miss Holman
Mr. Millington

NOES.

Sir James Mitchell
Mr. Davy
Mr. Teesdale
Mr. J. I. Mann
Mr. J. M. Smith

Amendment thus negatived.

Hon. A. McCALLUM: I move an amendment—

That in lines 5, 6 and 7 of the definition of "worker" the words "or a member of the employer's family dwelling in his house" be struck out.

These words appear in most workers' compensation legislation throughout the world. If a member of a family works for his parent but lives in the parents' home, he is excluded from the benefits of that legislation. I do not know why this provision has been accepted, or why it has not been reviewed long since. I am aware that specious arguments have been advanced in support of the provision, but I know of a number of instances, particularly in the farming and dairying districts, where it has proved most illogical and unjust. Many farmers would prefer to employ their sons on their properties, because they know they will work better and take greater interest in the operations. If such a lad lives in the paternal home, he can receive no benefits in the event of an accident, even though his parent may have paid the premiums. I know of an instance in which that happened, and the parent was not even able to get a refund of the premiums paid. In my electorate, a dairyman died and a married son carried on the farm on behalf of his mother, with whom he resided. He was killed, but because he lived in the house with his mother, it was found that he was not covered by the Act. There may be some justification for such

a provision in legislation operating in older countries of the world, but such justification does not arise in a country like Western Australia. I can see no logical reason why a lad who is employed by his father and lives at home, should not be compensated in the event of an accident. Farmers' sons are generally employed by their parents on machinery and the more risky jobs. Because they live with their parents, they are outside the workers' compensation law. We should encourage the sons of farmers rather than handicap them in this way. This provision will affect the people of the agricultural districts, more than those residing in the city.

Mr. PARKER: There seems to be a misunderstanding as to the Workers' Compensation Act. People who have met with accidents come into my office, and all seem to have the idea that workers' compensation is an accident policy in the ordinary acceptance of the term. But the real principle of the Workers' Compensation Act is that the employer is personally responsible for any injury suffered by a worker in his employ. Obviously the Legislature does not desire that a parent should be under any legal obligation to a member of his family for any accident that happens to him whilst he is assisting the parent. It is taken that the father naturally would look after his children.

Mr. Kenneally: If the child is a married man, where does that argument come in?

Mr. PARKER: Under the Act, the obligation is on the employer to protect his employees, and inferentially the Legislature has said that it is not going to take away the obligation of a father to his child. In the circumstances related by the member for South Fremantle the children would be far better covered by an accident policy with an insurance company, for that would go farther than the Workers' Compensation Act in that it would cover any accident at all. The Workers' Compensation Act has nothing to do with insurance, although it has become very much involved with insurance, for every employer with any sense covers himself by an accident policy. Still, many workers who suffer injury cannot get compensation because their employer, a man of straw, has not insured under the Act.

Mr. Kenneally: But the Bill makes the State responsible.

Mr. PARKER: Yes, under the Bill insurance is compulsory. It has been said that sometimes premiums are paid for men who, under the Act, are not eligible for workers' compensation. Of course, some insurance companies, not reputable companies, will take any premiums that are offered to them. Yet they have no right to take them, and the employer should not pay premiums, except for men eligible for compensation. However, I have given the reason why the children of employers are not eligible for compensation under the Bill.

Mr. KENNEALLY: The hon. member said that any sensible employer would take out an accident insurance policy. Also he said that some injured workers could not receive compensation because their employers had not insured. But the Bill casts the burden of responsibility on a board to be established, and so the employer who is a man of straw disappears and the State becomes responsible for all cases of injury. The hon. member says we should be careful about casting any legal responsibility on a father for the child's accident. But the point is that if a member of the employer's family working for the employer lives away from his father's house, he is entitled to compensation, whereas if he lives in his father's house he is not so entitled. Why should we make the question depend upon whether or not he lives in his father's house? Is there any logical reason for it? And suppose a married son, working for his father, lives with his wife and family in his father's house: why should he not be entitled to compensation in the event of injury? The father might not have the means to maintain his son's family in the event of that son being disabled, which is all the greater reason why the son should be under the Act. The words proposed to be struck out are "or a member of the employer's family dwelling in his house." The learned member for North-East Fremantle, expatiating upon the natural obligation of a father towards his child, did not give us a definition of those words "member of the employer's family." Actually the definition includes a large number of persons, some of them only distantly related to the employer. So the argument that it is undesirable to cast on a father a legal responsibility for his son's injury does not hold water, for the provision affects quite a

large number of people related to the employer.

Mr. Parker: If the employer's wife met with an accident in the kitchen, she could only bring an action against the employer.

Mr. KENNEALLY: But she would not be an employee.

Mr. Parker: Of course she would be, when cooking for all hands on the farm.

Mr. KENNEALLY: Then the hon. member who made so pathetic an appeal to have the employer's son excluded from the Act is now appealing to have the employer's wife included. Are we to legislate that a stranger shall have compensation, but that the most distant relative of the employer, if living in the employer's house, shall not be so entitled? As I have said on another measure, we shall not get a perfect Bill until we provide that all in industry shall be eligible for compensation. I hope the amendment will be carried.

Mr. MARSHALL: There are probably hundreds of electors in the North-East Fremantle district desirous of insuring their children who, though insured, are not entitled to compensation.

Mr. Parker: Surely such an employer would take out an accident policy.

Mr. MARSHALL: Why should the employer's son, daughter or other relative be treated differently from any other employee? Two sons might be employed in the father's factory, one living in the home, the other living next-door because there was not room for him in the home. One would not be entitled to compensation and the other would be.

Mr. Parker: The employer could get better benefits under an accident policy for the son living under his roof.

Mr. MARSHALL: I am not speaking of accident insurance.

Mr. Parker: The employer would not have to pay under this measure for a member of the family.

Mr. MARSHALL: But why should he not? A pastoralist has a homestead and possibly branch homesteads. If a son were living at the homestead he would not be entitled to compensation, while a son living at one of the branch homesteads would be. Why should they be treated differently? The member for North-East Fremantle would place the children of an employer dwelling in his house on the same footing as an aboriginal. I support the amendment.

The MINISTER FOR LANDS: The real object is to lessen the cost to industry and retain the benefits under workers' compensation. To insure every child of an employer, even a boy going to school and receiving 5s. a week for bringing in the cows—

Mr. Kenneally: Or the grandmother.

The MINISTER FOR LANDS: Yes, the grandmother engaged in washing up dishes, or other relative employed in the business would mean enormously increased cost. The idea of making eligible for compensation the children of employers living away from home was to provide for married members of the family.

Mr. Kenneally: This does not do it.

The MINISTER FOR LANDS: It does.

Hon. A. McCallum: An unmarried son might be living away from home.

The MINISTER FOR LANDS: It is difficult to draw a line between those whom we desire to benefit and those residing in the home of the parent. If members appreciated the desire to give the fullest possible benefits to workers injured in industry and also to relieve industry as much as possible, they would approve of the definition. I believe there is something in the Bill that does commend itself to members of the Opposition.

Hon. A. McCallum: Only one thing.

The MINISTER FOR LANDS: Then let us get to it.

Mr. Panton: The Chamber of Commerce want to get to that one.

The MINISTER FOR LANDS: Similar legislation is in existence in many parts of the world.

Mr. Panton: Why not alter the definition of "worker"?

The MINISTER FOR LANDS: There is no demand for the alteration.

Mr. Panton: There is no demand for the Bill.

Mr. Marshall: You would not put your grandparents on a level with an aboriginal, as this Bill does?

The MINISTER FOR LANDS: I cannot answer for the hon. member.

Mr. Marshall: I am asking you a question.

The MINISTER FOR LANDS: And I am not answering it. The amendment would impose a hardship on industry that does not now exist.

Hon. S. W. MUNSIE: I support the amendment. Six or eight months after the

1924 measure was passed, a man sub-contracted to hew sleepers, and employed his son. He insured himself and his son under the Workers' Compensation Act. The son had been living in another town, but when the contract was taken, he went to live with his father. The boy met with a severe accident, and because he was living in his father's house, he received no compensation.

Mr. Parker: His complaint was against the insurance policy, not against the Act.

Hon. S. W. MUNSIE: The father believed that he had covered his son against accident.

Mr. Kenneally: And the ground taken was under the Act.

Hon. S. W. MUNSIE: The insurance company accepted the premium. It is wrong to do something for the benefit of the workers that tends to drive the sons and daughters from the home.

The MINISTER FOR WORKS: A casual worker is defined as one who is employed say for half a day, and is not likely to be employed by the same person again. In many homes the sons or daughters are given half-a-crown a week by their parents for some household duties they carry out. It is also provided that the board and lodging a person on a low wage receives shall be reckoned as worth up to a maximum of 30s. a week. The amendment means that the son or daughter employed to do a little work in the house at half-a-crown a week would have to be insured on the basis of that payment plus the value of the board and lodging. I admit I used to think that some such provision as that desired should be made, but I cannot find any other Act containing it, and I do fear that if it were embodied in our legislation it would cause a great deal of trouble to many fathers and prove most unpopular.

Mr. MARSHALL: The Minister for Works says that parents would be compelled to insure their children if this amendment were agreed to. The Act as it is compels them to do this if they employ their children in the industry in which they themselves are engaged. The only difference between the Act and the amendment is that the latter would bring under the Act members of the employer's family who were living under his roof. The Minister is too parochial and narrow in his outlook. He is watching chiefly the interests of the farmer. He must remember that farmers employ only a small fraction of the labour em-

ployed in other industries. In those other industries numbers of fathers employ their own children to help them in their enterprises. If any of those children are injured, although they are living under their parents' roofs, they should get compensation, and that is the object of the amendment.

Mr. WITHERS: If the son of a contractor is working with his father, while living under his father's roof, he gets no compensation if he receives an injury in the course of his work. That is most unfair. If the amendment is not agreed to, the Bill may have a tendency to force children to leave the paternal roof sooner than they should, for fear of meeting with an accident and getting no compensation for it. I cannot see why the Government are so persistent about retaining these words in the Bill.

[Mr. Angelo took the Chair.]

Hon. M. F. TROY: It is very desirable to encourage members of a family to have a common interest and to be prepared to make a common sacrifice. As a rule the members of a family on a farm are all partners, and that always ought to be the understanding. I do not like to see the head of a family called upon to provide compensation for the children. In this country the young man of 20, who has been brought up on his father's farm is himself a competent farmer, and very frequently his work on the farm obviates the necessity for the employment of outside labour. The young man often gets no wages, and therefore would not come under the Workers' Compensation Act. In such cases he would probably receive an allowance, or his father may give him something in kind. The danger the Minister thinks he foresees is not likely to come about. If I had sons and were employing them, I would insure them under the Workers' Compensation Act. In the case of most farmers and other employers on the land, premiums are based on the total wages paid for the year. If the son is a young man, it is a relief to the father to know that in the event of the son's meeting with an accident he will be dependent, not on the home, but on an insurance company. Should the son meet with a serious accident entitling him to £750 compensation, there would be a substantial provision for him instead of his being a burden on the home. The case might be met

by an age limit, say of 17 or 18 years. On this being reached, speaking personally, I certainly would insure youths. If an age limit could be agreed upon, a compromise might be reached.

Mr. MILLINGTON: The Minister is particularly desirous that a liability shall not be imposed in this case, but he must be careful that in refraining from imposing the liability he does not deny the father the privilege of taking advantage of this measure. It is an advantage to have a son insured when he meets with an accident. Similarly, insurance in a sick and accident fund represents a reserve. Workers' compensation is sound business for the community as a whole. It is a liability, but a worth-while liability. Objection to the amendment could be overcome on the lines suggested by the member for Mt. Magnet. I know the Minister is particularly concerned about the farming industry, but here he denies the farmer the advantages of this measure. Farmers believe in insurance and the building-up of reserves, and they will blame the Minister for what he proposes.

The Minister for Works: Farmers can take out accident insurance policies.

Mr. Kenneally: If that is the argument, why have workers' compensation at all?

Mr. MILLINGTON: This represents the best form of insurance for workers. The inclusion of the householder will improve the Bill. If the Minister cannot accept the amendment, I urge him to give further consideration to the position with a view to submitting an amendment more in keeping with his ideas. He has indicated that he is not quite satisfied with the definition as it stands.

Hon. A. McCALLUM: I am aware that the point raised by the member for North-East Fremantle represents the main argument in favour of the inclusion of the words, namely, that it would involve litigation as between father and child. That is not what happens because the action is with the insurance company, although the parent may appear as the nominal defendant. We know that the insurance companies have forced parents to take certain actions under the Workers' Compensation Act. Whatever force there might be in that argument as applied to operations under the parent Act, it is lost under the provisions of the Bill, because there can now be no question of legal action between father and son or between

employer and employee. The only legal action that can be taken now is against the commission that is to be set up. The Minister, to be logical, must see that the objection referred to by the member for North-East Fremantle has been set aside. The worker will not be in a position to sue his employer but merely the commission. It is no good arguing that a father should take out a separate insurance policy to cover his son, because that is not done. A parent should not be asked to do so, and he should not be asked to provide separate cover merely because his son lives at home. Take the position in the agricultural industry. One son may live in his parent's house, while another son may live in a house situated on another part of the same property. The former son is excluded, while the other son is covered by the workers' compensation legislation. Is that logical? One of the largest factories in the State, which has almost a monopoly in the production of certain lines, was built up by a father and his two sons. The latter married and lived at home with the parents. The father has since died and the sons have carried on the business. Because they live at home, they are not covered by this legislation. Where is the sense in that position? The suggestion that the inclusion of these words will avoid unpleasant friction in families owing to litigation does not bear examination. This particular provision probably owes its birth to the conditions that obtained long before workers' compensation was made compulsory generally. Now the Minister has altered the whole fabric of the legislation, there is no fear of domestic unpleasantness because workers earning less than the specified amount will look to the commission, and not to their employers, for compensation. The Bill takes away the responsibility for compensation from the employers. As to the case I first cited, can the Minister satisfy the Committee that there is any justification for refusing the protection of the Act to a son carrying on business for his mother? Can any argument be advanced for refusing that son the benefit of the Act? In many instances parents think their children are covered by the Act, as indeed they would be if they lived under a roof other than that of their parents. I know of numerous cases in the wheat belt where the sons of farmers have been injured while working for their parents, and until that time the parents thought those

sons were covered by the Act. Again, to say that because the wife of the farmer cooks meals for all hands on the farm she is an employee of the farmer, reminds me of a contention put up by a lady member we once had, that in such circumstances the wife would be subject to Arbitration Court conditions. Of course that is not so, for first the relationship between the employer and the employee would have to be established. The Minister has drafted the Bill in a manner that gets away from the very foundation of the argument advanced by the member for North-East Fremantle. The old familiar position will have gone if the Bill becomes law, for then no legal action will lie as between the employer and his son working for him; the action, if any, will lie against the proposed commission. So where is the necessity for keeping this provision in the Bill?

Mr. Piesse: Do you not think we should reduce the cost before we extend the liability? In South Australia it costs only 15 per cent.

Hon. A. McCALLUM: The Minister very properly is seeking to reduce the cost. Under the new system there will not be 60 or more insurance companies with their overhead charges. To that extent I am going to help the Minister to get his new idea through, for it is an improvement on ours. I do not want any increase in charges.

Mr. Piesse: I cannot see how the industry can afford to pay all this compensation.

Hon. A. McCALLUM: Perhaps the hon. member will tell us how the average farmer can afford to keep a son who has lost a leg or an arm. There is the farmer saddled with his crippled son. Would it not be far better if compensation were payable for the injury? It would have been much safer for the farmer to have paid insurance premiums. I appeal to the Minister to be reasonable and to give members of the employer's family living at home the benefit of this insurance.

Mr. KENNEALLY: The Minister for Lands should realise that the definition makes no reference to married or unmarried children. The member for Katanning has repeatedly asked how the farmers can afford to pay the insurance premium.

Mr. Piesse: There are hundreds of farmers who cannot afford to pay the present rate.

Mr. KENNEALLY: This Bill proposes to reduce the rate considerably.

[Mr. Richardson took the Chair.]

Mr. Piesse: Bring it down to 15s., the rate that operates in South Australia.

Mr. KENNEALLY: We want the assistance of the hon. member to bring it down. The question is not whether the farmer can afford to pay the premium but whether he can afford not to pay it. A son living and working on his father's farm might be killed, and if he were a married man with a family, the father would have to keep the dependants. Is it better for the farmer to take that risk or to be able to insure? The definition, as printed, would inflict an injustice on the farmer.

Mr. Piesse: But the rate is prohibitive.

Mr. KENNEALLY: If the canvassing costs of the numerous companies were eliminated the rate could be reduced. The operating expenses of the companies over four years represented 38 per cent., whereas those of the State Insurance Office were 2.5 per cent. It is well to remember also that the measure applies to industries other than farming. Members should not support a provision that will exclude any person from the benefits of compensation simply because he is a relative of the employer and living in his dwelling. It would be better to overcome the difficulty by providing an exemption for children up to a certain age. All those engaged in industry within the £500 limit should be brought within the scope of the Act.

Mr. SLEEMAN: The Minister has advanced no logical reason for the inclusion of these words. He admits we have brought forward many arguments in favour of the amendment.

The Minister for Works: That is the worst of being so fair.

Mr. SLEEMAN: He argues that a father would have to insure his son who might be receiving 2s. 6d. a week for chopping the wood. The only people who would be covered would be those who were engaged in the employer's business. The grandmother who was washing up the dishes would not be included. I know of many cases where boys are driving their father's trucks, but in the event of an accident they receive no compensation if they are dwelling under the home roof.

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

Ayes	..	..	..	..	18
Noes	..	..	..	..	18

A tie	0
-------	----	----	---

AYES.

Mr. Corboy	Mr. Munsie
Mr. Ounningham	Mr. Panton
Mr. Hegney	Mr. Raphael
Mr. Johnson	Mr. Sleeman
Mr. Kenneally	Mr. Troy
Mr. Lamond	Mr. Wansbrough
Mr. Marshall	Mr. Willcock
Mr. McCallum	Mr. Withers
Mr. Millington	Mr. Wilson

(Teller.)

NOES.

Mr. Angelo	Mr. McLarty
Mr. Barnard	Mr. Parker
Mr. Brown	Mr. Patrick
Mr. Doney	Mr. Piesse
Mr. Ferguson	Mr. Sampson
Mr. Griffiths	Mr. J. M. Smith
Mr. Keenan	Mr. Thorn
Mr. Latham	Mr. Wells
Mr. Lindsay	Mr. North

(Teller.)

The CHAIRMAN: I give my casting vote with the noes.

PAIRS.

AYES.	NOES.
Mr. Collier	Mr. James Mitchell
Mr. Coverley	Mr. Davy
Mr. Lutey	Mr. Teesdale
Miss Holman	Mr. J. I. Mann
Mr. Walker	Mr. J. H. Smith

Amendment thus negatived.

Hon. M. F. TROY: I move an amendment—

That after the word "house" the words "who is under the age of 18 years" be inserted.

This amendment will remove the objections of members opposite, who do not want the head of the house to be held responsible for compensation for his children who may be engaged in some casual service in the home. I do not like legislation which interferes between parents and their children. When a boy reaches the age of 18 he becomes a man, and does the work of a man. It is an advantage to the farmer to have his son insured under the Workers' Compensation Act, so that if the son meets with an accident there shall be provision for him instead of his being a burden on the family. Insurance against accident is very rarely resorted to by farmers, largely on account of procrastination. Under the Workers' Compensation Act the farmer would be compelled to insure. There have been instances of

farmers' sons who have had their limbs cut off by the binder. In such a case the boy becomes a burden on the father, who frequently has not the means to provide for him.

The MINISTER FOR LANDS: I oppose the amendment. We had better leave things as they are.

Hon. A. McCallum: Yes, drop the Bill and leave things as they are.

The MINISTER FOR LANDS: The amendment would afford opportunities for exploiting the fund. The employer who was a father would be disposed to use the fund at every possible opportunity. He would have a personal interest in the fund though his son. He would not have such a personal interest through a stranger. The member for South Fremantle did not include a provision similar to this in his Bill.

Mr. SLEEMAN: I support the amendment as being all that is likely to be got from the Minister. If that hon. gentleman were really content to leave things as they are, he would get on very well indeed with this side of the Chamber.

Progress reported.

House adjourned at 10.57 p.m.

Legislative Council,

Wednesday, 3rd June 1931.

	PAGE
Question: Secession, English legislation	3215
Leave of absence	3215
Motions: Stock Regulations, to inquire by Royal Commission	3215
Production costs, action to reduce	3219
Bill: Hire-Purchase Agreements, 1A.	3221

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

QUESTION—SECESSION, ENGLISH LEGISLATION.

Hon. V. HAMERSLEY asked the Minister for Country Water Supplies: 1, Have the Government (a) protested, or (b) will

the Government protest against the inclusion, in the contemplated Act of Westminster, of such provisions as may make it more difficult for Western Australia to secede from the Federation, and/or prejudice the States respecting such sovereign rights (sovereign subject to the Imperial Parliament), as they now possess? 2, If the answer to (a) is in the affirmative, will the Government advise Parliament of the terms of the protestation? 3, If the answer to (b) is in the negative, will the Government give Parliament their reasons for not lodging a protest? 4, Will the Government give an assurance that, if Parliament approves of a referendum on secession, there will be no delay in seeking the opinion of the electors?

The MINISTER FOR COUNTRY WATER SUPPLIES replied: 1, Yes. 2, It is not usual to disclose correspondence of this nature. 3, Answered by No. 1. 4, The matter will be considered.

LEAVE OF ABSENCE.

On motion by Hon. J. Nicholson, leave of absence for six consecutive sittings granted to Hon. A. Lovekin (Metropolitan) on the ground of ill-health.

MOTION—STOCK REGULATIONS, KIMBERLEY CATTLE.

To Inquire by Royal Commission.

HON. G. W. MILES (North) [4.35]: I move—

That an Honorary Royal Commission be appointed to investigate the administration and application of the regulations under the Stock Diseases Act, 1895, as gazetted on the 11th October, 1929, particularly as they relate to the restriction of the movement of cattle from the Kimberley district.

I have not much more to urge in support of the motion than was said by Mr. Holmes on the 27th May last when he moved a motion, the object of which was to secure the taking of drastic steps to reduce the cost of primary production. I assure the House that there is no desire on the part of the West Kimberley growers or of the pastoralists generally to interfere with the stock in clean areas, nor yet with the dairy-ing industry in the South-West. The regulations referred to in the motion were