these matters. I know that the blocks in question are generally unsuitable for the purpose for which they have been allocated. It is now proposed to dispose of these lands, and use the proceeds of the sales to improve the new lands that have been allocated to the different governing bodies. I trust the Bill will be passed.

Question put and passed.

Bill read a second time.

In Committee.

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

House adjourned at 6.3 p.m.

Legislative Council.

Tuesday, 18th November, 1924.

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

QUESTION—LICENSING MAGISTRATES' REPORT.

Hon. J. EWING asked the Colonial Secretary: 1, Have the licensing magistrates drawn up a report of their proceedings up to 30th June last? 2, If so, will the Minister lay it on the Table of the House?

The COLONIAL SECRETARY replied: 1, Yes. 2, Yes.

BILLS (3)—THIRD READING.

1, Roads Closure,

2, Permanent Reserves,

3, Reserves (Sale Authorisation),

Passed.

BILL—ALBANY LOAN VALIDATION.

Received from the Assembly and read a first time.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 11th November.

Hon. A. J. H. SAW (Metropolitan-Suburban) [4.37]: It has been stated, I think, by the Leader of the House, and also by the Minister for Works, who, I understand, is the sponsor for the Bill, that whereas formerly Western Australia led the way in workers' compensation, it now lags behind the other Australian States and every other part of the world. I have taken the trouble to go through the Acts of some other parts of the world, and do not think the statement is strictly correct. It is not correct with reference to the Old Country except insofar as it concerns industrial diseases, nor is it strictly true with reference to the Acts of the other States. There are other States that have more liberal provisions than Western Australia has in the 1912 Act and the various amendments that have since been passed. I could say, so far as the other States are concerned, Western Australia stands somewhat higher than midway with reference to legislation affecting workers' compensation. This Bill is supposed to be due to the wide knowledge possessed by the Minister for Works on industrial matters, and to this reason is due its wide application. I understand he has looked through the Acts and taken into account the legislation of many other parts of the world, in order that Western Australia may benefit thereby. I am reminded of the familiar bee, which is observed in the garden going about gathering honey from every flower. The Minister for Works has brought all countries within his purview. In the words of Dr. Johnson:

> "Let observation with extensive view
> Survey mankind from China to Peru."

His attitude reminds me very much of those very interesting inter-secondary school sports that we witnessed only a few weeks ago: a most delightful sight it was. There the young athletes set out and created four records. Not content with this, they tied, I think, with seven other records. A similar performance has been put up by the Minister for Works. He has not only tied in every respect, I fancy, with other countries, but he has in some instances created new records. His ambition has been portrayed by one of our poets who says—

> My night shall be remembered for the star
> That outshone all the suns of all men's days.

That is a very laudable ambition. But I am not sure that there is anything in the financial situation either of the people of Western Australia, or of the Government of the State, to warrant such a roseate

view being taken with reference to the compensation we can pay in these diseases and accidents. I do not think anyone would maintain that as a community we excel in wealth over the other States, or any other parts of the world. Much as I applaud the sentiment and the desires of the introducer of this Bill, I cannot help thinking that in some respects he has overstepped the mark. The method that has been adopted in compiling this Bill I can picture somewhat as follows: The Minister has gone to his room carrying a large bundle of the best intentions. He has also been armed with a large number of Acts that are available from different countries. He has carried a large tin of paste and a brush, and has also been armed with a large pair of scissors. He has then set up a large canvas, clipped here and clipped there, and put the clippings upon the canvas. He has then mixed the various ingredients in his possession with something devised from his own inner consciousness. The result is the Bill we have before us. In these circumstances one would expect it would be a very comprehensive, we hoped a fair Bill, a compact Bill, and also a clear Bill. I am sorry to say our hopes are dashed to the ground, because the result of this Bill is something very different. Several of the clauses are unfair and unjust. These are the clauses dealing with extending accidents arising out of and in the course of employment to places away from the scene of employment. These are the home-to-home clauses, and are manifestly unfair. The repeal of the section of the old Act which excludes from compensation persons who are guilty of wilful misconduct is also unfair. Another clause dealing with industrial diseases, wherein the onus of disproof is thrown on the employer, is equally objectionable. I allude particularly to the diseases included under the name of zymotic, cancer, dermatitis, and so on. It is unfair to throw the onus of disproof of these diseases upon the employer. Other clauses are vague and ambiguous. I refer particularly to those dealing with compensation that is payable, especially with reference to the question whether anything can be deducted from a lump sum in respect to cases either in Schedule 2, dealing with the loss of limbs, or in respect to cases where a large lump sum is payable on account of permanent incapacity. These clauses are to my mind particularly vague and ambiguous. Although I have been through them several times, I cannot arrive at a conclusion as to what is the exact limit of compensation. In a Bill of this description, there should be nothing ambiguous. The measure, if it becomes law, will be read by a great many people interested, including those who may suffer from injuries or from diseases, by various bush lawyers and by other people. Everything in the Bill should be perfectly clear and easily understood. I maintain that the clauses dealing with the limits of compensation do not come within that category. There is a clause that is unworkable and as it stands, is perfectly worthless. I refer to the clause dealing with annuities. There is another clause that, to my mind, will attain a result not intended by the framer of the Bill. That is the clause dealing with zymotic diseases and cancer. The subject of workers' compensation is one with which I can claim a certain amount of familiarity because for more than 20 years I have been the medical adviser to one of the largest accident insurance companies in this State. Prior to entering Parliament I had the honour of advising the Crown Law Department upon matters relating to accidents and so on. When I entered Parliament, however, it did not require a legal opinion to inform me that if I continued so to act I should not only forfeit my seat, but suffer various penalties as well. In the circumstances I informed the Crown Law Department that I could not act for them in the future. During the time I have been engaged in this work, I have examined and reported upon hundreds of cases. In the 1912 Act there is a clause that entitles the injured worker to a copy of the medical report that has been obtained from the doctor to whom he has submitted himself for examination. That is a wise provision and a great safeguard for the worker. He is able to get a copy of the report as to his condition and his fitness for employment in his particular trade. During the whole time I have acted for this particular company—and at times, I have acted for a good many other companies as well—on no occasion has any insurance company ever tried to prejudice the opinion I have formed or to prejudice me before I arrived at my own conclusions regarding the injuries a worker had sustained. At all times I have tried, while protecting the company from imposition, to do a fair thing by the worker. As nearly as I could, I related the exact condition the man was in.

Hon. J. R. Brown: Did you ever protect the worker from imposition?

Hon. A. J. H. SAW: I was looking for that interruption and I can retort that the hon. member is judging me by what he would do himself if he had been in my position.

Hon. J. R. Brown: I was referring to what you said yourself.

Hon. J. J. Holmes: At any rate, Mr. Brown is not a worker and you would not have to protect him.

Hon. A. J. H. SAW: No company has ever brought pressure to bear upon me or endeavoured to prejudice me in any way and I have always tried to give a fair report in the interests of the worker. I was sorry to hear some of the remarks by Mr. Moore regarding insurance companies, in which he alleged that they were in the habit of dealing harshly with men who had suffered injuries.

Hon. J. R. Brown: So they do.

Hon. A. J. H. SAW: That has not been my experience.

Hon. J. R. Brown: I will give you some Queensland figures before we have finished!

Hon. J. J. Holmes: Why don't you go back to Queensland?

Hon. A. J. H. SAW: We do not want any Queensland figures; we heard enough about them and Knibbs's statistics from the hon. member. There is no reason why the companies should do more than fulfil their contract, under which they are liable to carry out certain obligations. That is all that can be expected of the companies. The question of sentiment cannot enter into the matter at all. It is essential that they shall be informed as to the amount a man is entitled to by way of compensation, and that is the basis on which the companies work. Although a great deal has been said about the wrong doing of the companies, nothing has been said as to the impositions sought to be put upon the companies by men who occasionally malinger but more often grossly exaggerate their injuries. I do not intend to pursue that subject any further, except to mention that the companies have had a pretty hard row to hoe in that respect, and naturally they have to protect their own interests and watch these things fairly closely. Mr. Moore was not consistent because, while denouncing insurance companies, he expressed his intention of supporting a Bill which practically hands over workers' compensation to those companies. Practically the whole of the employers and the workers will be handed over to the companies, because the object of the Bill is to make insurance compulsory. It will be hard for all but the largest companies to provide their own scheme of insurance and get it endorsed. The great bulk of the employers and ordinary people will have to resort to compulsory insurance. If the Government entertain the same opinion regarding insurance companies as was expressed by Mr. Moore, it is their duty to take over this work entirely and take it out of the hands of the company. It is the duty of the Government in those circumstances to have State insurance and make it compulsory for everyone to insure with the State organisation. If the Government do entertain the views expressed by Mr. Moore, it is their clear duty to pursue that course. I do not suppose they hold those views, for otherwise I cannot conceive why they should bring this Bill before Parliament.

Hon. J. R. Brown: Of course the Government hold those views; they want State insurance!

Hon. A. J. H. SAW: Then why do they not get it?

Hon. J. R. Brown: They could not get it from this Chamber.

Hon. A. Lovekin: Will you ask the State to feed you?

Hon. A. J. H. SAW: Dealing with the clauses of the Bill, I will first refer to the definition of "dependant." That definition is extended to embrace the "widow and the children under 16 years of a worker whether dependent upon the wage earnings of the worker at the time of his death, or not so dependent." Mr. Moore said, referring to this particular clause, that certain youths partly dependent upon the person injured, had been deprived of their compensation. I do not see how that could have occurred under the 1912 Act because the definition of dependant in that measure includes anyone "who is wholly or partly dependent" upon the worker. There is no reference to any age limit and if a member of the family has been partly or wholly dependent upon the worker, he is entitled to compensation under the present Act. I do not think Mr. Moore's argument holds water. If the Bill be agreed to, what will happen will be that if a woman is living apart from her husband and not dependent upon him, or supported by him—perhaps she may even be living with another man—she will be entitled to claim compensation should the husband sustain an injury and die.

Hon. J. R. Brown: What is wrong with that?

Hon. A. J. H. SAW: If such a woman is living under the care of someone else, there is every reason why she should not claim compensation.

Hon. J. R. Brown: Perhaps she ought to be dependent upon the husband.

Hon. A. J. H. SAW: The Bill provides for an extension of the wage of the worker who can claim compensation, from £400 to £520 per annum. What is the principle involved in workers' compensation? Is it that it is desirable and necessary that everyone engaged in an industry and coming within the scope of the Workers' Compensation Act, shall be entitled to death and accident benefits merely on account of the fact that they are workers in such industry? If that is the principle, there should be no wage limit at all. Everyone, including those drawing a salary of £1,000 a year or more, should be entitled to get the benefit of such legislation. If the principle is that those not in a position to protect themselves shall be protected—which, I maintain, is the principle that should underlie a workers' compensation measure —then it would seem that the extension of the wage limit from £400 to £520 is not warranted, because the person receiving an income of £400 a year is just as competent to protect himself from the financial results of an accident as any other person not engaged in a trade and afforded this protection. An even more unjust provision in the Bill is that the liability of the employer is altered from accidents "arising out of or in course of employment" to include acci-

dents arising during the worker's journey to and from his place of work. That clause is practically a provision for protection "from home to home." What are the reasons given in an effort to justify this extension? I understand the first reason is the extraordinary peril run by the worker in crossing the harbour at Fremantle in a launch, or, as I interjected, when crossing from South Perth in the "Duchess." Another reason is that a judge, Lord Wrenbury, stated that he had great difficulty in defining or interpreting exactly what was meant by "accidents arising out of and in the course of employment." The judge is stated to have said that he could not place an exact interpretation on those words. I can quite understand that, because no matter what definition is given, there will always be cases on the border line that require an elastic interpretation of the words to bring them within the scope of the section. There was the case cited before the appeal court when Lord Wrenbury made those remarks. It was a case in which a girl had been in the dining room upstairs when the warning bell sounded telling her it was time to resume work. She rushed downstairs to get to the factory below and slipped on the stairs, breaking her ankle. The question was whether the accident had actually arisen "out of and in course of her employment." The Court of Appeal decided that it came within that category, and I do not know that anyone will dispute that finding.

Hon. E. H. Gray: Apart from the insurance company!

Hon. A. J. H. SAW: In giving that decision the court placed an elastic interpretation upon the words and I do not think anyone will object to it, notwithstanding the opinion Mr. Brown holds regarding judges. I do not think that even he could possibly say that any hardship had been inflicted in that instance. Personally I think the judge acted wisely in extending that definition. That is the law at present, but Lord Wrenbury had a difficulty in interpreting the meaning of "in the course of employment." I consider that this will involve considerably more litigation than occurs with the definition as it stands at present. Take the case of a man leaving his employment on Saturday and who goes into an eating-house, which of course is the right thing to do as it is meal time, and, whilst there, swallows a mutton bone and is suffocated. Would that be regarded as happening "to or from his home"? I have no doubt it would. Or, having escaped the perils of a meal, he watches a football match, and as happens there sometimes, during the progress or at the conclusion of the match, a scrimmage takes place between the crowd and the referee, and the man who is on his way home gets hurt. Will that be brought within the definition? Or, again, instead of attending the football match he goes in to a public-house and there, like Mr. Joseph Vance, becomes engaged in an argument with a fellow worker on the question of croaking an insect, and as a result gets his leg broken. Is that to be included in this new definition? I do not see why it should not be, because the man was on his way home. I am perfectly sure that the new definition will give rise to much more litigation than the old one. The greatest harm that we can inflict on the worker is to make it easy for him to engage in litigation. It would be much better, if, on this ground alone, we kept to the old definition and not put in the ridiculous extension "to or from his occupation." I know the Australian worker and I do not think he is the spineless or esmasculated person we are led to believe by some of his advocates. I am convinced he would not think it just that the employer should be asked to protect him after he leaves his home, or when he is returning to his home from work. It is a big enough liability to impose on the employer when we ask him to embrace the period during which the worker is under his control. I wish to point out to the Leader of the House that in connection with this particular clause there is a very grave omission. The Government have forgotten to include in the obligation on the part of the employer the provision of a nurse, a perambulator and a feeding bottle for the worker during the period he is going to and from his employment. Another unfair thing to my mind is the repeal of the section dealing with an injury that may be due to wilful misconduct. If a worker wilfully misconducts himself, say, by getting drunk or anything else, an employer should not have to pay him compensation in the event of an accident happening.

Hon. J. R. Brown: The insurance people will look after that.

Hon. A. J. H. SAW: Always the insurance company! The obligation is first on the employer and if he has to meet it through the insurance company, then they will meet the position by increasing the premiums. I have referred to the maximum amount payable under the Bill and candidly I am unable to make it out. So far as I can understand it, the intention was that where a man was in receipt of a weekly payment during his illness or convalescence, those weekly payments should go on. Then at the expiration of the time which proves that the man will not recover, and is permanently incapacitated, there is provision for the payment of a lump sum, as contained in the schedule, or according to the decision of an industrial magistrate. Where a lump sum, or any amount that may be given by reason of the permanent incapacity is fixed, then it is the intention of the Bill that the amounts which were paid weekly shall not be deducted from the lump sum paid. I believe that to be the inten-

tion of the Bill, but I cannot make it out. At the bottom of page 4 we find this:—

> Notwithstanding the provisions of the first schedule to this Act, the compensation payable for the injuries mentioned in the first column of the table set out in the second schedule to this Act shall be the amounts indicated in the second column thereof, which shall be paid as lump sums without deduction.

Then there are various other paragraphs and the clause winds up in this way—

> The provisions of this subsection are subject to the proviso that no worker shall in any case (including the case of a worker suffering by the same accident more than one of the injuries mentioned in the second schedule) be entitled to receive more than £750 compensation in addition to payment of such expenses as are provided for in paragraph (d).

There are the medical expenses up to £100. I defy anybody of ordinary intelligence to say what the exact limit of compensation is, or whether the worker can have anything deducted from the sum of £750, or any other amount to which he may be entitled. Whatever the intention may be, and whatever decision this House may arrive at, I want it to be made absolutely clear and beyond doubt. If that is not done, again there will be endless litigation, and we know that litigation nearly always results in the worker losing that to which he is entitled. The position should be plainly set out in black and white, so as to avoid any dispute. I do not intend to deal with the subject of appeal to the Arbitration Court, because Mr. Holmes referred to it fully and I entirely agree with what he said. It is ridiculous for the Government who wish to avoid congestion, to ask the Arbitration Court to handle tiddly-winking cases dealing with the sums to be paid in compensation. The time of that court is too valuable to be frittered away in such matters as these. There is a proper tribunal for the hearing of these questions.

Hon. E. H. Gray: What would you suggest?

Hon. A. J. H. SAW: An industrial magistrate, or whoever may be acting now, somebody holding a position equal to that of a county court judge. If necessary, on the question of a point of law, there could be an appeal to the Supreme Court, and from there on to the High Court, but that should be only on a point of law, and not on a question of a man's injuries or the amount of compensation to be paid. So far as I can gather, the intention of the framers of the Bill with reference to the total amount of compensation payable would work out like this: a sum of so much per week, £2 10s. or £3 10s., and the payment would go on during the whole period of incapacity, until the limit of £750 was reached. Then the injured person could come in and claim the lump sum.

Hon. J. R. Brown: You are wrong.

Hon. A. J. H. SAW: I am not wrong; I have handled many of these cases and therefore am in a position to know. Probably the hon. member knows nothing about them. Under the Bill what I have suggested could be done. What would happen in practice would be that the company would avail themselves of the clause which says, that after the expiration of six months they can move to determine the amount of the lump sum to be paid. Either by agreement, or before the court, the maximum would be fixed so that there would be the liability of perhaps £3 10s. a week for probably six months, and then the payment of the lump sum in case of total incapacity or in the event of a man losing both limbs, as well as the additional sum up to £100 for medical expenses. The total amount that is therefore likely to be involved will be £941. Theoretically of course it could be more, but a company would see that it was not more because at the end of the six months they would have the lump sum fixed.

Hon. J. J. Holmes: And then they would probably come in again under the Employers' Liability Act.

Hon. A. J. H. SAW: I only wish to deal with the Bill before the House. A few words now with reference to the payment of medical expenses. In theory the sum of £100 seems a sensible provision, but I am sure that it will make for a good deal of unnecessary expense, because if a man knows he is going to have his medical expenses defrayed up to £100 he will not be content, as otherwise would be the case, to go into the Perth Hospital; he would probably demand the services of the most fashionable surgeon and ask to be sent to a private hospital. There is no reason why a worker should not continue to do what he does in ordinary circumstances, that is, go into the Perth Hospital where he would be treated with the utmost skill by the surgeons there.

Hon. E. H. Gray: What about the man who is 700 miles from the hospital?

Hon. A. J. H. SAW: That is quite another instance. I am referring to 95 per cent. of the cases that are within reach of the hospital.

Hon. E. H. Gray: Sometimes all the compensation is eaten up by medical expenses.

Hon. A. J. H. SAW: That would happen only in very exceptional cases. If there is to be a sum set apart for hospital and medical services, then there should be provision for such payments to be made direct. As things work out at present, we know that as a rule the hospital gets nothing, and that very often the medical attendant gets nothing. So that if the employer or the company is to bear the medical expenses, there should be provi-

sion made for the payment going to the proper quarter. Clause 17, dealing with annuities, at first sight looks a splendid provision. To a certain extent it is copied from the New South Wales Act, but there is a slight alteration which has an important bearing. The clause provides as follows—

> When any weekly payment has been continued for not less than six months, the liability therefor may, on the application by or on behalf of the employer or the worker, be redeemed by the payment of a lump sum of such an amount as, where the incapacity is permanent, would be sufficient to purchase an immediate life annuity for the worker equal to the annual value of the weekly payments. . . . .

I thought that was a splendid provision: a poor man meets with an injury and gets an annuity for life. I went along to a well-known insurance company, whose schedule dealing with annuities I have in my pocket—any member may see it—and said to them, "Taking a man aged 40"—which would be the average age of a worker, and of course the younger the worker the greater would be the cost of the annuity—"how much would it cost to pay him an annuity of £2 10s. per week?" The answer was, £2,396. I then said, "Taking the man at age 40, how much would it cost to pay him an annuity of £3 10s. per week?" The answer came, £3,354. Thereupon I said, "This Bill gives a limit of £750 to buy the annuity. What age would a worker have to be, with a capital sum of £750, to get an annuity of £2 10s. per week?" The answer comes back, "Age 77." Then I asked what age would the worker require to be to get an annuity of £3 10s. per week with a capital of £750, and the answer I got was, "Age 84 years." Is it any wonder that when I said certain clauses of the Bill were worthless and unworkable, I was referring to this clause? New South Wales has a somewhat similar provision.

Hon. E. H. Gray: So has England.

Hon. A. J. H. SAW: But in England wages are much lower and the payments are not nearly so high. In New South Wales the payments are only three-quarters of the weekly sum, and instead of the initiative being taken, as here proposed, by either the employer or the worker, it can be taken only by the employer. Consequently in New South Wales the provision can only be used in cases where the worker either is very old or has been drawing a very low rate of wage.

Hon. J. R. Brown: What insurance company are you touting for?

Hon. A. J. H. SAW: I am not in the habit of touting for any insurance company. I can only infer that the hon. member is imagining what he would do were he in my place. I hope the rest of the Bill will work out more satisfactorily than the annuity clause. The Second Schedule to the Bill, compared with the Second Schedule to the Act of 1912, raises the maximum compensation from £500 to £750. Under the existing Act, where the incapacitation is not total, where the worker loses one leg, or one eye, and so on, instead of a lump sum being figured, the compensation is reckoned by percentages. Under this Bill, even allowing for the fact that the maximum compensation has been raised from £500 to £750, the rates of compensation for the lesser injuries have been raised even relatively to that increase. Instead of the limit being 80 per cent. or 70 per cent., as the case may be, on the amount named in the Bill, it would work out considerably higher. Therefore, not only is the maximum being raised, but the percentage rate is also being raised. Now I wish to deal with the clause referring to industrial diseases. The framer of the Bill has fallen into an error, perhaps through mischance, with reference to what industrial diseases are. An industrial disease is supposed to be a disease originating out of the nature of the employment. That has been lost sight of in parts of the Bill. In this connection I wish to point out to the House a very important term that has crept into Clause 6, which clause is in part copied from the New South Wales Act, but, unfortunately, through another paragraph, marked (c), being included has had its entire sense altered. I desire to draw the particular attention of the House to this matter. Clause 6 provides—

> (1) Where (a) a worker is suffering from any of the diseases mentioned in the first column of the Third Schedule to this Act, and is thereby disabled from earning full wages at the work at which he was employed; or

I will omit paragraph (b). Then comes paragraph (c), which is not connected with the first paragraph, and so I may omit it; and the clause continues—

> the worker, or in the case of death his dependants, shall be entitled to compensation in accordance with this Act as if the disease were a personal injury by accident within the meaning of Section 6.

Taking the clause as I have read it, and as I maintain is the correct interpretation of the clause, it means that any worker who is suffering from any of the diseases mentioned in the Third Schedule shall be entitled to compensation. The clause does not say that the disease must have arisen from the nature of his employment. That is put into paragraph (c), which is really part of paragraph (a). The result is entirely to mangle the meaning of the term "industrial disease." Comparing the clause in the Bill with the New South Wales section, we find that the wording of para-

graph (a) is exactly the same in both. There is an "or" at the end of paragraph (a) in the clause in this Bill, and then comes paragraph (b), which is the same in this Bill and the New South Wales Act; but there the resemblance stops, because there is no paragraph (c) in the New South Wales section. The word "and," which appears at the close of paragraph (b), is tacked on to what here is put under paragraph (c). The result is that the meaning of the provision in the Bill is entirely different from that of the section in the New South Wales Act, which states what ought to be stated, namely, that the disease is or was due to the nature of any employment in which the worker was engaged. The little bracketed (c) should not be there at all. In the New South Wales Act the paragraph is part of the main clause.

The Honorary Minister: There has been a mistake in drafting.

Hon. A. J. H. SAW: Industrial diseases should be diseases arising out of the nature of the employment, such as lead poisoning, or arsenical poisoning. Not only should the particular disease be mentioned in the first column, but the nature of the employment should be defined in the second column, instead of which we find in our second column the loose term "any industrial process." I shall presently show that the alteration makes a complete hash of the clause. Subclause 8 of Clause 6 will work considerable injustice. It reads—

> If the worker at or immediately before the disablement was employed in any process mentioned in the second column of the Third Schedule to this Act, and the disease contracted is the disease or one of the diseases in the first column set opposite the description of the process, such disease shall be deemed to have been due to the nature of the employment unless the employer proves the contrary.

Those last words are not in the English Act, which throws on the worker the onus of proving that the disease from which he is suffering is due to the nature of the employment. But both in the English Act and in the New South Wales Act there is a person called "the certifying surgeon," who of course is skilled in industrial diseases and so knows what he is dealing with. Under the New South Wales Act, if the worker gets a certificate from the certifying surgeon that he is suffering from a certain disease and that that disease arose out of the nature of the employment, then that is taken as evidence of the liability of the employer, and quite rightly, too. But in this Bill there is no such thing as a certifying surgeon. The position is complicated by the fact, as I have pointed out before, that the Bill includes not only the well-recognised industrial diseases, such as lead poisoning, arsenical poisoning, miners' phthisis, and so forth, but also zymotic diseases, dermatitis, and cancer. A complete mistake has arisen through the schedule being inserted and this particular clause having been altered so as to throw the onus on the employer. I maintain that in regard to such diseases as cancer, dermatitis, zymotic diseases and so forth, the onus should be on the worker to prove that the disease, which may arise in a hundred different ways, has arisen from the nature of the employment in which he was engaged. Many members may be unaware of the meaning of the word "zymotic." Its real meaning is "due to fermentation," and from that it has been applied to any disease that is due to a micro-organism. The result is that all the infectious diseases are included in the term "zymotic," any disease which may have originated from a micro-organism—such diseases as tuberculosis, syphilis, measles, diphtheria, and so forth. If the clause be retained in its present shape, with the term "zymotic diseases" in the one column, and against it in the second column "any industrial process," it will mean that if any worker contracts measles, diphtheria or syphilis, the employer will have to prove that he did not contract it during his employment, or on his way to or from his home. I can assure the Leader of the House that there are much greater dangers in going home than those incurred in crossing the harbour. It will be an impossible position in which to put the employer and the worker. It is much more likely that a man will contract diphtheria in his own home, amongst his children, than in the course of his employment. It was never intended that these zymotic diseases should be included in the way they have been in this third schedule.

Hon. H. Seddon: Do you know any occupation in which a man is likely to contract zymotic diseases?

Hon. A. J. H. SAW: Yes, avocations such as those of hospital orderlies and nurses. They were really the people in relation to whom it was intended these zymotic diseases should be included. However, in the Bill, under the description of process, we get "any industrial process." All that was intended by the medical conference the Minister for Works spoke about, that held in the Eastern States the other day, and attended by Dr. Atkinson, was that people such as hospital orderlies and nurses, who are liable to the contracting of such diseases in the course of their employment, should be entitled to compensation. But as the thing appears in the Bill, it means that any worker who contracts any of these zymotic diseases must get compensation, unless his employer can prove that he did not contract it in the course of his work.

Hon. E. H. Gray: Could those diseases not be due to defective sanitation in factories?

Hon. A. J. H. SAW: Practically they always arise through infection from somebody else. It was never intended that these zymotic diseases should be made to apply to "any industrial process." I hope that explanation will satisfy the House in respect of the inclusion of zymotic diseases. The Minister for Works said that this clause dealing with zymotic diseases had been adopted in toto, without alteration, from the recommendations of the conference on industrial hygiene. I regret to say that statement is not strictly true. I know, of course, it was a slip on the part of the Minister. It is through that slip that we have been landed in the difficulty facing us in the Bill. I have here a copy of the report of that conference. All they did was to set out that every Australian State should afford compensation for industrial diseases; and the diseases for which compensation should be paid are set out, and they define these diseases and include zymotic diseases. But in the column of the third schedule of the Bill, dealing with employments in which these diseases are likely to be contracted, we find "any industrial process." The Minister for Works has taken these diseases from the report and included them in the Bill. Where he got these things to put in the second column of the third schedule I do not know; but I cannot imagine that he can possibly have consulted the medical advisers of the Government, for I cannot understand that they should have made such a mistake as the compiler of the Bill has been led into. Now a few words dealing with cancer, which is also included here as arising from "any industrial process." That was not intended. The position is that there are certain employments from which cancer is likely to arise as where, for instance, there is a chronic superficial irritation. Some of those diseases have been known for a long time as, for instance, cancer scrotal or chimney sweep's cancer. In the old days, when the chimney sweep got himself covered with grime climbing up chimneys, his condition led to a particular form of cancer known as chimney sweep's cancer, which is one of the forms of cancer that was intended to be included in the Bill; not any form of cancer, such as is implied here. The New South Wales Act defines it as scrotal cancer and in the first column of the third schedule "chimney sweeping" as the occupation from which this disease arises. And in regard to other form of cancer it states epithelioma of skin due to tar, pitch, mineral oil or paraffin, and the occupation is given as handling or using of tar, pitch, bitumen, mineral oil, and paraffin. If the Government had followed that here there would have been no objection; but they insert the general term "cancer" and stick against it "any industrial process," which makes the whole thing absurd and, if we were to pass it, would make this House and those responsible for the Bill perfectly ridiculous in the eyes of the world.

Hon. H. Seddon: Give us some information as to dermatitis.

Hon. A. J. H. SAW: There are certain kinds of disease from which it is recognised that the term arises. Bakers particularly are liable to a form of dermatitis. The English Act defines dermatitis as being due to irritating dust or liquids of a corrosive nature. So again the form of dermatitis is defined. But under the Bill it would mean that any worker who got an ordinary attack of eczema would be entitled to get compensation from his employer; for it simply says "dermatitis" and against it we get "any industrial process." If this were passed it would lead to a great deal of altogether wrong litigation. It was never intended and it has been due entirely to a mistake on the part of the compiler of the Bill. Now I want to say a few words on the subject to which I have given a great deal of attention, namely the difficulty that arises when a man meets with an injury not included in the schedule as one for a lump sum or for a percentage payment. The question is as to the extent to which the injured man's efficiency is impaired. It is sometimes a very difficult problem. Frequently it requires that the injured man shall be under observation for a considerable time before one is able to arrive even approximately at the extent to which his efficiency has been impaired. It is in this class of cases that hardship is frequently imposed. I should like to see some improved method of dealing with them. At present the worker gets his certificate from a doctor and the companies have an examiner to examine him. Very often there is a quite legitimate conflict of opinion, and it is difficult to assess compensation. Then ensues a tussle between the endurance of the insurance company paying the injured worker at so much per week, and the endurance of the injured worker who is drawing a certain sum per week. Very often the worker is not only drawing compensation from the company but is deriving almost as much again from friendly societies to which he belongs. Then, of course, he is on a very safe wicket; he can hang on and draw in compensation an aggregate sum equal to what he would be earning if he were back at work. On the other hand, sometimes the worker does not get the full amount of compensation to which he is rightly entitled. The only solution of the difficulty that I can see is one borrowed from the army. There, in order to determine whether a man was efficient for further military service, a medical board was set up. That board being perfectly unbiassed examined a man, got all particulars of the case and determined whether he was fit to resume duty or whether he should be sent back to Australia. Of course, mis-

takes are made in all things, but I believe that where the sum is not definitely fixed and where there is a legitimate doubt as to the extent of a man's injuries and the extent also to which his efficiency is impaired, a board constituted of skilled surgeons would be the very best to determine the compensation a man was entitled to get within the limits of the Act.

Hon. J. Cornell: They have that system in respect of tuberculosis in the South African mines.

Hon. A. J. H. SAW: I have been doing these accident cases for 20 years, and have for long been in favour of that system. When it comes to a hearing before a jury it often amounts to a test of credibility between the medical witnesses on either side.

Hon. J. W. Kirwan: What would be the cost of such a board?

Hon. A. J. H. SAW: A medical board comprised of three surgeons who should be, or at least should have served on the staff of the general hospital, would not cost more than from six to ten guineas at the outside. It would be money well spent, for it would do away with a good deal of litigation, and, in addition, would make the medical men giving the certificates or disputing them very much more careful when they knew that the tribunal about to decide upon the value of their certificates was to be drawn from their own profession. If this were done, it would be of great advantage to the worker. It would certainly be to the great advantage of the worker who is genuinely injured. It would also be of benefit to the companies in those cases that occasionally arise where men attempt to impose upon the companies, exaggerate a small hurt and refuse to return to their work. From my own observation, extending over 20 years, I am sure that my proposal would make for the more efficient working of the Act. I remember many cases in the old days when men went to the courts under the common law. The cases lasted many days and involved enormous expense, and at the end the man got a verdict for perhaps £200, the great bulk of which was swallowed up in legal expenses.

Hon. W. H. Kitson: Who should pay the board?

Hon. A. J. H. SAW: The State should pay, just as it pays the Arbitration Court, the Supreme Court or any other referee. I do not think the expense would be great. Instead of having a board of three medical men, a case might be referred to one referee in the first instance. The great majority of cases could be settled by one referee. If there was then a dispute, it might go to an extended tribunal composed of three medical men. I do not think the expense would be worth considering: such a scheme would be the means of saving the companies from wrongly paying thousands of pounds, and would lead to the payment of thousands of pounds to the workers justly entitled to receive it. Though I have dealt somewhat exhaustively with the Bill, there are many portions upon which I have not touched. I am anxious that the measure should be made a fair and workable one. If it were not so late in the session I believe the best course would be to refer the Bill to a select committee for expert opinion on the points I have raised. However, we are approaching the end of the session, and I am not going to do anything that will imperil the passage of the Bill which should give a better measure of security to the worker. The best thing for the Government to do would be to withdraw the Bill, because it will be a hard job to lick it into shape owing to the various omissions and mistakes that have been indicated. If the Government will not withdraw the Bill, they should consult their medical advisers on the points I have raised. Then if they are determined to bring in amendments to make the Bill more just and workmanlike, I shall do what I can to assist them.

Hon. J. NICHOLSON (Central) [5.48]: Dr. Saw's very exhaustive address has fully justified the suggestion he made at the end of his speech. This Bill is of supreme economic importance, not only to the worker, but also to the employer, both of whom must be fairly and equitably treated. Dr. Saw has instanced quite a large number of clauses that are clearly unjust from the standpoint of the employer and unsound and unworkable from the standpoint of the employee. Having regard to these great anomalies—and there are still others to which one might direct attention—it would be wise to see whether something could not be done to make the measure more workable. After having studied the Bill and sought information from various sources, I find myself of much the same opinion as is Dr. Saw. The Minister for Works in another place said the Bill had been presented in fulfilment of an election pledge. I think the Minister would admit that the mere fulfilment of an election pledge, while correct in itself, should be carried out in accordance with the principle of justice to all sections of the community. We must look at the Bill from its economic importance. In our care is the industrial progress of the State, and if we fasten on to industry a serious burden, we shall be providing less instead of more employment for the workers. From what has been stated in speeches on the Bill, it is clear that the measure will impose very serious burdens upon many of our industries. We have not so many industries to boast of as have the other States of the Commonwealth, and it is our duty to endeavour to foster the industries we have and develop them to the utmost extent. If this Bill becomes law, instead of industries advancing, industries will be lost to the State. Would such a

measure be the means of inducing manufacturers to come here to establish an industry in place of going to Victoria, New South Wales, or Queensland? Framed as this Bill is, it would discourage enterprise and would lead to unemployment amongst the workers, and we would not be justified in supporting it. Let me point out various clauses that will operate detrimentally to the progress of our industrial life. It is sought to enlarge the definition of dependants. Under the principal Act, "dependants" means such members of the worker's family as were wholly or in part dependent upon the earnings of the worker at the time of his death, or would, but for the incapacity due to the accident, have been so dependent. "Member of a family" means wife or husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, illegitimate son, illegitimate daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother, half-sister; and in respect to an illegitimate worker includes his mother and his brothers and sisters, whether legitimate or illegitimate, by the same father and mother. That definition is wide in the extreme. It is similar to the definition in nearly all the statutes in the Eastern States, and if I remember rightly, it is wider than the definition in the English Act. At one time dependant did not include an illegitimate child, but it was recognised that such exclusion was unjust. It is now proposed to include the widow and children under the age of 16 years, whether dependent upon the earnings of the worker at the time of his death, or not so dependent, and such other members of the family, etc. Under the English and Queensland Acts, the age for dependent children is 14. Here it is proposed to increase the age of dependency of children to 16, but the most pernicious part of the new definition is that which makes a dependant of a member of the family whether dependent on the earnings of the worker or not. It would be a mistake to extend the definition in that way. Dr. Saw has opposed the proposal to extend from £400 to £520 the earnings of a worker eligible to receive compensation, and has advanced very sound reasons why there should be no increase beyond £400. We must draw the line somewhere, and it would be quite unfair to include as a worker a man earning £10 a week. That man is in a better position than the ordinary worker. He would in the first place be capable of effecting insurance on his own behalf.

Hon. W. H. Kitson: Do you suggest that an industry should not stand the cost of accidents?

Hon. J. NICHOLSON: No, but a limit must be drawn. The limit in former years was smaller, but it has now risen until it is £400. That is a fair limit, and a fair criterion as to what should be regarded as the high-water mark, so to speak, showing what should classify a man as a worker. If we go beyond that, we are reaching the higher flights of employment. The man who is earning up to £520 a year usually occupies a higher position than would be occupied by the ordinary worker. There is another reason why we should recognise the £400 limit. Under our income tax Acts a man is exempt up to £360 a year, if all the ordinary deductions are allowed.

Hon. H. Stewart: Fifty pounds for each child, and so on.

Hon. J. NICHOLSON: That is so. Having regard to the position disclosed under those Acts, it is a fair test to leave this compensation sum at £400. If it be increased to £520, there is no reason why we should not continue until the sum of £1,000 is reached. The amendment that is asked for is unfair, and will be placing an unnecessary burden upon the industries affected, for they will have to bear the increased premiums in order to safeguard themselves against risk. In Subclause 3 it is proposed to include wages men under tributers. It would be unfair to regard wages men, under tributers, as workers, because they are not subject to the order or direction of the owner of the mine, and are not men for whom the owner of the mine would be responsible. Surely the person responsible for such wages men is the man who employs them. If a tributer engages men, he undertakes the responsibility of paying their wages. The owner of the mine does not do so. Having regard to the fact that it is proposed to add an extra burden and risk in the shape of industrial diseases, it is more than ever essential that something fair should be suggested in connection with this clause. Is it fair to introduce a burden like this, when the owner of the mine cannot exercise any control over the men employed by the tributer, when such men may be suffering from phthisis, or some other disease common to the industry? Notwithstanding that the tributer may engage whomsoever he pleases, the owner of the mine would, under the Bill, become liable.

Hon. J. Cornell: That is what happens to-day. They are all insured.

Hon. J. NICHOLSON: If they are insured that may safeguard the position, but I am arguing against the principle involved. If the relationship of employer and employee existed between the owner of the mine and the wages men of the tributer, clearly there would be some justice in this; but as the relationship of employer and employee does not exist between the tributer and the owner of the mine, this principle should not be included.

Hon. J. Cornell: The mine manager protects that position by making the tributer insure.

Hon. J. NICHOLSON: It is quite sound, so long as the tributer is obliged to insure his men.

Hon. J. Cornell: He does.

Hon. J. NICHOLSON: Then the wages men of the tributer would be safeguarded. As it is now, the obligation is only added to the other onerous obligations that have to be undertaken by owners of mines. The other point in Clause 3 is in regard to the appointment of an industrial magistrate. I see no reason for departing from the course provided under the Act. Applications under the Workers' Compensation Act come before a local court magistrate, and the agreements are filed in the local court, where they are made under the terms of the Act. If either party thinks he is entitled to appeal, he has the right to do so. I am also opposed to the suggestion to provide for appeals to the Industrial Arbitration Court. That is unnecessary, and I agree with the observations of Dr. Saw on the point. I now come to Section 6 of the Act dealing with personal injury due to accident arising out of or in the course of employment. The amendment suggested by Clause 5 of the Bill I cannot find in the legislation of any of the other States. I cannot agree to that clause. The section of the Act is quite ample and perfectly wide. The courts have had many cases before them to determine whether an accident arose out of, or in the course of, employment. The matter has given rise to many interesting decisions, which have gone to the House of Lords. The courts have taken a very practical, sound and commonsense view in interpreting the words of that section. The law is now well established, but the alteration that is now proposed would not operate for the benefit of the worker. I cannot see my way to agreeing to the deletion of the provision with regard to wilful misconduct on the part of a worker. If a man misconducts himself he must suffer the penalty of being excluded from the benefits of the Act.

Hon. J. Cornell: Have there been any cases within your recollection where the worker has been denied compensation under the present law?

Hon. J. NICHOLSON: I do not know of any.

Hon. J. Cornell: Nor do I.

Hon. J. NICHOLSON: I have never known of any one of the companies taking an extreme view, nor have they availed themselves, where it was a case of hardship, of the right they might have had under the Act to dispute a claim. They have admitted the claims and settled them.

Hon. W. H. Kitson: They will very often argue the point.

Hon. J. NICHOLSON: They might argue.

Hon. J. R. Brown: Have not the lawyers beaten them?

Hon. J. NICHOLSON: As a rule lawyers are very tender-hearted.

Hon. J. R. Brown: They are not pussyfoots.

Hon. J. NICHOLSON: They have a good sound sense of what is fair.

Hon. J. R. Brown: I wish I had the same opinion of them as you have.

Hon. J. NICHOLSON: Lawyers generally look at any claim under the Workers' Compensation Act with perfect fairness.

Hon. J. R. Brown: Will they look at home first?

Hon. J. NICHOLSON: I do not understand the hon. member. As Dr. Saw says, this Bill is also unusual in that it seeks in Clause 5, Subclause 4, to provide that there shall be no deductions.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. NICHOLSON: I was drawing attention to the effects of the paragraphs embodied in Subclause 4 of Clause 5 of the Bill. Paragraph (a) sets out—

> Notwithstanding the provisions of the First Schedule to this Act, the compensation payable for the injuries mentioned in the first column of the table set out in the Second Schedule to this Act shall be the amounts indicated in the second column thereof, which shall be payable as lump sums without deduction.

Paragraph (b) states—

> Subject to paragraph (f) this Subsection shall not limit or affect the compensation recoverable under the First Schedule during any period of total incapacity due to illness resulting from the injury, and no amount so recoverable shall be deducted from the compensation payable in accordance with the said table.

These paragraphs appeared so extraordinary that I looked up the Acts in force in other States and I found that in each instance, including the Queensland Act, there is provision for deductions to be made. For instance, the Queensland Act contains the following provision—

> Nothing in the said table shall limit the compensation payable for any such injury during any period of total incapacity resulting from that injury, but any sum so paid shall be deducted from the compensation payable in accordance with the said table.

One can readily imagine what will be the result of provisions such as those I have indicated. If a man has been ill for a prolonged period and has received the weekly allowances prescribed, he may have received a considerable sum. The paragraphs I have read, however, seek to provide that the man shall receive those allowances and in addition the full amount of compensation when a lump sum settlement is made. There is a great deal in what Dr. Saw stated. It is very hard indeed for anyone to say exactly what the limit of one's liability will be.

Hon. J. R. Brown: It will be £1,500.

Hon. J. NICHOLSON: I do not know how Mr. Brown can make that up, because I find it more difficult to ascertain when I read paragraph (e) of the same subclause. It is as follows—

> Subject to paragraph (f) of this section, the compensation payable for any of the injuries mentioned in the Second Schedule may be increased, by order of the Local Court, when it is proved to the satisfaction of the court that for the loss or injury sustained by the worker such compensation is inadequate by reason of the special calling of the worker.

Hon. J. R. Brown: How often will that happen?

Hon. J. NICHOLSON: I do not know.

Hon. J. J. Holmes: Probably it will happen very often when the special industrial magistrates are appointed.

Hon. J. NICHOLSON: The position becomes more and more unintelligible when one peruses paragraph (f), which seeks to limit the amount to £750. The inconsistencies of these paragraphs are such as to demand the closest attention on the part of the Government. I am prepared to admit that great care was exercised in preparing the Bill, but the fact remains that these paragraphs are inconsistent and difficult to reconcile. Probably the Leader of the House will be able to expain what is intended, but if this clause were brought before a court of law we would find ourselves in grave difficulties indeed. In the consideration of the Bill such as the one before us, we should ask ourselves if it is calculated to increase the progress of our industries, and so help the workers and the community at large. I am looking at the question from the standpoint of the progress and development of the State. When such a Bill comes before us one would think the State was in the happy position of having an overcrowded territory with boundless industrial resources and activities. Actually, the State is starving and clamouring for the establishment of industries. The first thing a man who intends to establish an industry in any country would do would be to make inquiries to ascertain if he can produce his commodities at a price that will enable him to compete successfully locally as well as outside the State, so that he will be able to export his surplus production and maintain the progress of his business. On the contrary, a Bill of this description will paralyse the industrial life of the State instead of helping it forward. I may be wrong, but that is my conscientious view of the measure. Some hon. members are inclined to regard such views as insincere, and imagine that because we have made a certain amount of progress in the past we shall continue to do so. We must examine the position from an economic standpoint and compare our position with that of other States.

Hon. T. Moore: With your own industry, for instance.

Hon. J. NICHOLSON: I do not know that it is altogether an industry.

Hon. J. J. Holmes: It is a profession, not an industry.

Hon. J. NICHOLSON: At any rate lawyers have not yet been brought within the scope of the Bill.

Hon. T. Moore: You do not work.

Hon. J. NICHOLSON: As a matter of fact the work in which I am engaged is as absorbing——

Hon. T. Moore: It absorbs a lot of money.

Hon. J. NICHOLSON: And requires as much work as is demanded of a man who has to use his hands. I am prepared to use my hands as well as my head for the benefit of the general community.

Hon. T. Moore: Or of your particular clients?

Hon. J. NICHOLSON: A lawyer is in much the same position as a member of Parliament, who is sent here to represent his constituency and the State at large. We must consider legislation from that standpoint and not from the class point of view.

Hon. J. R. Brown: Well, why don't you carry out that principle?

Hon. J. NICHOLSON: I am trying to carry it out. I wish to see that the workers get a fair deal, and that they are not starved for employment but have a fair and proper chance to secure work and to secure adequate protection. I wish to help the workers and I am prepared to do so, but I am not prepared to paralyse the industries that provide a livelihood for them. If an individual came to Western Australia prepared to establish an industry he would make inquiries regarding our legislation as it affected his particular industry. If he found the conditions more burdensome here than in one of the other States he would go elsewhere. We would be left high and dry, and instead of increasing our population we should find it diminishing. Upon what must the success or failure of our State depend? It must depend on forging ahead, and the only way in which we can do that is by increasing the population and our industries. Shall we increase our industries by a measure such as this? On the one hand we are inviting to our shores people from oversea. We tell them that excellent opportunities exist here, but we cannot expect all to be capable of undertaking agricultural work. That work may not be congenial to their tastes; indeed, many of them who have come here would be happier if they could engage in secondary industries. But we do not possess those secondary industries to any extent, and we come forward with Bills such as the one we are now considering, which will help to preclude the establishment of those industries that would provide employment.

Hon. J. R. Brown: You are not right.

Hon. J. NICHOLSON: The hon. member says I am not right.

The PRESIDENT: You are not bound to take any notice of interjections.

Hon. J. NICHOLSON: Who is the greater benefactor to the State, the man who establishes industries or the man who seeks to break them down? We have instances of men trying to build up, and every effort made being met with interjections like those of Mr. Brown, who seems not to appreciate what is in the best interests of the State. I suppose the hon. member would like to see Bills of this description introduced week in and week out. If he wishes to keep his supporters here he must in justice to those supporters, try to provide employment for them and not to try to cripple them. There is no proper limit in the Bill which will enable a man to say exactly what his liability will be. In Queensland, South Australia, New South Wales, and I think, in Victoria as well as in England, there exists the provision respecting the deduction of payments in connection with lump sum settlements.

Hon. J. J. Holmes: You must have that to discourage malingering.

Hon. J. NICHOLSON: I view the matter from the State's standpoint.

Hon. T. Moore: You are stressing the matter rather much.

Hon. C. F. Baxter: It is so hard to make some people understand.

Hon. J. NICHOLSON: We shall, perhaps, succeed in eliminating from our discussions something of that unfortunate feeling that exists that because one individual may not be engaged in manual labour, he is not a worker. I am a worker, and although I am not a manual worker I would not shirk it if it became necessary for me to use my hands. If I were a man of wealth and leisure I could understand anyone saying, "He is a member of the moneyed class." I do not know where such people are to be found in this State.

Hon. C. F. Baxter: They have been driven out by taxation.

Hon. J. NICHOLSON: There are very few men in this State possessed of such a load of wealth that it might be said to overburden them. This kind of measure will do infinite harm.

Hon. J. J. Holmes: And we are trying to induce Henry Ford to start here!

Hon. J. NICHOLSON: We have seen what has taken place with regard to the efforts made by various States to induce such men as Henry Ford to establish industries in Australia.

Hon. T. Moore: There are compensation Acts similar to this in America.

Hon. J. NICHOLSON: I would like the hon. member to show me where there are provisions such as those I have read here.

Hon. T. Moore: They have already been quoted in another place.

Hon. J. NICHOLSON: The measures are not the same, and the provisions contained in the Bill are not even in accord with those in existence in an advanced State, such as Queensland. I have already alluded to Subclause 5 of Clause 5 respecting appeal proceedings. The course proposed is not wise. It will mean a further congestion of the business of the court and will intensify the delays for which the court is already blamed. We should not further encumber that court. If we do we shall have this anomaly: that in the first place there will be a hearing before a magistrate, where the matter will be argued by men trained in law. Then if it goes to appeal, under the Bill a solicitor is to be excluded, and the parties will be represented by laymen or agents. That will be a ridiculous position. The magistrate who heard the case may be learned in the law, and the appeal will go before a lay member of the Arbitration Court and will be argued by lay agents.

Hon. A. Lovekin: And from that court there will be no appeal.

Hon. J. NICHOLSON: The position will indeed be ridiculous. With regard to the question of contracts, the provisions of Section 9 of the existing Act cover the position fully and there is no need to go as far as Clause 4 proposes. The section of the community referred to in Clause 6 have my deepest sympathy. We know that those who are unfortunately suffering from miners' phthisis are worthy of our consideration to the fullest extent. The sections of the Act dealing with this disease require amendment. It is obvious that there has been a mistake in the printing of Clause 6. Respecting the examination of men, I recognise the difficulty from the standpoint not only of the employer but of the employees themselves. If an examination be insisted upon prior to employment, it will mean that many of those engaged at the present time may lose their employment. The Miners' Phthisis Act was passed in 1922, but it was never proclaimed. Provision should have been made in that statute to prevent men engaged in the industry suffering any hardship. In some of the other States of the Commonwealth measures are in force where the benefits are derived by the dependants of men who have unfortunately succumbed to these diseases. Here we have not progressed as far as the other States. It would be much better in the first place to proclaim the Miners' Phthisis Act and provide some method of a full measure of compensation for men who are unfortunately afflicted with the disease. If examinations were provided under this Bill, then the poor men who are afflicted now would probably be deprived of their employment without compensation. They would simply not be employed. Will the mine owner take upon himself the onus of employing men about whom he is doubtful as to whether they are suffering from one or other of these diseases? If he were employing 300 men all told, we can see

what a serious risk he would be running on his own behalf or that of his company. Either he or his company might have to meet a heavy liability. A certain percentage of the men might show evidence of some of these diseases and have to give up their employment. The owner, however, would be responsible. If 20 or 30 per cent. of the men employed on a particular mine became afflicted, it would probably mean that the mine would be closed down. If this happened in many instances there would be a cessation of business and of the development of the mining industry.

Hon. J. Cornell: Under the Bill you cannot say when miners, who would pass the examinations, would be likely to get compensation.

Hon. J. NICHOLSON: If they were employed and the disease supervened upon their employment, they would get compensation under the Bill.

Hon. J. Cornell: Provided the Bill was proclaimed to apply to them.

Hon. J. NICHOLSON: If this Bill becomes law, the men employed in the industry after the passing of the Act would come under it.

Hon. J. Cornell: Not until it was so proclaimed.

Hon. J. NICHOLSON: It would take effect from the date of the proclamation. Section 14b of the Queensland Act contains provisions that are not found in this Bill.

Hon. J. R. Brown: Do not quote the Queensland Act here.

Hon. J. NICHOLSON: It says—

> Subject to this Act, where a worker has, on or after the 1st day of January, 1916, been employed in Queensland in any employment mentioned in the second column of the table of diseases hereunder set forth and such worker at the time of death or incapacity (a) has been continuously resident in Queensland during the five years immediately preceding the date of death or incapacity, and has been employed in any employment as aforesaid for not less than 300 days during such period of five years; or (b) has been resident in Queensland for not less than five years out of the seven years immediately preceding the date of death or incapacity, and has been employed in any employment as aforesaid for not less than 500 days during such period of seven years; and such worker (c) has died in consequence of any disease mentioned in the first column of the said table; or (d) is suffering from any such disease and is thereby incapacitated from earning full wages at the work at which he was employed, the worker, or in the case of his death his dependants, shall be entitled to compensation in accordance with this Act as if the disease were a personal injury by accident suffered by the worker at the place of employment under Section 9 of this Act; but the amount of compensation payable in such case shall be the amount calculated in accordance with Subsection 2 of this section in lieu of the amount set forth in Section 14 of this Act.

Later on the Act explains what the compensation is. There is a different rate of compensation fixed under the Queensland Act for incapacity or death from industrial diseases from that fixed in the case of physical accident.

Hon. J. Cornell: And the machinery is different.

Hon. J. NICHOLSON: Subsection 2 of Section 14b of the Queensland Act says—

> The amount of compensation under Subsection 1 of this section shall be (a) where death is the result (1) a funeral allowance not exceeding £20; and (2) to the widow of the deceased worker the sum of £1 per week; and (3) for each child under 14 years of age the sum of 10s. per week until the age of 14 years is reached: Provided that the total amount payable shall not exceed 50s. per week or the sum of £400 in all, less any amount paid as compensation under provision B hereof during the incapacity of the worker within 10 years prior to the date of death.

Hon. J. Cornell: Their fund has been subsidised by the Queensland Government to the extent of £60,000.

Hon. J. NICHOLSON: The section goes on to say—

> B. Where total or partial incapacity for work is the result—(1) To the worker a sum not exceeding £1 per week during the incapacity, with such necessary medical comforts and medicines as the Commissioner may consider reasonable; and (2) For each child under the age of 14 years a sum not exceeding 10s. per week during the incapacity of the worker or until the age of 14 is reached: provided that the total amount payable to any worker and his dependants shall not exceed 50s. per week or the sum of £400 in all, irrespective of the period during which the incapacity continues.

This provides a comparison between Queensland legislation and this Bill. An effort has been made to follow Queensland, and though the Bill does so to a certain extent, it does not go all the way. It is necessary in Queensland for the worker to be resident for five years in the State. A man may come here from South Africa suffering from miners' phthisis, and no one may know anything about it.

Hon. J. Cornell: If he did and he was suffering from miners' phthisis, it would be fair to cut him off from compensation, because he would have been compensated before he came here.

Hon. J. NICHOLSON: It would not be fair for such an individual to receive em-

ployment here, and subsequently obtain compensation from this fund.

Hon. E. H. Gray: He would not get employment.

Hon. J. NICHOLSON: If no examination were required, he could represent that he had just arrived from England, and say nothing about the complaint he had contracted in South Africa.

Hon. J. Cornell: If the Miners' Phthisis Act were proclaimed he could get in because that includes only pure tubercular troubles.

Hon. J. NICHOLSON: If he were suffering only from the lesser complaints, he would still be allowed to work on a mine, but would be excluded under our Miners' Phthisis Act if he were suffering from an advanced form of tubercular trouble. There are other clauses with which I do not intend to weary members.

The Honorary Minister: What about Clause 4?

Hon. J. NICHOLSON: Section 9 of the Act is sufficiently wide to cover the liability of the principal and contractor. Dr. Saw's remarks upon Clause 6, Subclause 8, which casts the onus of proof upon the employer, should meet with the approbation of most members. It is unfair to cast that onus upon the employer.

The Honorary Minister: I shall be introducing a Bill next week putting the onus upon the employee.

Hon. J. NICHOLSON: I shall be interested to see what the position is. One phase calling for attention is that which makes insurance obligatory. A good deal of argument might be put forward on either side of the question. I have not formed a concluded opinion on this particular provision, Clause 12, as to whether it should remain or should be deleted. Cases of hardship have, I believe, occurred from time to time; and I shall be interested if the Leader can advance instances which will enable us to appreciate the position more fully. I should like to give the question the fullest and fairest consideration. I desire to emphasise what Dr. Saw said regarding the wisdom of giving further consideration to this extremely important measure before we proceed with it. Obviously the Bill is not all that it should be. It has not been framed with that precision which one would like to see, and it contains many anomalies. Therefore it would be worth while for the Government to consider whether some other means of dealing with the matter should not be adopted. In the first place, the proclamation of the Miners' Phthisis Act might prove a solution of the difficulty with regard to industrial diseases. From that aspect there is one specially prominent industry, mining. The mining industry is almost the sole avocation in Western Australia from which industrial diseases are likely to arise. Whatever industrial diseases are determined upon, the measure should make it clear and manifest that the disease is one which may be contracted in the employment or industry in which the worker was engaged at the time. Otherwise the matter is left open to grave doubt, and increases the troubles which are bound to arise in the settlement of disputes that one would desire to see settled without animosity and worry. For the present I invite the further consideration of the Minister in connection with this highly important measure.

On motion by the Honorary Minister, debate adjourned.

BILL—PRIVATE SAVINGS BANK.

Message received from the Assembly notifying that it had agreed to the Council's amendments.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 12th November.

Hon. J. M. MACFARLANE (Metropolitan) [8.22]: The House is to be congratulated upon the very able speeches which have been contributed to this discussion. It has been rightly said that the Bill is one of the most important of the session, and in this respect may be bracketed with the Workers' Compensation Act Amendment Bill. Most of the remarks which apply to the one measure apply also to the other, as the two Bills have practically the same incidence. The present Bill is important because it affects in a marked degree the development of Western Australia's industries and therefore the welfare of our people. I can look back to the introduction of industrial arbitration laws in the Victorian Assembly 40 years ago. I well remember the aspirations of the men who pioneered that legislation, and the feelings actuating the workers of that period, for I was then a wage earner. The workers then confidently anticipated better conditions as the results of such legislation. The new industrial law was to abolish strikes and establish better relations between employer and employee. I wonder what the pioneers of the movement would think of it if they were present with us after the lapse of all those years. Strikes have certainly not been abolished, and a better understanding between employer and employee remains to be established. We still have the strike, and we have also the go-slow method, the stop-work conference, non-working of overtime, and a harassing process between employee and employer.

These things show that at any rate some of the efforts of the pioneers have gone very wide of the mark. Some of the amendments proposed on behalf of the unions in this Bill would accentuate existing disadvantageous conditions rather than tend to heal the breach between employer and employee. I speak from knowledge gained during half a lifetime as an employee and half a lifetime as an employer. Like Mr. Holmes, I would almost prefer the old methods of strike and direct action to the continual white-anting of industry in general which obtains now-a-days, and which will not allow industry to advance or the State to progress. The objective of the old pioneers was an unbroken time and regular pay rather than a high wage. The present-day objective seems to be a high wage with short hours and generally with conditions which retard the policy of industrial development. It has been rightly said in this Chamber that the demands made upon the industry of to-day show that those who make them take no account of economic conditions, or of the toll which will have to be paid ultimately. Mr. Seddon illustrated this very clearly from the position in Russia. The hon. member showed that increased wages and shorter hours demand a toll of increased output in some form, which, however, present legislation seems to preclude.

Hon. T. Moore: What does Mr. Seddon know about Russia? He has read one particular book by someone we know nothing about.

Hon. H. Seddon: It would convince a man who was open to be convinced.

Hon. J. M. MACFARLANE: Clearly, the demands now being made upon the so-called capitalist are intended to bring about communism, full control of the Legislature and finance and industry, and indeed of every form of social activity.

Hon. T. Moore: What has brought about the 1,100,000 unemployed in Britain—communism or capitalism?

The PRESIDENT: Order, please!

Hon. J. M. MACFARLANE: I will adduce one recent instance showing the almost impossibility of securing industrial peace. Until recently carters and drivers were under a Federal award which gave them a wage of £4 8s. per week. They desired to have that award varied so that the basic wage might be applied every quarter. This having been done, the employees became dissatisfied, and applied to have the old method restored. The application was refused, and now the employees are applying to be brought under the State award. They are never satisfied; they prefer to disturb and unsettle the whole industry rather than assent to some form of industrial peace. Apparently the words "industrial peace" are not in their vocabulary. One could take up a good deal of time discussing the measure clause by clause. Let me express the hope that when the Bill becomes an Act it will contain provisions tending towards the welfare of industry and the welfare of the State as a whole. The clauses will receive my best attention in the Committee stage. I shall vote for those which I believe to be in the best interests of the worker and of the State, and I shall have no difficulty in finding the necessary strength of will to turn down those provisions to which I am opposed.

Hon. H. STEWART (South-East) [8.30]: The Leader of the House when introducing the Bill dealt with production of industries following upon reductions in hours. In every instance, apart from the Queensland timber industry, he quoted secondary industries that operate under a protective tariff. He furnished arguments in favour of the economic possibility of establishing a 44-hour week, but he ignored the cost of production. Nor did the Minister allude to the part played in the cost of production by machinery. He did claim that the workers should get some benefits because of the increased production brought about by the introduction of improved machinery. Members will appreciate and sympathise with that point of view, but they can offset matters in other directions in connection with the lowering of the cost of production. There should be some way of regulating the economic factors governing the position so that the employees as well as the employers should benefit by the decreased cost of production which should be reflected in the cost of living. Conditions have been prevalent throughout the Commonwealth, however, as a result of which instead of the lowered cost of production being reflected in the cost of living we find that increased protection has led to increased wages with the result that we get no further ahead. Lower production costs should certainly bring about lower living costs if wages were not increased. As a matter of fact, the increased wages secured have not resulted in attaining the objective of the Labour Party.

Hon. W. H. Kitson: If there had been no increases the workers would have been worse off still.

Hon. H. STEWART: I intend to show how futile have been the efforts of the Labour Party as a whole, and shall quote the admission of Mr. Kitson himself last week, in support of my assertion. Admissions such as that by Mr. Kitson, who has given such careful and thorough study to the matter, cause us to wonder if we can bring about better results without unduly disturbing the economic position. The Leader of the House gave us the value of production, but did not give us the price per unit. His contention that the 44-hour week in Australia had led to a more satisfactory posi-

tion and largely increased production really proved nothing. When the Minister quoted illustrations they referred to secondary industries or to the Queensland timber industry, which were all protected by the tariff. When there has been an increase in wages it has resulted in an increase in the cost of living, for the increase in wages has been passed on by the employing section. The result had been, as Mr. Kitson admitted, that the effect of Labour's policy during the last 30 years has been that to-day workers in some instances are not as well off as they were 20 or 25 years ago. The figures quoted by Mr. Seddon have not been contradicted and they show that while the wages of the workers had been increased by about 90 per cent., above what they were before the Harvester award, it is doubtful if the workers are 10 per cent. better off, despite the increased wages. The effect of the policy of the Labour Party, together with the protective tariff, has been that our products, whether sugar, woollen materials, boots or timber, have been sold in other countries at a power price than they are disposed of to Australians themselves. Thus we are not one iota further ahead and the cost of production has been nearly doubled in all industries, whether protected or not. If there is one industry that should be stabilised it is the gold mining industry, because of the necessity for some precious metal as a standard. So far the result of the efforts made to secure increased wages for the miners have not achieved the object sought; the standard of comfort of the worker has not been raised, nor has his position been relatively improved.

Hon. W. H. Kitson: You cannot blame the policy of the Labour Party for that.

Hon. H. STEWART: I am not blaming the Labour policy alone, but the inability to control the general economic position indicates that something is operating to prevent the realisation of the objects and ideals that have been advanced.

Hon. T. Moore: What policy would you suggest to get over the difficulty?

Hon. J. J. Holmes: More work.

Hon. H. STEWART: Regarding the figures quoted by the Leader of the House, I wish to point out that our system of regulating work by means of the Arbitration Court has been such that Australia is compelled, in order to dispose of her surplus products, to resort to dumping by selling in the open markets of the world.

Hon. T. Moore: That is why Tasmanian jams are sold here cheaper than we can produce jams locally.

Hon. H. STEWART: That is a pertinent illustration.

Hon. T. Moore: But the tariff had nothing to do with that.

Hon. H. STEWART: But we are in a comparable position as regards other parts of the world. Australian jams are not only sold at a lower price in Western Australia than elsewhere, but the prices in South Africa and California are lower than the Australian consumer has to pay for the local article.

Hon. A. Burvill: The same applies to Australian sugar.

Hon. H. STEWART: There is not one secondary industry that produces a surplus to be disposed of outside the Commonwealth the product of which industry is sold in the world's markets except at a lower price than the people of Australia have to pay for it. Yet as for Australians in general benefiting by other countries wanting to supply them with products, the Commonwealth step in with their anti-dumping legislation to prevent that. I have here a map showing thousands of acres of second-class and third-class Crown lands available for selection adjacent to railway lines. Under the Commonwealth legislation we in this State are debarred from developing those lands, because of the anti-dumping duty imposed on fencing material in order that certain of that material shall be made in Australia at an artificially high cost. Probably that position arises from the fact that wages have been fixed in accordance with the variations of the cost of living, and that cost of living has been regulated by wages.

Hon. T. Moore: No, regulated by the middle man.

Hon. H. STEWART: I am seeking to gain the attention of my colleagues with a view to seeing if a state of affairs has not prevailed disappointing to them. We have at least one member on the Government side who has proved to us that he is disappointed with the result of seeking for a number of years to attain his objective. That member, if he saw that nothing could be gained by following a certain line of policy, would join with others who would assist him in bringing about his objective.

Hon. W. H. Kitson: I think the system ought to be changed.

Hon. H. STEWART: That interjection is supported by members in all quarters of the House. The Minister gave us figures for 1921-22, the year in which the 44-hour week had fully operated. He said the value of production in that year was 81 millions, as against 56 millions in the previous year. He did not say what form of production he was referring to, but we got an idea of it because he quoted the number of factories, the number of workers, the wages and salaries, and he said the figures had all increased during that year and had largely increased over the figures of the previous year. But in the next year, when the 48-hour week was reverted to, we had a comparable increase under each of those headings. It proves that the contention of the Minister was entirely without foundation. He made a statement of fact and drew therefrom a quite unwarrantable deduction. The Minister was dealing only with the manufacturing industries. I have here "The Pocket Compendium of Austral-

ian Statistics." Table 19 shows that in 1921-22 the production and value added in manufacture and the number of hands employed, all increased. The value of production in that year was £129,931,000. But in the next year, when the 48-hour week was in operation, the value was £140,414,000. In 1920-21, when the 48-hour week was in operation, the number of factories was 17,113; in 1921-22, when the 44-hour week was in operation, the number was 18,000 odd; and in 1922-23, when we again had the 48-hour week, the number of factories was 19,000 odd. So it will be agreed that the contention of the Minister was quite unjustified.

Hon. J. J. Holmes: If the Minister's contention were right, there would be no necessity to work even 44 hours, for the fewer the hours worked the greater the production.

Hon. H. STEWART: The Minister did not attempt to lead the House to the *reductio ad absurdum*. Personally I think the Minister gave the wrong figures for production. When replying, he might tell us where he got his 81 million and his 66 million. This book gives the value of the total output for the year referred to by the Minister as being £320,341,000. It is all very well to talk of the secondary industries of Australia, but they produce only one-third of the wealth of the Commonwealth. If we turn to Table 23 of this little book we find that for the last year, 1922-23, the wealth produced by the manufacturing industries was £131,848,000, whereas the total wealth produced by all industries was £382,280,000. In Table 39 of this book we have an interesting comparison of the value of Australian products and its exports according to industries. There we see that during the seven years ended 1922-23 the percentages of Australian exports were, primary produce 94.5 per cent., and from manufactured products 5.5 per cent. In other words, during those seven years £745,000,000 worth of wealth was exported in the form of primary produce, and £43,000,000 worth of products as the result of manufacture. The tenor of my remarks is to show that under our system we are building up secondary industries employing in round figures as many people as are employed in primary industries. No less than 94 per cent. of our exports come from primary industries and from those industries which have not been so subjected to legislation upon lines that have existed in the past. I am dealing with this Bill on general economic principles. I am not seeking to put the blame upon any special thought or phase. In Committee we can argue in detail as to whether such a definite proposal is wise or not. The combined result of the legislation in favour of the worker and the community has, in my opinion, been ineffective, so far as the world ideals that are put forward not only by the Labour Party, but the old Liberals, the Nationalists, or the Country Party in their wider phase, are concerned. I believe it is the desire of all to see that the general standard of comfort, education, culture, and general harmony between all classes of the community are improved and advanced. We come here representing certain constituencies and with the responsibility of considering the well-being of the State as a whole. It is our bounded duty to consider what is the best method of doing this.

Hon. E. H. Gray: You must take into consideration the crushing effect of the interest we have to bear consequent upon the war.

Hon. H. STEWART: That has not been felt by Australia with the same severity as it has been felt in other countries.

Hon. E. H. Gray: It has kept us back.

Hon. H. STEWART: If we could count upon there being no more wars, and everyone put forth his best efforts, and with shorter hours and an increased standard of comfort produced of his best, we could go ahead on a sure foundation. It is by extra production that we get extra comfort. It is the extra surplus that is divisible amongst all sections of the community. By that and that alone can the general standard of comfort be improved. We know that some get a larger proportion of the surplus than is their fair reward, and it is for us to endeavour to regulate these matters if we can. My object is to point out that the results of the past 20 years of general legislation, designed to improve the relative standard of comfort, have not borne the fruit that was anticipated.

Hon. T. Moore: You do not mean that the war has not put a greater burden upon the world?

Hon. H. STEWART: I am not discussing the war.

Hon. T. Moore: You do not wish to; it does not suit you.

Hon. H. STEWART: I wish to keep to the Bill.

Hon. T. Moore: The workers of the world are carrying the burden.

Hon. H. STEWART: From the figures I have quoted, it appears that Western Australia is in a somewhat different position. In this State only one-fifth of the total wealth produced comes from the manufacturing industries. If we take the 1922 figures we find that the number of people engaged in industrial establishments was practically 20,000 and the number of those engaged in primary industries was 65,000. Mr. Seddon and Mr. Kitson made valuable contributions to the debate. They showed they had given the matter careful consideration and thought. It is by work of that kind that we can hope to influence each other, and achieve better results than has been the case in the past. This Bill is probably the most important we shall have before us this session. Knowing that the Minister for Works has had a long experience of these matters, I read through his speech carefully. Instead of its being a

reflection on him that any part of this Bill is taken from other Acts, I maintain that he has followed an excellent precedent. Where there is a good thing let us use it. If it is the result of the thought or brains of others, let us use it if it will advance the human race. Whether or not I agree with his deductions or the Bill is beside the point. He has undoubtedly made an earnest and conscientious effort to overcome the difficulties which have operated against successful results accruing from the system of arbitration and conciliation at present in vogue in this State. When the Bill is finished with we hope it will result in a realisation of the aspirations of the Minister and of every section of the community. With regard to the Bill, wherever it is a matter of a union being dealt with I interpret the word to mean union of employers or workers. Where the employer is referred to I shall think as much of his being a small employer, who is endeavouring by his independence and personality to establish and build up for himself a successful business, as of his being a man who has inherited wealth and a ready-made business. It seems that the general policy in industrial matters of the past has tended to kill or keep back the small business man, who by brains, initiative, and organising ability had to overcome the lack of capital. That policy, too, has allowed the men, who started off in a preferential position prior to legislative control, to survive in smaller numbers, thus fostering the formation of combines, if not monopolies. That position is more dangerous than if we had a large number of employers, small controllers and capitalists of industry, who by their competition would tend to keep down prices. There is a danger with the smaller number of employers of costs being passed on and a position being created that is difficult, if not impossible, to cope with. I agree that there should be a permanent head of the Arbitration Court. There are also to be six subsidiary bodies under the court. Instead of a president being appointed for eight years, it would be better to appoint him for life and give him the status of a judge of the Supreme Court. I do not say the president should possess the qualifications of a judge, but he should certainly possess the qualification of being able to look into a matter on its merits, and be capable of reasoning soundly and logically upon all matters either from legal or economic points of view. The training that enables a man with an analytical mind to deal with arbitration is not limited to those who have to deal with legal questions. There are many men who have been trained along logical and correct lines of thought who have not been connected with the law. There are many scientists who are not legal men, but whose deductions are logical and whose powers of investigation are remarkable. As a result of their efforts, thought has progressed and research has developed. The great natural laws that have resulted from these scientific investigations are far less liable to variation than the ordinary man-made laws that have operated from decade to decade. Whoever is appointed to the position of president must possess the ability to sift matters to the bottom, and arrive at a well-considered and equitable judgment. The difficulty is to get a man sufficiently open-minded and experienced, and with that peculiar breadth of vision that enables him to see all aspects of a question and give a decision that will result in the promotion of increased efforts on the part of the people, increased prosperity and greater welfare for the nation as a whole. I am pleased to see in the Bill the reference to the appointment of boards. Many people argue that in Victoria practically all the industries that are dealt with and regulated are secondary industries, that if there is an increase in wages it does not signify, because the difference is passed on to the consumer and the cost of living goes up. It thus becomes a question of a dog chasing its tail.

Hon. H. Seddon: What is the result of that policy in Victoria?

Hon. H. STEWART: It will kill itself. The economic position will become such that the primary industries will be so burdened, that, except in cases where high priced markets rule, we shall be unable to export our primary products in competition with other parts of the world, at all events until such time as the industrial conditions of the world become more settled. I feel it is rather presumptious on my part to have endeavoured in any way to answer that interjection. The Bill as drafted contains clauses providing that the Minister may do certain things. To judge from the speeches made by the Minister in another place, his ideal seems to be the appointment of a supreme head of the Arbitration Court, with various bodies subsidiary to the court, anything done by those subsidiary bodies to carry with it the authority of the court. Unless some further explanation is given, I think it would be desirable for us to alter the Bill so as to put the entire control in the hands of the president. Clause 14 empowers the president of his own motion to deal with industrial matters, and later the court is given power to settle all industrial matters and disputes referred to it by the Minister. If the court does all that the Bill authorises it to do, there will be no necessity for the Minister to intervene at all. However, I am open to consider that matter further in Committee. It has been suggested to me that wages boards would operate disadvantageously in this State, because of the different rates which would have to be awarded to workers doing the same class of work in various industries. The view taken by the employees, I understand, is that if the court is given freedom

of action, and if the basic wage is determined at stated intervals, and, further, if industries are standardised so that they may automatically adopt the basic wage, the work of the court will be so reduced as to obviate congestion, or, at any rate, that the appointment of a deputy president and of the proposed subsidiary bodies would soon enable the work of the court to proceed satisfactorily. Clauses 51, 52 and 53 empower the Minister to constitute districts, and to cancel and amend any notification under Clause 52, and also to appoint conciliation committees consisting of a chairman and two or more members. In the present state of my information, it seems to me that it would be much better if that power were vested in the court. Surely, if the court is worthy of confidence, it is worthy of bearing those responsibilities. With regard to the representatives of employers and employees sitting on either side of the president, I hold that their proper place is on the floor of the court. Let the president have all the information obtainable, and let him be empowered to call all the evidence, assistance, and advice that he may want, but let us not saddle the man who is given such great responsibility and such wide latitude with a restriction that might hamper him while not really benefiting the settlement of industrial troubles. If all the information that should be available can be made available to the president, what necessity is there for having two admittedly partisan representatives on the bench? Might it not be an improvement to have the judge or president sitting without the partisan representatives? The presence of partisans on the bench is an unsatisfactory feature. Should a bench of three be desired, the better course would be to have a president and two deputy presidents. Clause 37 provides that any magistrate may be appointed an industrial magistrate. I take that to mean that any justice of the peace can be appointed an industrial magistrate, which is a different proposition from appointing stipendiary magistrates to that position. If I am wrong in my view that justices of the peace can be so appointed, no doubt the Minister will correct me when that clause is reached in Committee. Clause 5 represents, I believe, an amendment inserted in another place making it mandatory for the registrar to refuse to register a union in certain circumstances. Previously the official had discretion in the matter. A peculiar provision of Clause 49 is that industrial boards shall have power to admit and call such evidence as in good conscience they may think to be the best available, whether it is strictly legal evidence or not. The provision does not strike me as the high-water mark of legislative drafting. However, once more it is a matter we can consider in Committee. Looking at the basic wage question from the academic standpoint, the Government appear to have set up an arbitrary standard according to which the wage is to be fixed. If the standard is going to be adopted, it should be possible to deduce from a series of statistics what is the average worker of the Commonwealth. It is not for Parliament to say that it shall be based on the requirements of a married man with three children and a 5-roomed house. Theoretically we should have all the details of the industrial life of the Commonwealth before us in order to arrive at a better determination of the economic conditions that should be laid down. We should take into account the condition of our industries and how the Commonwealth operations have progressed. I have touched generally upon what I regard as the main aspects of the Bill and have referred to Mr. Kitson's admission that the objection sought by this legislation in the past has not borne the fruits anticipated. That being so, I have contributed to the debate in the hope that, by mutual forbearance and thought, there may be induced a modification of efforts that will bear richer fruit than in the past. I have pleasure in supporting the second reading of the Bill, and in acknowledging the earnestness of the Minister for Labour in another place regarding the Bill itself.

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

BILL—INSPECTION OF SCAFFOLDING.

Recommittal.

Resumed from the 6th November; Hon. J. W. Kirwan in the Chair, the Colonial Secretary in charge of the Bill.

The CHAIRMAN: Progress was reported upon Clause 1, to which the Minister had proposed a new Subclause 2, the Bill having been recommitted for the consideration of certain clauses.

Hon. A. LOVEKIN: I would like to know if the amendment proposed by the Minister was actually agreed to, or whether the question now before the Chair is that certain words be inserted in the clause. I understood that certain words were struck out with a view to inserting the amendment that the Minister was about to propose. From memory I do not think the words were inserted.

The CHAIRMAN: The Bill was recommitted for the purpose of reconsidering certain clauses, and the clause we are now considering was amended by striking out Subclause 2. Reference to the minutes will show the direction in which it was amended. The Minister moved an amendment to insert a new Subclause 2, which will be found on page 134, and when progress was reported the question was: "That the clause as amended, be agreed to."

Hon. A. LOVEKIN: The Committee will be well advised not to agree to the clause as it is proposed to amend it, be-

cause we have already decided that the Bill shall be confined to the metropolitan area. The Minister's amendment seeks to extend the operations of the Bill to country districts. If we vote against the clause it will leave it open to the Minister to restore what we originally inserted and confine the Bill to the metropolitan area. I oppose the clause as amended.

Hon. J. J. HOLMES: I understood that we decided to limit the operation of the Bill to the metropolitan area, including the West Province. The effect of the Minister's amendment is that by order of the Governor-in-Council, approved by the legislature, the provisions of the Bill may be extended to parts outside the metropolitan area and the West Province. Difficulties will arise when it is attempted to extend the operation of the Bill to outside parts, because we have amended the Bill to meet the requirements of the metropolitan area. I am not antagonistic to the Bill, but I believe the better way would be to pass the Bill, making it apply to the metropolitan area and the West Province only, and to introduce amending Bills as required to deal with other parts of the State. If that were done we could make the amendments necessary to apply the Bill accordingly.

Hon. J. NICHOLSON: The amendment of the Leader of the House has practically the same effect as the Bill in its original form. It is true that provision is made for disallowance by Parliament of the Order-in-Council extending the operation of the Bill, but I do not think the position will be satisfactory. I will move an amendment to the effect that all the words after "West Province" in the Minister's amendment be struck out.

The CHAIRMAN: On page 134 of the "Votes and Proceedings" it is shown that that amendment was proposed, and that the Committee divided on it. Therefore the same amendment cannot be again proposed, except on recommittal.

The COLONIAL SECRETARY: The Bill was not drafted for the purpose of meeting the requirements of the metropolitan area alone; it was drafted with the object of extension at a later date to the larger townships of the State. It was submitted to the Committee, and the Committee restricted its operations to the metropolitan area. Now it is desired to take power to extend the operations of the Bill by an Order-in-Council whenever the necessity arises. We propose that in preference to introducing an amending Bill. There will be nothing secret about such an extension. The Order-in-Council must be on the Table for 14 sitting days, during which time any member can give notice of motion for its disallowance. It was a slander on the Committee to suggest that members were likely to forget that the Order-in-Council was on the Table. I can scarcely think that those who made such a suggestion made it seriously. It was also said that it might be intended to extend the measure to the North-West. That would be ridiculous.

Hon. J. Duffell: But the Bill applies to ships or boats, and a boat subject to the Bill might be in North-Western waters.

The COLONIAL SECRETARY: There is no possibility of the measure being extended to the North-West; no Government would attempt it.

Hon. A. Burvill: In any case it would be disallowed.

The COLONIAL SECRETARY: The Order-in-Council must have the approval of the Chamber, so I ask the Committee to pass the amendment as it stands.

Hon. A. LOVEKIN: Whether the extension of the measure to the country districts be made by Order-in-Council or by Bill would matter very little to the Government. But an amending Bill would afford the Committee opportunity to put into that Bill certain provisions, which it might be necessary to apply to country districts. On the other hand, if the extension be made by Order-in-Council, members will not be able to amend it, but will have to take it or leave it. It seems to me, especially in view of the pertinent interjection by Mr. Duffell, that we should have the extension effected by Bill, so that we can make suitable provision for the administration of the Act in country districts. In these circumstances I hope the Committee will vote against the clause as it is proposed to be amended. On recommittal we can then have a new clause that will stop at the conclusion of the first paragraph of the Minister's amendment.

Hon. J. J. HOLMES: The Minister's explanation, and his bald statement that it would be ridiculous to apply the Bill to the whole of the State, are amusing. Already the Government seek power to apply the measure to every part of the State. According to the Minister that is ridiculous. Last session the House put up the excellent proposition to give the local authorities power to act in their respective areas, but because some members wanted the whole Bill or nothing but the Bill it was lost.

Hon. T. Moore: Your party in another place would not take it up.

Hon. J. J. HOLMES: I belong to no party. As soon as this House becomes a party House, there will be no longer any necessity for its continued existence. The suggestion made by Mr. Lovekin that we vote against the Minister's amendment and get back to where we were is, I think, a very sensible one.

Hon. J. CORNELL: When, originally, the clause was before the House, I voted against restricting the Bill to the metropolitan area. However, the Committee decided that the Bill should apply to the metropolitan area alone. I can see no reason why the Minister did not accept that, for he had available the simple expedient of proclaiming the Act, putting it into force in the metropolitan area, and subse-

quently extending it by bringing down an amending Bill. However, the Minister has embraced a pernicious innovation that is not to be found in any other measure on the statute-book. I am against amending any of our Bills by Order-in-Council. I see no reason why the old-established practice of bringing in an amending Bill should not stand. I hope the Committee will vote against the clause as it stands, and throw upon the Minister the onus of introducing the original amendment as carried.

The CHAIRMAN: Some slight misunderstanding arose as to what took place in Committee when the Bill was last recommitted. When the Bill was recommitted Subclause 2 of Clause 1 was struck out. The Minister proposed to insert the following to stand as Subclause 2:—

> Subject as hereinafter provided, this Act shall be in force and have effect only in the metropolitan area, consisting of the following electoral provinces, namely, the Metropolitan Province, the Metropolitan-Suburban Province, and the West Province.
>
> But the operation of this Act may be extended by the Governor, by Order-in-Council published in the "Gazette," so that it shall have force and effect in such other parts of the State as by such Order-in-Council are constituted and defined as districts for the purposes of this Act:
>
> Provided that before any such Order-in-Council is published in the "Gazette" it shall be laid before both Houses of Parliament; and if either House of Parliament passes a resolution disallowing the Order-in-Council, of which resolution notice has been given at any time within fourteen sitting days of such House after such Order-in-Council has been laid before it, the Order-in-Council shall not be published in the "Gazette" and it shall be of no effect.

The question is that the proposed subclause be agreed to.

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

Ayes	10
Noes	12
Majority against ..	2

Ayes.	
Hon. A. Burvill	Hon. W. H. Kitson
Hon. J. M. Drew	Hon. T. Moore
Hon. J. Duffell	Hon. G. Potter
Hon. E. H. Harris	Hon. A. J. H. Saw
Hon. J. W. Hickey	Hon. E. H. Gray (*Teller.*)

Noes.	
Hon. J. Cornell	Hon. G. W. Miles
Hon. J. A. Greig	Hon. J. Nicholson
Hon. V. Hamersley	Hon. H. Seddon
Hon. J. J. Holmes	Hon. H. A. Stephenson
Hon. A. Lovekin	Hon. H. Stewart
Hon. J. M. Macfarlane	Hon. J. Ewing (*Teller.*)

Amendment thus negatived.

Clause, as previously amended, agreed to.

Clause 7—Powers and duties of inspectors:

Hon. A. LOVEKIN: On behalf of Mr. Stewart I move an amendment—

That in line 1 after the word "any" the word "reasonable" be inserted.

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

Clause 14—Inquiry into cause of accident.

Hon. A. J. H. SAW: I move an amendment—

That in Subclause 1 all the words after "magistrate" in line 5 be struck out.

Justice will be done if an inquiry is held before a police or resident magistrate. It would be improper and a great mistake to allow partisans from one side or the other to sit with the magistrates.

Amendment put and passed.

Hon. J. CORNELL: After I had secured an amendment to this clause on a previous occasion, I found that the clause as amended did not fill the bill. I have drafted another which meets with the approval of the Colonial Secretary. I, therefore, move an amendment—

That Subclause 12 be struck out and the following inserted in lieu: "A representative of the person killed or injured, a representative of the industrial union of employers, and a representative of the industrial union of workers representing the class of employment in which the persons who met with an accident were employed at the time of the accident, and concerning which accident the Minister has ordered an inquiry under this section shall be entitled to be present at and take part in such inquiry, and shall have full power to call, examine, and cross-examine witnesses thereat."

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

Clause 25—Regulations:

Hon. A. J. H. SAW: I move an amendment—

That in paragraph (a), lines 8 and 9, the words "competitive examination" be struck out, and "examination competitive or otherwise" be inserted in lieu.

The object of the amendment is to insist firstly that there shall be an examination, and then that the examination may be competitive or non-competitive. Whilst there is every reason to insist that a person shall show by examination that he is fit for a position of that kind, it is not necessary to insist that the examination shall be competitive. Some of the qualities required in an inspector, such qualities as tact and good character, will not be fully deter-

mined by his coming out first in a competitive examination. If there is in the department an officer possessing the necessary qualities, he need not necessarily be appointed to an inspectorship by competitive examination.

Amendment put and passed.

The COLONIAL SECRETARY: I move an amendment—

That the following be inserted to stand as Subclause 1:—"The regulations in the schedule to this Act shall have effect and the force of law in the metropolitan area."

Hon. A. LOVEKIN: The Minister might well let the whole of this go now. The regulations are in the schedule to the Bill, and we have already provided that the regulations in the schedule shall have effect. Consequently the amendment seems redundant, and I suggest to the Minister that he do not move it at all.

Hon. J. CORNELL: Mr. Lovekin is quite right in his argument, but we thrashed it out that the regulations might be amended in the ordinary manner. I see no objection to the amendment.

Hon. A. LOVEKIN: There is provision in the Bill for regulations; and as soon as there is provision in any Bill for regulations, the Interpretation Act comes in and says that whenever regulations are made they shall be subject to disallowance under Sections 36 and 37 of that Act.

The COLONIAL SECRETARY: I see no necessity for the amendment, except to confirm the position taken up by Mr. Holmes and Mr. Lovekin. If they do not desire the proposed subclause to be inserted, I will ask leave to withdraw my amendment.

Amendment by leave withdrawn.

Clause, as previously amended, agreed to.

The COLONIAL SECRETARY: I move—

That the Chairman do now report the Bill to the House.

Hon. A. LOVEKIN: Before we proceed to another stage of the Bill, I suggest we have a clean reprint of the measure showing the amendments which have been made. There may be some little defects, and I would like to see the Bill go to another place in as good order as we can secure. Perhaps the Bill could be reprinted for the report stage.

The CHAIRMAN: I will see that that is done.

Question put and passed.

Bill reported with further amendments.

House adjourned at 10.25 p.m.

Legislative Assembly,

Tuesday, 18th November, 1924.

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

ANNUAL AND SUPPLEMENTARY ESTIMATES, 1924-25.

Reports of Committee of Ways and Means adopted.

BILL—ALBANY LOAN VALIDATION.

Read a third time, and transmitted to the Council.

BILL—FIRE BRIGADES ACT AMENDMENT.

Second Reading.

Debate resumed from the 11th November.

Mr. HUGHES (East Perth) [4.37]: This Bill looks quite innocent, and merely a formal measure, to those who have not been behind the scenes and therefore are not cognisant of the facts leading up to its introduction. I am quite satisfied that the Treasurer, who has much more work than one man can do, and who lacks time and opportunity to go into such a matter as this, with a view to obtaining inside information, is not aware of all the facts. Personally, I never can dissociate the fire brigades from the insurance offices. When the Government give a service for which the taxpayer pays, and give it free, there is reason for charging the Consolidated Revenue with the cost of the service; but where the people are paying a fee to private enterprise for performing a service, it seems unreasonable that the taxpayer should be required largely to supplement that service. According to the report of the Fire Brigades Board for the year ended on the 31st December, 1923, the board's expenditure amounted to £34,475, towards which the Government contributed £8,619, and the