failed to renew his insurance, they are in duty bound to make arrangements for the insurance cover to be obtained.

Mr. Doney: Why not with the company with whom the client had previously insured?

The MINISTER FOR EMPLOYMENT: Because the Commissioners obtained quotes from the associated companies, from a non-combine company and from the State Insurance Office, and the lowest quote obtained was from the State Insurance Office.

Mr. Doney: You do not think that the clients' wishes weigh with the Commissioners at all?

The MINISTER FOR EMPLOYMENT: If a client fails to take any step to renew the insurance on the property he is occupying, it is complete proof that he is not interested in the matter of covering the property by insurance. Therefore the Commissioners are in duty bound to protect their asset by seeing that insurance cover is obtained at the earliest possible moment and from the cheapest possible source. That is what has been happening for some 18 months and that is what will continue to happen.

Mr. Sampson: Would the Commissioners advise the client of their intention?

The MINISTER FOR EMPLOYMENT: Several suggestions have been made that this Bill should be referred to a select committee. To that suggestion there is no objection from the Government. It is my intention to move, after the second reading has been carried, that the Bill be referred to a select committee. The Government desire that the fullest possible information shall be made available. We feel that the case in support of the Bill is strong enough to invite the most searching inquiry possible. We realise that the argument surrounding the whole issue is largely one of figures as well as one of principle. We have no objection to all possible inquiries being made to find out and demonstrate the actual proof of the insurance business position in Western Australia. The committee will make the fullest investigation with the object of reporting back to the House, so that the complete position may be made available for the information, not only of members, but of the public, who, after all, are the most vitally concerned in this issue.

Question put and passed.

Bill read a second time.

Referred to select committee.

THE MINISTER FOR EMPLOYMENT (Hon. A. R. G. Hawke—Northam) [10.3]: I move—

That the Bill be referred to a select committee.

Question put and passed.

Select Committee Appointed.

Ballot taken and a committee appointed consisting of Hon. W. D. Johnson, Mr. McLarty, Mr. Tonkin, Mr. Watts and the mover, with power to call for persons and papers, to sit on days over which the House stands adjourned; and to report on the 23rd September.

House adjourned at 10.12 p.m.

Legislative Council,

Tuesday, 14th September, 1937.

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

ASSENT TO BILL.

Message from the Lieut.-Governor received and read notifying assent to the Federal Aid Roads (New Agreement Authorisation) Act Amendment Bill.

QUESTION—CARNARVON JETTY.

Hon. E. H. ANGELO asked the Chief Secretary: 1, Is he aware that, for some time past, masters of vessels using Carnar-

von jetty have experienced some difficulty in getting alongside owing to the silting up of the harbour? 2, If so, are any steps suggested to overcome this trouble?

The CHIEF SECRETARY replied: 1, I am not aware of any serious difficulty that warrants urgent attention. 2, Answered by No. 1.

LEAVE OF ABSENCE.

On motion by Hon. H. S. W. Parker, leave of absence for six consecutive sittings granted to Hon. A. M. Clydesdale (Metropolitan-Suburban) on the ground of ill-health.

BILL—FACTORIES AND SHOPS ACT AMENDMENT.

Second Reading.

Debate resumed from the 9th September.

HON. H. SEDDON (North-East) [4.36]: There are many provisions in this Bill that warrant our support insofar as they provide for overcoming difficulties that have arisen in the course of administration. The Act originally was a very old measure, in fact one of the oldest industrial Acts on the statute-book in the Old Country, dating from the time when sweating conditions were so prevalent, especially in the cities. Consequently some of the provisions of the original legislation have been passed down through various re-enactments of the measure. Industrial arbitration is a comparatively new development as compared with the Factories and Shops Act, and while many things are embodied in the Factories and Shops Act that members might consider could well be dealt with by the Arbitration Act, we have to remember the history of this legislation in order to appreciate why those provisions are retained. It is quite possible, in view of the development of industrial legislation, that those conditions could be better dealt with and more frequently revised if brought under the Arbitration Act rather than under the Factories and Shops Act. At the same time, we have to remember that the conditions embodied in the Factories and Shops Act are really minimum conditions, and should be regarded as such. When factories and shops legislation was introduced, the so-called home industries were really the worst offenders. Anyone who has read of the frightful conditions under which women and young children were working in those days, and the treatment meted out to them, will appreciate the necessity for legislation of this kind. There are certain provisions in the Bill before us that I think should be regarded with a considerable amount of caution, because, while the present Government might have certain ideas and possibly would not act upon legislation without very serious consideration, this might not always be the case. By embodying some of the amendments, it seems to me that in the event of a Government taking office that held very advanced views, other things might be done that at present would not be contemplated and would not be approved by the people if those things were properly understood. As to the provision governing the payment to young people, probably the Minister will explain the reason for the alteration from the existing provision, which lays down that certain payments shall be made to young people according to their years of experience in employment. It seems to me that that is the better way to handle the matter, rather than to lay down that a certain rate should be paid according to the age of the young person. Even under the old provision, a disability was imposed upon a boy or girl who was kept at school until two or three years above the usual starting age, and who was then unable to get employment. Although two schedules are provided in the amending Bill, even they contain a difference which, in my opinion, discriminates between the elder employees as against those who start at an earlier age. It is a difference of 5s. a week. As I indicated last session, I do not think we would be wise to alter the provision that applies to the one-man shop. The existing provision, I consider, is quite satisfactory, because it allows a certain amount of latitude to employers who are trying to build up a business with the aid of two or three persons to help them. I can appreciate the reason for the amendment. It is argued that unfair competition exists as between factories that have to comply with the Act and the small factories employing only two or three hands. On the other hand, we have to remember that in a young country like Australia, a man who sets out in life by establishing a small business may become in future the employer of many people. That man could well be allowed to work under

existing conditions and carry on his business. After all, a large factory is usually laid out with the idea of undertaking mass production and, by means of the division of labour, can achieve an output at a cost that cannot be approached by the individual worker. Thus a large factory has an advantage at the outset as against a man with a small shop. There is another aspect, namely, that the small shop, especially if conducted by a good tradesman—I cannot imagine such a man lasting long unless he was a good tradesman—is the best place in which to put a young person who wishes to learn the business. Under the conditions operating in a large factory, frequently the employee is only half trained.

Hon. L. B. Bolton: I do not agree with you there.

Hon. H. V. Piesse: I do.

Hon. H. SEDDON: I know the conditions that exist, and it does not need to be a very large shop in which a boy may be put on to minor production and kept there.

Hon. L. B. Bolton: He would not get the same scope.

Hon. H. SEDDON: On the other hand, in a small shop, the employee gets a variety of jobs and secures a far wider training. Thus he has an opportunity to acquire greater skill than would be possible in a factory where mass conditions are applied. The tendency is for mass production methods to extend with the result that we get, not a skilled worker, but a semi-skilled worker, a man who acquires skill at the particular part of the job on which he is employed but who, if taken off that job and put elsewhere, is as unskilled as any labourer taken off the street. It has been argued that foreigners take advantage of existing conditions, carry on small shops and thus create unfair competition. I would say that an opportunity exists there for the union secretary to prosecute his part of the job by ensuring that the worker has the protection of the union and enjoys the stipulated conditions. I cannot imagine a man working long under conditions of employment below those that would be available to him in a larger factory. I would say that we are being asked to pass this legislation to do work that really belongs to union officials who should see that the advantages of unionism are brought home to all the people engaged in the various occupations.

Hon. G. Fraser: The particular people you are now referring to are defying the unions.

Hon. H. SEDDON: I presume the hon. member is referring to partnerships. That is a matter which comes under the Arbitration Act. My references are more particularly to the foreigner who engages some of his countrymen not familiar with Australian conditions and imposes on them. Those employees should be educated in the advantages of unionism, and that is a matter rather for union secretaries than for legislation. Goldfields traders are concerned about the proposal to do away with the Saturday half-holiday.

The Chief Secretary: We are not trying to do away with it.

Hon. H. SEDDON: I stand corrected. They are concerned about the proposal to introduce a Saturday half-holiday as against the present condition.

Hon. L. Craig: So are all the traders in country towns.

Hon. H. SEDDON: The goldfields traders point out that goldfields consumers living out in the bush would have considerable hardship inflicted upon them by the proposed change. Instead of being able to come in for their stores at the end of the week, they would be penalised by having to come in during the week. Anyone who sees the long lines of motor cars in Hannan-street on Saturday afternoon must realise how very largely advantage is taken of the present condition by people living in outback districts.

Hon G. Fraser: Perhaps they buy too freely!

Hon. H. SEDDON: In some directions perhaps, but in other directions they get necessary commodities. Another point is that the existing Act contains a provision, which can be utilised in any district, as to which day shall be the day on which early closing applies. That appears to me a sound democratic provision, and a provision that consults the convenience of the persons who, after all, are entitled to consideration—namely, the consumers. That sound democratic principle should be retained. Goldfields traders have written to goldfields members on the subject, and I would like to read a passage from their letter referring to the question of the Saturday half-holiday—

> Strong exception is taken to the proposed amendment. The Wednesday half-holiday has been in operation for many years and has worked satisfactorily for all parties concerned. In addition, the mid-week break has always been a welcome respite for shop assistants. If the measure to close shops on Saturday afternoon is passed, a great hardship will be im-

posed on the public, traders and employees. It has been proved that the traders cannot give satisfaction to the public unless they are open on Saturday afternoon. Moreover, from the employment aspect, a number of shop assistants would be thrown on the labour market due to the fact that several shops employ additional assistants on Saturday. As trading is quiet during the week, it would mean that the permanent staff of a business would easily cope with the work. Therefore it is to the benefit of all to retain Saturday afternoon trading. It is also desired to point out that the utmost harmony has always existed between the employers and shop assistants. The traders do not desire at any time to apply for a late trading night, in view of the trying conditions on the goldfields during the summer months.

That extract is certainly pertinent to the matter under discussion.

Hon. J. Cornell: More than one big trader in Boulder has told me that they want the shops to close on Saturday.

Hon. H. SEDDON: The interjection indicates the value of the provision that now exists in the Act for the taking of a referendum of the persons concerned. I understand that possibly one of the objectives behind the proposal in the Bill may be the ultimate objective of securing a five-day week. If that is the idea, then I think the matter could well be determined and dealt with, among other matters, by the Arbitration Court. I am inclined to think that the five-day week will eventually come in Western Australia, but the proper tribunal to determine when it shall be brought into operation is undoubtedly the Arbitration Court. I understand there is an idea that the Bill may be referred to a select committee. That course is desirable as it will give an opportunity to members not familiar with factory and industrial conditions to get firsthand information with regard to the amendments proposed. I think a reference of the Bill to a select committee is highly desirable, with a view to bringing forward recommendations for the consideration of the House. It has been suggested that the Bill covers certain employees who are not now covered by the Arbitration Court and have no awards. Anyone who has had experience of working in industries in Australia will realise that any workers engaged in an ordinary avocation who do not take steps to see that there is an award governing their occupation are fools. It has been shown again and again that unless there is some sort of protection and some form of combination among the workers in an industry, they will not get as fair a spin as they would get if their conditions were dealt with and regulated by the Arbitration Court. The sooner those people wake up and realise the advantage of a combination of that description, the better for themselves.

The Chief Secretary: Those workers are mostly women and children.

Hon. H. SEDDON: Exactly. But there are unions to govern women's conditions, and provision is made in every industrial award for young people.

Hon. G. Fraser: It is also said that some employers will not permit their employees to organise in unions.

Hon. H. SEDDON: I still argue that the position of industry generally does lay down and stress the advantages of having industrial organisations to govern conditions in any avocation where there are people employed. When there is an award governing every occupation so far as the workers are concerned, that should be sufficient. I support the second reading of the Bill, and I approve the suggestion to refer it to a select committee provided the committee report fairly promptly.

HON. H. V. PIESSE (South-East) [4.54]: When a similar Bill was introduced into this House two sessions ago I supported it, but with a view to voting against certain clauses in Committee. The following year the measure did pass the second reading. We know the fate a corresponding measure met with last year. It cannot be said that Parliament has not given fair consideration to the measure. It has been fully discussed, and I think that during the past three years practically every member of this Chamber has spoken on these proposals. I shall support the second reading of the present Bill, as we have plenty of time at our disposal this session to give consideration to the measure in Committee. On the other hand, I am a supporter of the proposal to refer the Bill to a select committee, when many of the clauses which we as laymen do not thoroughly understand can be ventilated and expert advice upon them obtained. For instance, the Bill proposes an interference with the working of industry. To that I object strongly, because in the country to-day we are not working under agreements. We did work under an agreement for many years, and working hours were amicably arranged between country

storekeepers and their employees. I was rather struck with reports appearing in recent issues of country papers as to visits paid to various centres by a former member for Subiaco, Mr. Moloney, who has been endeavouring to organise the shop workers. I met Mr. Moloney at Katanning, and he told me that as regards the Great Southern district he was pleased to see the amicable way in which the employers and the employees got on. Even in the Great Southern district we have welcomed the Factories and Shops Act, because of numerous smaller shops which take advantage of the larger employers of labour. My friend Mr. Bolton and I have both been accused in this House, and repeatedly, of supporting certain provisions because we may be considered to be manufacturers. I still intend to support the clauses referring to factories. Even if a one-man factory is called a factory under this legislation, I shall support it, because the fact of a factory being a one-man factory should not exclude it from the operation of the Bill. That does not mean that excessive powers should be given to the Chief Inspector of Factories. To-day we have a Chief Inspector who has proved himself a most reasonable and capable officer; but we may not always have so reasonable a man in that position. A few weeks ago I wanted some information regarding the working of a shop in my own town, and the Chief Inspector went to endless trouble to give me all particulars.

Hon. J. J. Holmes: That was by way of preparing you for this Bill.

Hon. H. V. PIESSE: I have enough knowledge of the Chief Inspector to be sure that he would not give an undue advantage to a member of Parliament.

Hon. H. S. W. Parker: Gentle coercion!

Hon. H. V. PIESSE: Very well; I will let the hon. member have his way. I object to the clause of the Bill forbidding persons to live on factory premises. I also cannot agree to the clause about sick pay. I was rather interested to find in the Federal Act a simple little section to the effect that eight days' sick leave must be granted. An employee playing football on Saturday afternoon put his finger out of joint, and he claimed sick leave in that respect. There was no argument about it. He was awarded a week's sick leave although the accident took place during a Saturday afternoon football match played in the town. Therefore we have to be careful to see how far-reaching the clauses in the Bill may be. That is one reason why I think a reference of the measure to a select committee would be advantageous. As a country representative I object to the clause referring to Saturday afternoon closing. Under the Act power is now given to the people concerned to express their opinion by voting as to what particular day they prefer as a holiday. The train services in the country greatly influence the various country towns in this matter. In the eastern portion of the province I represent it will be found that sometimes Thursday is the late shopping night, and Saturday afternoon is a holiday; but that condition is reversed in other places. A lot depends upon the times at which the weekly or bi-weekly trains are run. It stands to reason that the afternoon on which the farmers come to meet the trains in order to collect their goods should be the afternoon on which shops ought to remain open to conduct business. Ample provision to settle this matter is provided in the Act as it stands. Another important point is the regulation of the hours of delivery of goods and overtime that can be charged. In one particular business with which I am connected the main work takes place in the summer months, and it is often necessary for the men to work until 11 o'clock at night. I am speaking of the drivers engaged in the aerated water business. If this clause were carried in its entirety it would create very grave hardship. Such companies would have to employ extra men, but there would not be sufficient profit in the business in such circumstances to make it pay. It has to be considered that a rush of hot weather increases trade in this particular direction; on the other hand cool spells occur, and the services of employees have to be dispensed with.

Hon. J. Cornell: The hon. member does not suggest that men working overtime should not be paid?

Hon. H. V. PIESSE: I quite agree that they should be paid overtime, and they are paid overtime. I am not objecting to overtime, but to the curtailing in many instances of the time during which they may be employed.

The Chief Secretary: How would the Bill affect that?

Hon. H. V. PIESSE: The Chief Secretary may have more experience in this matter, but I suggest that Clause 46 affects the position.

The Chief Secretary: Have you compared it with the section in the Act?

Hon. H. V. PIESSE: Yes, and I know the working of the Act from the present point of view. Another objectionable feature is that a man's services may not be dispensed with if there is a public holiday at the end of the week in which it is proposed to dispense with his services. That is a most absurd condition to place in a Bill. It is particularly unfair to manufacturing industries that have large contracts to supply or seasonal conditions to contend with. In some cases it is necessary to have people standing by in the morning waiting for employment. I admit that is temporary labour. Still we endeavour in many industries to keep men of experience on as long as possible.

Hon. G. Fraser: Quite a lot of men are sacked on the eve of the Easter holidays and re-engaged the following week.

Hon. L. B Bolton: That is nonsense.

The PRESIDENT: Order!

Hon. G. Fraser: I could give you the names of firms that do it.

The PRESIDENT: Order! The hon. member will have an opportunity later on to address the House.

Hon. H. V. PIESSE: I thank the hon. member for the information. I have very little more to say, except to refer once more to country storekeepers and the position with regard to the payment of wages. Usually most stores pay fortnightly. These facts, and many other conditions to which reference is made in the Bill could well be given attention by a select committee, and if that were done a good Bill would be the outcome. There are many clauses of the Bill with which I agree. I support the second reading.

HON. E. H. ANGELO (North) [5.5]: Prior to the last election the present Government promised their electors to bring in certain Bills and amendments of existing Acts dealing with industrial matters. No one can complain that they have not carried out their promises. We have had these Bills before us on two or three occasions. Last year a similar Bill to this was brought in in the dying hours of Parliament. Members who are accustomed to industrial matters would perhaps have had time to consider the Bill sufficiently to cast intelligent votes on the various amendments suggested. They were not as comprehensive as the amendments contained in the present Bill. Members who, like myself, have spent the greater part of their lives away from the city and consequently are not as well versed in industrial matters as are other members, found it very hard indeed to understand the Bill in the short time at our disposal last year. The position now is different. The Government have brought these Bills down in the early days of Parliament. They have gone further and introduced two Bills here for the first time. We have therefore no excuse for not giving the Bills every consideration, and for not doing our utmost to cast intelligent votes on the measures as they stand. Nevertheless it would take some time thoroughly to understand the various amendments. There is a great number of clauses, and some of them are almost worthy of a Bill themselves. To those of us not au fait with industrial matters it is hard to know what the effect of the passage of those amendments is going to be. I have listened attentively to the speeches of the Chief Secretary and other members who are well versed in industrial matters, and I am struck with the differences of opinion expressed by some of our big guns on certain of these clauses.

Hon. J. Cornell: That is not unusual.

Hon. E. H. ANGELO: No, but it is very difficult to reconcile the conflicting arguments and to get at the truth. I want to find out the true position.

Hon. J. Cornell: It is always hard to get it.

Hon. E. H. ANGELO: Yes, it is always hard to get it, but it is the duty of every member to try to cast the right vote. Even this afternoon Mr. Piesse gave his version of one particular clause of which he ought to know something, because he is interested in the industry concerned. But the Chief Secretary shook his head. Who is right? The Government must recognise that we are a non-party House. The Government have been returned by the people of this State to administer the affairs of the State, and also to bring in proper laws. It is our duty to give them every consideration. That is the way I am looking at it. I am going to give every Bill that is brought forward the best consideration I can, but I am not going to hesitate to express my opinion when I think that some portion of a measure or a measure as a whole is not in the best

interests of the State or of the majority of the people. Therefore, I want to know what is the right thing to do. I should imagine that any Act which has been in force for 17 years would need some amendment. It may be only a small amendment, or it may be a big one. The legislators of 17 years ago were not supermen. They are bound to have let some little thing slip, and we should welcome a review, and that is what an amendment to an Act really is. I want to know from the right people what is going to be the effect of these clauses, and how I should vote. I want to hear evidence from the employer and from the employee. I desire to hear the opinions and interpretations of the advocates, both of the employers and the employees. We cannot get that in this House. We must go further.

Hon. H. S. W. Parker: Have not the general public some say?

Hon. E. H. ANGELO: Exactly; the public have some say, and the public should have the right to give their version. We should not try to determine these matters until we have had evidence from the people directly interested and the opinion of their advocates and that can only be secured through a select committee.

Hon. J. Cornell: The public will say, "If members cannot agree, how can you expect us to do so?"

Hon. E. H. ANGELO: They know from the reports of our speeches that we cannot agree. Perhaps it is just as well that we do not always agree. I have had a look at the Bill. There is only one thing upon which I would comment. There seem to be a tremendous number of amendments benefiting the employees, but I do not see quite as many that are going to lift any of the disabilities from the employers.

The Honorary Minister: They can look after themselves.

Hon. E. H. ANGELO: I want to see both sides looked after, the employers and the employees, and the only way in which that can be done is by finding out from the people who really know what the effect of these amendments will be. I want to hear or read their evidence and then form a judgment to the best of my ability as to how I should vote on the various clauses. I am going to support the suggestion for a select committee. I shall vote for the second reading because we cannot get a select committee unless the Bill is passed at the second reading stage. If we do not get a select committee I shall want to know the ins and outs and the true interpretation of every amendment and every clause. If any clause is not in the best interests of the State I am going to vote against it. It is my desire that the Bill should have fair treatment and that can only be obtained by sending it to a select committee. I remind members that on the Notice Paper we have three Bills dealing with Acts affecting industrial matters—factories and shops, industrial arbitration, and workers' compensation, and I understand that there is a fourth Bill to be introduced to deal with employers' liability. Would it not be an excellent opportunity now that we have three of the four measures before us dealing with this type of legislation, to throw all into the melting pot so to speak, by referring them to the one select committee.

Hon. J. Cornell: That would be a big job.

Hon. E. H. ANGELO: I agree that it would, but it should be possible, out of those four Bills, to evolve a consolidating measure to deal with all the industrial questions at present affected by them.

Hon. J. Cornell: Why do not you move in that direction?

Hon. E. H. ANGELO: It would require a man of greater ability than I possess to take action of that kind. We have capable men in the House and there is no reason why what I advocate should not be carried out. At the present time we have a number of Acts consolidated and they cover far more than one subject. As we are aware, too, some of the Acts to which I have referred, conflict, and consequently need to be amended or overhauled. I was struck the other day by the remarks of Mr. Parker concerning the delays in the Arbitration Court. That hon. member made a suggestion that appealed to me as being one that would be likely to overcome the delays that are at present occurring. Mr. Parker stated that for the money that we are spending now for the services of a President and his two colleagues we should have two Presidents. We are aware that the present colleagues of the President represent the opposing sides and naturally they are biased in favour of one side or the other.

The PRESIDENT: Order! I am afraid the hon. member is referring to the de-

bate on a Bill that is not at the moment before the House. I hope his remarks, however, are merely incidental.

Hon. E. H. ANGELO: That is all they are, Mr. President. I was merely endorsing Mr. Parker's suggestion and using that as an illustration in support of my advocacy of the overhaul of the four Bills to which I have referred.

Hon. L. B. Bolton: A little while ago you said that some of the clauses in the Bill should have a Bill to themselves and now you want to group the whole lot.

Hon. E. H. ANGELO: Look at some of the bigger statutes, for instance, the Municipal Corporations Act.

Hon. J. Nicholson: But that deals with municipal laws only

Hon. E. H. ANGELO: The four Acts mentioned deal exclusively with industrial matters. It seems to me that we are only making confusion worse confounded by keeping the four measures going separately and then having to make amendment after amendment to them. However, it is only a suggestion on my part. Mr. Cornell remarked that it would be a big job. I agree with that; it would be a Herculean undertaking and it would mean that we would not get the amendments working until after the present session. But the effect would be that by delaying the passage of these Bills to enable their being properly dealt with by a select committee, in the hope of a consolidating measure being evolved, we would have a better Bill to submit to the House at our next meeting and we should then wipe out the confusion that now exists, and there would also probably be the further effect that harmony would prevail in the relationships between employers and employees. I intend to vote for the second reading, but hope that the Bill will be referred to a select committee.

HON. C. G. ELLIOTT (North-East) [5.20]: I prefer if possible to be guided by the manner in which a Bill of this character will affect my electors. I also have in mind the advice tendered by Abraham Lincoln in connection with the procedure he adopted when legislation was presented. He said that where it was possible to gain a majority opinion of his electors, he was always prepared to vote accordingly, but where that was not possible, he always voted according to his convictions. I consider that is very good advice and it is advice that happily I can take advantage of. The Bill we are considering, in my opinion, does affect my electorate, particularly Clause 38 which deals with the closing of business premises on Saturday afternoon. The conditions in the North-East Province are totally different from those prevailing in the metropolitan area. There are in that Province towns such as Kalgoorlie, Menzies, Lawlers, Leonora, Laverton, and Edjudina where the business people have shops for trading, and outside those towns there are mines employing a considerable amount of labour distant perhaps 30, 40 or 50 miles. There are also prospectors scattered all round the various towns I have named and it has always been the custom to proceed to the business centres on a Saturday for the purpose of transacting business. Consequently if the clause to which I have referred were to be passed and Saturday afternoon closing came into operation, all the towns I have named and some others as well, would be very seriously affected. The business people would also suffer considerably, and that being so, it is for me to consider how I am to cast my vote. I prefer, however, to leave the decision open until I hear the reply of the Chief Secretary. There are other matters too, which affect the Province I represent and I might draw attention to a letter recently published by the Eastern Goldfields Traders Association, a body that has taken strong exception to certain clauses in the Bill now before us. In a statement that was published recently this appeared—

> Another clause to which the association has taken strong objection is that providing that women employees shall not work for longer than four hours without time off for meals. It is contended that the clause would mean the closing of drapers' shops and other establishments employing a large number of women during the meal hour. Under the present Act it is possible for meal hours to be arranged so that half the staff take their meals at a certain hour and the other half after they return. The amending Bill also provides for a reduction in working hours from 48 to 44, and an increase in overtime rates which, the association contends, is not a matter for Parliament to decide but for the Arbitration Court.

I voted against a similar Bill last session and I do not think it has been altered since to such an extent as to induce me to change my attitude. I have always realised, however, that it is the function of this House to review legislation sent down by another place, and therefore it goes against my grain

to have to vote against the second reading of a Bill. It is immaterial to me whether the Bill now before us is thrown out or is passed, but I do like to be consistent, and as I have already stated, it is likely to prove detrimental to a majority of my electors, particularly in respect of the closing of business premises on Saturday afternoon, I shall not determine the way I shall vote until I hear the Chief Secretary in reply.

The Chief Secretary: But the Saturday closing part is not the whole of the Bill.

Hon. C. G. ELLIOTT: I admit that, but I intend to await the Chief Secretary's reply before I decide which way I shall vote.

HON. V. HAMERSLEY (East) [5.40]: I should like to make my position clear with regard to the Bill under consideration. Looking at it from the point of view of a layman who has been a member of this Chamber for a number of years, I consider it is a dangerous measure. We have just heard the previous speaker giving us the views of the people of the goldfields province he represents, and I say of proposals such as those contained in the Bill, that it is like playing with dynamite, and we should beware. I see no necessity whatever to pass anything like the number of amendments contained in the Bill. I ask myself in whose interests is the Bill being introduced, and who is to benefit? Mr. Angelo in the course of his remarks said it dealt more with the employee than the employer, but the section of the community for whom I express concern is the general public. The people really should be considered more than either the employer or the employee. The measure is far-reaching, and whatever benefit is likely to be gained by the employer and the employee, the whole community, in my opinion, will pay dearly for it. I am surprised at the Labour Party bringing in a measure like this. They seem to have thought only of the employee.

Hon. G. W. Miles: The employer can look after himself!

Hon. V. HAMERSLEY: That is so. But it is not only the employee who is already covered by the Act who is to be included: it is proposed to embrace others not included in the existing law. When all are brought in, we shall have a taxation measure. The Government are anxious to get in more revenue from the new business which will come into existence, and will be brought under the control of those who will administer the law. This will increase the cost of production, and make things more difficult for the whole community. I can understand large employers of labour of the monopolistic type saying, "This will suit us. We agree to the Bill being passed because it will prevent any competition for the future. We can go on in the same monopolistic style. We do not mind paying out a little more, and reducing the hours of work, so long as when we close down we shall know that all the other places have had to close down for the day."

Hon. G. W. Miles: To what are you referring?

Hon. V. HAMERSLEY: To no business in particular. Those who have big businesses will find themselves in a safe trench, for there will be no competitors to worry about in the future. The chance of anyone being able to build up a business for himself will have gone. Some of the biggest houses in Australia have been built up by men who started on their own in a small way. In the Eastern States that was invariably the case. Those people were able to show the then existing large factories some of their blunders and mistakes. If we pass this Bill, we shall stop all opportunity for the best brains and most astute men, who might otherwise have been capable of blossoming out for themselves and developing a large factory or a large business, employing a great many people. Incidentally they might also be able to show the present monopolistic ventures how to carry on a business in such a way as to ensure the exportation of their wares to markets overseas. What we require to do is to encourage people to embark upon enterprises of this sort to the end that they may be able to export their products to other parts of the world, and assist in building up this great country. I have gone carefully through the Bill and tried to follow out the different amendments contained therein. All I can see is that it practically means closing down on the energies and thrift of the community, those members of it who would like to be doing things for themselves. I have frequently been astonished at the number of persons who have told me that the Acts passed by Parliament in days gone by have worked detrimentally to their interests. They found that they

were made responsible for the employees. They would send a person to a certain job and could only employ him for certain hours and at a certain class of work. The employee might not do the job well, and the employer would have to complete it himself. These people found they had all the responsibility and all the kicks. They therefore decided to join the ranks of the employees, for they found that very much better than being the boss. These measures make one rather scared. This Bill in particular aims at curtailing if not altogether stopping new business. It will scare young fellows who wish to embark on a business of their own, and I am certainly opposed to it. The big houses and factories will probably benefit, but the young people to whom I refer certainly will not. I dare say the Government do not like competition in their own enterprises, and therefore seek to prevent other people from starting in business.

Hon. L. B. Bolton: The Government see that they do not get the opportunity.

Hon. V. HAMERSLEY: People are to close their shops on Saturday afternoon. The racecourses and betting houses will benefit from that. I suppose the Government, too, will get more revenue. If shops are closed on Saturday afternoon, the trams and trains will benefit and there will be more gambling and drinking. The Government will get additional revenue in this way, and from that point of view the Bill is no doubt a good one. I have travelled around my province a great deal. So far I have found only one man, who is running a business in a country centre, in favour of the Bill. His idea is that if shops are closed on Saturday afternoon, it may stop a lot of sport on Sunday. In my view, people will still have their sport on Sunday afternoon. I have received many letters from people in my province urging me to do my best to have the Bill thrown out, and in one instance a petition was sent to me. People are very scared of what will happen in that district. I am sure that similar steps are being taken in other centres, urging members generally to throw out the measure. People have already tried Saturday afternoon closing and are profiting by past experience. I do not want to run the risk of allowing people to be brought under official control in the way suggested by the Bill. I do not want to see private homes interfered with. There is one clause which says a man may not work in his own factory when his employees have ceased to work. That is interference with the liberty of the subject. If I were conducting a factory, I should insist on working such hours as I pleased. The Bill says that people are to have no independence of their own; they must be servants and slaves to those who have them under their control. I will vote against the second reading, and oppose the Bill right through.

On motion by Hon. L. B. Bolton, debate adjourned.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 9th September.

HON. C. F. BAXTER (East) [5.37]: The Bill seeks to amend the Industrial Arbitration Act, which has been in existence for many years. When it was included in the Statutes, it was claimed there would be perfect unanimity between employer and employee. The many disagreements, and particularly strikes, would be things of the past, and the sponsors of the Act were definite on the principle "hands off the Arbitration Court." All who were associated in this felt confident of bringing about peace in industry. This would have been achieved if the Act had been enforced. Unfortunately, although it is framed to protect and benefit employees, there has been no security in industry. The employers have had to obey the very letter of the law, whilst the employees, or the unions representing them, only recognise the law when it favours their ideas. There have been many occasions when the awards of the court have been ignored, the Act set at defiance, and industry held up by a stoppage of work and the dislocation of other industries. Can the past be considered as one that has brought peace in industry? Can we look for better results in the future, when we know well that the present Government support strikers in defying the law? Not content with securing illegal benefits, which seriously reflect on the State's industry, the Government propose through this Bill to give advantages which the Arbitration Court, after reviewing the position from

every angle, have refused. Why should people glibly prate about local production and its attendant benefits to the State, and at the same time not only support unions in their defiance of the decisions of the court, but attempt to supersede the good judgment of the court, and in so doing apply conditions to industry that cannot be maintained and must ultimately seriously reduce the output from industry? Some of the clauses of the Bill are very subtle. I would refer to the definition of "worker" in paragraph (b) of Clause 2. The new definition excludes the words "for hire or reward." This would comprehend volunteers, inmates of the Home of the Good Shepherd, St. John of God Hospital, Salvation Army inmates, and members of all religious orders. The words "or engaged" in the eighth line are new. Is this to cover contractors? We "engage" a contractor; we do not "employ" him. The words in the tenth line "includes a domestic servant" are also new. Previously they were particularly excluded. The difficulty of enforcing awards in domestic service is apparent. It affects housewives of all descriptions, including the wives of workers, and the task of securing requisite help would be accentuated. I have dealt fully with this position on previous occasions, and will not enlarge upon it now. The inclusion of canvassers for life and accident insurance is new, for previously only industrial insurance was covered. The industrial insurance canvasser was paid a retainer, and was wholly and solely employed in writing industrial insurance business and/or the collection of premiums at not longer intervals than one month in respect of such insurance. The new Bill will cover persons who, either directly or indirectly, carry on canvassing for insurance of various descriptions and who may engage upon other business, whose work in the insurance field cannot be controlled by the company for which they canvass. Consequently, there is not the true relationship of master and servant. The objects of sub-paragraphs (i), (ii) and (iii) of paragraph (b) of Clause 2 are to prevent legal contracts, many of which exist now in all branches of industry. As protection is already provided under Section 176 of the principal Act, there is no necessity for the proposed amendments. Sub-paragraph (iii), in particular, would prevent the carrying on of legitimate business such as is conducted by the Yellow Cab Company, who own their own cabs and lease them to drivers. This principle of business has been upheld by Supreme Courts throughout Australia, and we are asked to set those decisions aside by means of the Bill. The provisions of sub-paragraphs (i), (ii) and (iii) are unnecessary in all cases, for if the relationship of master and servant exists, then the present Act prevails. The same remarks apply to the new provision relating to partnerships, despite the leaning of the present magistrate towards disbelief in such contracts. Each case can easily be decided on its merits without the provision of fresh machinery in the Act. In any event, the proposal would prevent a man with technical knowledge and another with capital from joining in a partnership to carry on legitimate business, for the man with technical knowledge might have no capital—usually he does not have any—and yet be entitled to a proper partnership. In Clause 3 another attempt is made to influence this House to effect by legislation something that the Arbitration Court has refused to agree to, and this clause is a definite instance of class legislation, or of what is worse still, political expediency in its worst form. In Western Australia and in other States of the Commonwealth, the A.W.U. is seeking to become the One Big Union. It is true that paragraph (a) of the proposed new Section 14a requires an undertaking to be furnished by the union that it will not attempt to embrace fields already covered by other unions, but the political strength of the organisation is so great that any such undertaking could not be regarded as satisfactory. Perhaps it would be just as well to indicate the strength of the A.W.U. of which the Government are so jealous, and respecting which they are asking Parliament to do what the Arbitration Court has refused to countenance. It is quite apparent that outside unions will view such a proceeding with alarm because every attempt to register the A.W.U. has been opposed by them. To indicate the strength of this proposed monopolistic union, it is of interest to know that for the year ended 31st May, 1937, the membership of the A.W.U. was 11,312, which disclosed an increase of 929 for the year. The organisation's assets represent a total of £12,711 11s. 6d., which includes £4,848 invested in shares in the People's Printing and Publishing Company,

Ltd., which publishes the "Worker," and also £3,438 14s. 4d. in cash at the Commonwealth Bank. The revenue for the year amounted to £16,421, and the expenditure to £18,162, showing a loss for the year of £1,741. The union's income is derived from membership dues, apart from an amount of £102 representing interest earned on the income for the year. It will be seen how the Government, by their enforcement of the principle of preference to unionists, have augmented the funds of the A.W.U. It will be seen, too, that the investment of £4,484 in the People's Printing and Publishing Company has returned the organisation no income, and that represents so much dead money. Nevertheless, the political body has benefited by the expenditure in that direction. The main expenses of the union during the year were: Salaries and expenses of secretaries and organisers, £8,434; commission, £507; head office levies (Sydney), £1,159; paper subsidy, £2,516; A.L.P. dues, £1,244; and donations, £424. These figures show that the expenditure on account of salaries represented more than half the income of the union. Head office levies is another interesting item, and I assume that represents a contribution to political funds.

The Chief Secretary: Your assumption is entirely wrong.

Hon. C. F. BAXTER: At any rate, that constitutes a burden on the union for services outside Western Australia, whatever they may be. Then the expenses also indicate that, in addition to the investment of £4,484 in shares in the People's Printing and Publishing Company, the A.W.U. provided a subsidy for the paper amounting to £2,516. Thus, by making that provision in respect of an investment that provides no return, the organisation has further penalised the members of that body. Funds were thus supplied in order to keep those engaged on the "Worker" in employment. With regard to the payment of £1,244 in dues to the Australian Labour Party, members will realise why the Government have been so zealous in forcing workers to contribute to the union funds, seeing that they secure such an enormous rake-off for their own benefit.

The Chief Secretary: Do you suggest that that is a contribution to our political funds?

Hon. C. F. BAXTER: It is a contribution towards the Australian Labour Party.

The Chief Secretary: But do you suggest that is for a political fund?

Hon. C. F. BAXTER: Is not the A.L.P. a political body?

The Chief Secretary: It is industrial, too.

Hon. C. F. BAXTER: At any rate, a certain proportion of that contribution would be for the political funds of the Labour Party. The A.W.U. has made many applications to secure registration and has always been opposed by other registered unions. If the latter were not prepared to accept undertakings given at such times, it is hard to understand what fresh undertakings can be given now that will induce their acceptance. I characterise Clause 10 as a dragnet provision. It replaces Section 83 of the principal Act, which provides for determining the binding effect of an award where the employer and his workers are engaged in a given industry, by a proposal that the vocation of the worker shall be the determining factor as to the operation and effect of an award. In short, courts have consistently ruled that industry means the joint effort of the employer and his worker in one common activity—in other words, the business carried on by the employer. Such a change is strongly objectionable and will mean chaos in respect of industrial determinations now in force. For instance, the Timber Workers' Award governs the industry of timber-getting in the South-West Land Division. In order properly to do this, the following different vocations, apart altogether from that directly associated with the actual sawmilling, are provided for:—

Firewood docker: Every sawmill employs such a man, but every firewood yard throughout the area also employs a man cutting wood into short lengths for domestic use. The latter workers are not governed by the Sawmill Workers' Award because their employers are not engaged in sawmilling. If this provision were made law, every firewood yard proprietor would have to observe the terms and conditions of the Sawmill Workers' Award.

Wheelwrights and wagonbuilders: These are covered by the Sawmill Workers' Award. They are also covered in the same area by the Coachbuilders' Award, but the wheelwright and wagonbuilder provided for here do not require the same skill as their fellows employed by the coachbuilder, and the latter workers are paid a higher rate. If, therefore, the vocation were to decide the application of the award, the wheelwrights and wagonbuilders, who now secure a margin of 18s. per week in the sawmills, would imme-

diately claim the margin of 24s. per week provided under the Coachbuilders' Award.

The same thing applies to carpenters and/or joiners, to farriers and their floormen and to horsedrivers, but in the last-mentioned instance the illustration differs because, although horsedrivers are governed by the Sawmill Workers' Award, there are no general horsedrivers' awards in other parts of the South-West Land Division, except with regard to breadcarters at Bunbury. Consequently, in all provincial centres, drivers of horsedrawn vehicles in any industry, whether it be the Albany Woollen Mills, the superphosphate works at Geraldton, or a milk depot in some other part of the State, would be entitled to pick and choose between the Sawmill Workers' Award and the Bread Carters' Award, and whichever provided the higher rate would naturally be claimed. The employer, however, would just as naturally claim as applicable the award with the lower rates. In such circumstances a further complication would arise. The labourer is provided under the Sawmill Workers' Award with the basic wage and no margin but there are hundreds of labourers throughout the South-West Land Division employed on farms and elsewhere who are not entitled to the basic wage because they are not governed by awards. If the proposed amendment were made law, these would naturally claim to come under the Sawmill Workers' Award or the Furniture Award, which also covers the South-West Land Division, or one of several other awards that apply over a similar area. The position would be absolutely impossible of application in view of hours and other complications. For good order and proper regulation of industrial conditions, the industry award is essential, that is to say, an award that is framed to govern an industry and, as nearly as possible, all those engaged in that industry, but limited severely to the operations of that industry, for the court recognises by its awards that the same vocation exercised in different industries may require differential wage treatment. The proposal in the Bill would upset every industry award throughout the State. This particular clause further deals with cases where a worker is engaged upon an amalgamation of duties or vocations, and embodies a provision that the worker shall be paid for that vocation in which he spends the greater part of his time, or, where that is not easily ascertainable, that he shall be paid the highest rate of wage for any of the vocations or classifications of work engaged upon by him each day No award is considered complete to-day without provision to meet the position of a worker engaged on what is known as "mixed functions." This is surely a matter that should be left in the hands of the Arbitration Court, which has the opportunity to investigate each particular case. The effect of paragraph (b) of Clause 11 would be that any worker dismissed from his employment could demand a board of reference to deal with his case, and any worker refused employment could make a similar demand. There is already severe congestion of court work, and this provision would greatly add to the already large volume of work to be dealt with by the various tribunals. It also would interfere with the inherent right of the employer to employ those whom he deemed best fitted for employment. Every board of reference decision is subject to appeal to the Court of Arbitration. This provision would therefore greatly add to the work of that already over-loaded court. The penal sections of the Act contained in Part IX., Sections 129-135, and particularly Section 132, give workers complete protection in case of unlawful dismissal or discrimination against members of a union. Before the Government can reasonably expect the employers to accept anything of the nature of this clause, they should give evidence of their willingness to apply the full effect of the existing Act against those who breach its terms. In my introductory remarks I referred to peace in industry. Clause 13 of the Bill is intended to override recent decisions of the court by which boards of reference have been found not competent to deal with matters arising out of a dismissal or refusal to employ any person or class of person. This is nothing less than job control, and takes out of the hands of the employer the right to conduct his own business. Paragraph (a) inserts the words "to add to" in this clause. This may be construed to mean that an applicant could ask the court at any time after the delivery of its award, and without waiting for a period of 12 months as at present, to add some new provisions to the award. On the other hand, it may be read to mean that the additions shall be made to the existing clauses only of the award. Provision now obtains under Section 88 of the parent Act by which a court shall have

power at any time to amend the provisions of the award for the purpose of remedying any effects therein or of giving fuller effects thereto. Under this clause such variations are made as a result of an interpretation of the award. Under Section 90 the present power to vary or rescind is sufficient for all practical purposes. Paragraphs (a) and (b) of the clause are quite unnecessary. Paragraph (d) is considered to be tantamount to giving power to parties to contract themselves out of awards and agreements. As an illustration: The President of the Court ruled that in the big mining strike of 1935 when, through the intervention of Cabinet, the unions were able to force an agreement upon the Chamber of Mines, the terms of that agreement, which varied the award provisions made in January, 1935, were ultra vires the Arbitration Act, Section 176. It is not desirable, because of such industrial upheavals as the strike referred to, that this power should be extended.

Hon. G. W. Miles: Quite right.

Hon. C. F. BAXTER: The proviso in Clause 14 is vicious in its intentions and sets out to inflict undeserved punishment on employers. Unions frequently admit that they are not pressing for a fine. The addition of this proviso would prevent the industrial magistrate from recording a conviction without a fine. Many such cases occur every year where employers are found guilty of technical breaches of obscure clauses of the award. The proceedings before an industrial magistrate are of a quasi-criminal character and, as in other such courts, many cases arise where a conviction occurs but a fine is not warranted. Under paragraph (b) of Clause 15 the magistrate's discretionary power to make an order for wages will be removed. This discretionary power, now so frequently used by the magistrate, should not be taken away. Many cases occur in which collusion between the worker and the employer is proved, and the worker adjudged guilty equally with the employer. Such a worker should not receive the full amount of his wages, but should be penalised for the breach. The whole of the proposed new subclauses in Clause 19 are against the spirit of conciliation and fair play. Employers generally feel that they are now hampered unjustly in the matter of appeal. Experience is common of cases in which counsel for the convicted employer asks the magistrate to increase the penalty for the purpose of appeal. The magistrate has frequently refused such requests. The employer is commonly taken before the magistrate on purely technical breaches, whereas the penal sections of the Act contained in Part IX. are very rarely invoked against the workers and their organisations. Surely as this appears to be the adopted policy of the present Government, despite requests by organised employers for its alteration, this state of affairs is sufficient answer to the Government's request that further difficulties and penalties be placed upon the employer.

Hon. J. Nicholson: Would you suggest the bringing in of an amendment to strike out this penalty clause against the employer?

Hon. C. F. BAXTER: No, but why take away the employer's right of appeal? It might well be asked of the Minister in charge of the Bill why his Government have not seen to the collection of fines levied by the magistrate upon some 200 odd Collie miners. We know of no single case where an employer has been allowed to forego payment of a fine. On the other hand the employee has never paid. The inclusion of the Section 174A, Subclause 1, paragraphs (a) and (b) is undesirable and gives too wide a power to the representatives of the union to enter any place for the purpose of policing an award. If any difficulty is experienced, the court can make a special order under Section 69, Subsection 11 of the parent Act for the right of entry. It must also be remembered that factory inspectors have the right of entering and policing awards, as industrial inspectors are appointed automatically under this Act. In some big establishments there are over a dozen different unions interested in seeing that their members are employed. Paragraph (b) could be used by the whole dozen to send representatives for the purpose of inspection while work is being carried on. This would be sheer obstruction of industry. Section 174B is the subversion of the ordinary tenets of British justice, in that it throws the onus of disproof upon the employer instead of the onus of proof upon the complainant union. In other words, he is guilty until he proves

himself innocent. The section is unnecessary as experience shows there is plenty of machinery already provided for the proper policing of awards, and the army of paid officials—both Government and union paid—occupies itself in keeping that machinery in motion. The hundreds of prosecutions, so many of which are purely technical, that have taken place against employers indicate the proof of the above statement; and further, the entire lack of prosecutions against unions during recent years in the regime of the present Government indicates the necessity for a definite pronouncement on this subject by the Government before any additional penalties are imposed on the employer. Many of the amendments in the Bill are already provided in the existing Act. There is no necessity for them. There are not very many that I can commend to the House as being likely to improve the condition of our industries, but a great many are going to be harsh on industry and will reflect on the State. Although I have had a great deal of experience of Bills being put through here, it is strange that some of these clauses have been placed in the Bill, because if eventually they become law they will reflect on the very people they are intended to protect. They will thus reduce the activities of the State and consequently reduce the avenues of employment. The Bill has been rejected several times, and there is no improvement in it. In fact, I think the present Bill is worse than the one we had last session. So I can't see my way clear to supporting the second reading, and if the second reading be carried, I will use my best endeavours to send the Bill to a select committee, so that the interests of the employers, the employees and the State itself, shall be preserved.

On motion by Hon. J. Nicholson, debate adjourned.

Sitting suspended from 6.12 to 7.30 p.m.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Second Reading.

THE HONORARY MINISTER (Hon. E. H. Gray—West) [7.30] in moving the second reading said: I should like to refer to the fact that steps are being taken to perpetuate the memory of Mr. McCallum. There are many members who were in the House when the original measure was introduced in 1924 and it is generally recognised that our workers' compensation legislation is a monument to Mr. McCallum who presented such a powerful case for its adoption in the Legislative Assembly that, when it came to this Chamber, the respected Leader of this House at the time, Hon. J. M. Drew, with the help of the late Dr. Saw, was able to get it passed. The proposal to erect two hospital wards to the memory of Mr. McCallum is also in keeping with his life's work to obtain justice for the workers. Having regard to the fact that 12 years have elapsed since the Act last received any major amendment, I think members will agree that our workers' compensation legislation has operated in recent years with a fair degree of satisfaction to all parties. However, from time to time a number of weaknesses and anomalies have been revealed in certain provisions of the Act, and these the Bill now before the House proposes to rectify. The first proposal relates to the compensation of workers employed under the authority of a special certificate issued under the provisions of the second proviso to Regulation 7, Clause 4, of the regulations made under the Mines Regulation Act, 1906. Special certificates are issued to persons who are suffering from silicosis in the early stages, and who have not been mining or prospecting in Western Australia for five years. They are bad risks for compensation, and have no claim on the industry by virtue of their previous employment therein, since a man is not likely to contract silicosis in less than five years. Formerly, such persons were excluded from employment on, in or about a mine. However, in 1933, as a concession, the regulations were amended to permit them to work on the surface of a mine in any position not specified as dusty. Silicosis, however, is a progressive disease, and a considerable proportion of miners diagnosed as early silicosis progress to the condition of advanced silicosis, or develop tuberculosis even if they are removed from the mines. Such miners are already excluded from the benefits of the Mine Workers' Relief Act. This type of miner is usually suffering from early silicosis or some other industrial disease, and, while he is debarred from working underground, he may, under the certificate referred to, be employed at surface work on or about a mine. As silicosis is a progressive disease, a sufferer may progress to a condition of advanced silicosis or develop tuberculosis even when removed from the mines. It is not considered reasonable,

therefore, that this type of miner should be covered by the Third Schedule of the Act. As members are probably aware a similar provision already exists under the 1934 amending Act in respect of miners prohibited from being employed in or about a mine under the regulations of the Mines Regulation Act, 1906. At the time the 1934 Act became law, it was considered that the position of the miners now being dealt with by this Bill was fully covered by the amendment. Such, however, was not the case. The Bill therefore proposes that such workers shall not be entitled to claim compensation under the Third Schedule. They will, however, still be completely covered under the First and Second Schedules. With regard to the employer's obligation to insure, the Act provides that premiums may be paid upon the basis of the aggregate wage payments made by the employers concerned during a specified period. It is now proposed to give the insurance companies the discretionary right to ask for a statutory declaration in support of an employer's statement setting forth the wage payments to which I have referred. This amendment will not affect honest employers, but if there is any doubt as to the returns regarding the wages of men employed, the insurance company will have power to ask for a statutory declaration. That is only a fair proposition.

Hon. J. Nicholson: A return has to be made now, has it not?

The HONORARY MINISTER: This will impose a check upon employers if a check is required. At present, Section 11 of the Act lays down that principals and contractors shall be jointly and severally liable to pay any compensation that an employee is entitled to receive. There are, however, two provisos to this section which exempt principals from liability where the contract relates to—

(a) Threshing, ploughing, or other agricultural or pastoral work, and where the contractor uses power-driven machinery, and

(b) Clearing, fencing, or other agricultural or pastoral work.

The operation of these provisos has resulted in a number of workers who have suffered injury being deprived of the compensation to which they were justly entitled. In another place quite a barrage of objection was raised by certain members to the abolition of those provisos. The exceptions contained in the provisos found no place in the original Bill in 1924 but were inserted by way of compromise at the conference between managers of the two Houses. Experience has shown that many workers have been seriously prejudiced because contractors have not insured them.

Hon. L. Craig: The contractors would still be liable.

The HONORARY MINISTER: The contractor or sub-contractor has been a man of straw who has failed to insure his workers and who has not had sufficient means to make it advisable for an injured worker to take legal proceedings to recover compensation.

Hon. L. Craig: Why come on the original employer?

The HONORARY MINISTER: I consider it a just arrangement. To ensure protection of the worker should be more important than the fact of putting a farmer to some little inconvenience.

Hon. J. Nicholson: What control would the farmer have over an employee of a contractor?

The HONORARY MINISTER: The work would be undertaken on his farm. The deletion of the two provisos would merely place the farmer in the same position as that of any other employer.

Hon. L. Craig: It would not be the farmer's fault if the contractor was a man of straw. Probably he would not know.

The HONORARY MINISTER: It is not too much to require the farmer to see that the contractor has insured his employees and, if he has not done so, to take proper steps to get them covered. Surely it is better to exercise a little precaution than to have men losing their compensation when they are injured.

Hon. J. M. Macfarlane: Have you had many cases of that sort?

The HONORARY MINISTER: There has been a fair number.

The PRESIDENT: I suggest that the details of particular clauses and their import had better be discussed in Committee. The object of the second reading is to deal with the general principles of the Bill.

The HONORARY MINISTER: The Bill therefore seeks to extend to workers employed at the class of work mentioned in the provisos the protection already enjoyed by other workers under Section 11. The principal shall, of course, still be entitled

to be indemnified by the contractor against his liability under this section. An important amendment is proposed regarding the amount of compensation to be paid to persons wholly dependent on a worker who has died as a result of injury. Under the present scale and conditions governing compensation, payments range from a minimum of £400 to a maximum of £600, according to the worker's earnings. Where a worker has been three years in the employment of the same employer, the Act provides that the amount payable shall be equal to the sum of his earnings during that period, or £400, whichever is the greater. The maximum compensation that may be claimed, however, is £600. A further provision is made regarding compensation in respect of a worker who has been employed for less than three years by his last employer. In such cases, the amount of his earnings during the three years immediately preceding his death is deemed to be 156 times his average weekly wage during the period of his actual employment with the last employer. It is considered that £600 is little enough compensation to dependants, whose breadwinner has lost his life by accident, and the Bill accordingly provides that this is the sum by which they shall be compensated. Regarding compensation payable to a worker incapacitated for work as a result of injury, the First Schedule sets out that an amount not exceeding £100 is to be available to meet the cost of medical and hospital expenses, surgical attendance and so on, together with artificial limbs where required. While the Bill does not propose to increase the present maximum laid down in the Schedule, it is proposed to make artificial teeth, artificial eyes and spectacles available to a worker whose injuries necessitate their provision.

Hon. H. V. Piesse: Those things have been provided in the past, have they not?

The HONORARY MINISTER: If so, they have been provided as a concession by the insurance companies. The amendment will give the workers a right to those things where necessary. An amendment is sought in the conditions relating to medical examination. Under Clause 4 of the First Schedule, where a worker has given notice of an accident, his employer may call upon him to submit to an examination by a medical practitioner nominated by the employer. In certain instances the worker is called upon to travel considerable distances to be examined by the employer's nominee, in which case he may incur heavy travelling and living expenses. In view of the fact that the injured worker is bound to carry out his employer's wishes in this respect, he should not be asked to bear the expenses thus incurred. The Bill, therefore, proposes that where a worker has to travel away from his home, his employer shall pay all reasonable travelling expenses, together with a sum of 6s. per day, but not exceeding 35s. per week, during the period of his absence for the purpose of medical examination. Additional safeguards in the interests of persons receiving lump sum payments of over £50 under the First and Second Schedules are embodied in this measure. It is an open scandal that recipients of lump-sum settlements are often fleeced in an outrageous manner by a certain type of dishonest salesman. As a matter of fact, in the metropolitan area quite an industry is engaged in selling questionable small businesses to people who have received lump-sum compensation. I dare say every member of the House knows of instances where recipients of such compensation have been shamelessly robbed by unscrupulous salesmen in this way, being induced to pay ridiculous prices for businesses of low value and speedily finding themselves without any resources. Some people have to be protected from themselves. In an endeavour to prevent the continuance or extension of that practice, to which I have alluded, the Bill provides that lump-sum settlements of over £50, made under either the First or Second Schedule, shall be paid into the local court nearest to the place where the worker resides. The amounts thus paid into court are to be invested, applied, or otherwise dealt with by the magistrate presiding over the court in a manner which he deems expedient in the interests of the recipients. A further stipulation is that where an application has been made by a worker or a worker's dependants for a portion or the whole of the moneys paid into court, the magistrate may call upon the Registrar of Friendly Societies, or any officer of the court, to investigate such application.

Hon. L. Craig: Then the recipients of compensation money will not have control of it?

The HONORARY MINISTER: If a proposition is put up at the request of a go-getter, the application will be ruled out. There have been instances of people receiv-

ing £500 or £600 in compensation and within two or three months having come back on the State, destitute, because of the practices I allude to.

Hon. G. W. Miles: Is this the Bill to deal with that matter?

The HONORARY MINISTER: Yes. We hope that if these provisions become law, injured workers and their dependants will be protected against a very objectionable form of exploitation. Amendments are proposed in respect to agreements to compound for any claims or rights of compensation under the Act. At present, the clerk of the local court may refuse to record the memorandum of such an agreement, where, on any information which he considers sufficient, it appears that the settlement is inadequate, or that there has been brought to bear undue influence, fraud, or improper practice. It is considered, however, that the existing provision does not always afford a worker the protection to which he is entitled. Experience has shown that agreements to compound are often entered into by a worker dazzled at the prospect of a lump sum settlement of £100 or so, notwithstanding that the amount may be quite inadequate in the circumstances. In the interest of such workers, the Bill proposes to place a definite obligation on the clerk of the court to make all necessary inquiries upon the receipt of any memorandum of agreement. He will be required to satisfy himself, not only of its genuineness—that is to say, to ascertain whether there has been any fraud, undue influence or improper practice—but, further, to ascertain whether the amount provided for is adequate. He shall have power to call the employer and worker before him in order to question them, and, further, to nominate an independent medical practitioner to examine the worker at the expense of the employer if he deems such examination necessary.

Hon. J. Nicholson: Will not the insurance premium go up at once?

The HONORARY MINISTER: I do not think it will go up at all. Where the clerk is satisfied that the agreement is inequitable by reason of any of the matters stipulated, he shall refuse to record the memorandum and refer it to the magistrate, who will make an order. An amendment is also proposed in respect to the magistrate's power to cancel registration of a final agreement. Under the present provision, he may, within six months after the memorandum has been recorded, order that the agreement be removed from the register if it is proved that such agreement was obtained by fraud, undue influence, or improper means. We now propose that the magistrate shall also have power to cancel a registration if it appears to him that the amount of compensation provided is inadequate. These amendments, of course, deal with extraordinary cases, which are not common, but still common enough to demand amending legislation. Distressing proofs of this could be quoted. Under existing legislation, obvious injustice has been done. Set forth in the Third Schedule are certain diseases covered under the processes of mining, quarrying, stone-crushing, and stone-cutting. From a health point of view the screening of stone or metal is even more injurious to health than either stone-crushing or quarrying. Screening is, of course, already covered by the Third Schedule if carried on at a quarry as part of the operations. Such, however, is not the case if the operation is carried out elsewhere, as is frequently the practice in certain parts of the State. I think members will agree that this position is neither equitable nor satisfactory and that added protection is necessary. The Bill makes provision, therefore, to add stone and metal screening to the processes covered by the Third Schedule. We also propose to include in the Third Schedule yolk boils contracted in connection with sheep shearing. If members, especially those from pastoral districts, consult the Bill, they will note that the medical cognomen for yolk boils is furunculosis dermatitis. Because of the friction to which shearers' legs are subjected during the course of their work, they develop a condition favourable to the entry of the germ into the body. With the development of the disease, the affected worker is unable to continue at his occupation. Under the present schedule, the worker receives no compensation, although he may lose a considerable amount of work and wages as a result of the contraction of this occupational disease. In view of the short duration of the shearing season, it seems particularly desirable that this class of worker should be entitled to protection.

Hon. L. Craig: Different stations are insured under different insurance companies. A shearer might contract the disease in one of twenty sheds. Which would he claim on?

The HONORARY MINISTER: He would make a claim.

Hon. E. H. Angelo: He would claim on the contractor.

The HONORARY MINISTER: He would claim on the owner of the station where he was working.

Hon. L. Craig: But which one?

The HONORARY MINISTER: The amendments set forth what is recognised as being necessary to perfect existing legislation and to protect the workers. Most of the amendments, I feel sure, will appeal to hon. members, and I believe there will be little trouble in passing this legislation. I move—

That the Bill be now read a second time.

On motion by Hon. L. Craig, debate adjourned.

House adjourned at 8.1 p.m.

Legislative Assembly.

Tuesday, 14th September, 1937.

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

ASSENT TO BILL.

Message from the Lieut.-Governor received and read notifying assent to the Federal Aid Roads (New Agreement Authorisation) Act Amendment Bill.

BILL—FAIR RENTS.

Report of Committee adopted.

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

Second Reading.

Debate resumed from the 7th September.

MR. DONEY (Williams - Narrogin) [4.37]: I felt very glad when I noticed that the Minister had discarded his 1936 Bill in favour of one containing more of the requirements of the Municipal Councils concerned. I appreciate the difficulty which confronted the Minister. He found that last year's measure was altogether too restricted. It left out many desirable amendments that had been suggested by the Municipal Bodies Association and other bodies formed of Municipal councils in the State. The Bill contains about a dozen new clauses, together with about half-a-dozen very desirable amendments to the Act. The Bill, I am sorry to say, will require very drastic amendment. Even so, I think it can be regarded as a very sound basis on which to build the new Act. The statute under discussion is old enough to warrant an overhaul, and amendment along drastic lines, but not necessarily in the manner desired by the Minister. Although it is old it is not nearly the oldest of our statutes. I make bold to say, however, it is the most obsolete of all. The reason for that is well known to members. I believe it has been out of print for the last 20 years for the reason that this House has not been able to compose its differences in respect to the plural voting issue. The age of the Act is indicated by the names of certain of the municipalities that are enumerated in the Schedule. We find there such names as Bulong, Mt. Morgans, Menzies, Cossack, Newcastle, and others more or less suggestive of the bygone age, so far as our brief history goes. We also find frequent references to cabriolets, hackney coaches, stage coaches, and other old time methods of transport. Next to the Criminal Code this is, I believe the largest of our statutes, containing as it does some 530 sections and extending over nearly 200 pages. In the ordinary way a genuine overhaul of such a statute would be a long and formidable task. In the circumstances, however, it need not be so. During the past 18 months I understand that the Municipal Councils Association and municipalities within the metropolitan area, have had a number of meetings and de-