welfare of the community, and injurious at all times. Sometimes it is not injurious for the light of day to be let into some of our transactions. We have found it far from injurious for the light of day to be let sometimes into some of our transactions. If what is known as the reputable Press sought more prominently to inquire into actions which take place under their noses, there would be not the slightest necessity for the gutter Press as we know it. The gutter Press would not be so largely used if members of Parliament and others did not read it. We are apt when we see names in these particular newspapers, especially if they refer to political opponents or men we do not like, not to put the most charitable construction on what we read, and we add to the gutter Press by a repetition of those scandals which we see in it and give that Press encouragement in many instances to increase the libel. In lots of instances, as soon as a man buys a newspaper plant and begins to see his own articles in the newspaper, he has the same kind of desire that members of Parliament may have to see their speeches after their names, and frequently the newspaper proprietor thinks that all he has to do is to say a thing is right and it is right. I did purpose proposing that the Bill be read this day six months, but in Committee I shall endeavour to have all these machinery clauses, as the hon. member styles them, very much altered, or, at any rate, made much less crushing than they are at present.

On motion by the PREMIER, debate adjourned.

### ADJOURNMENT.

The House adjourned at twenty minutes past 10 o'clock, until the next day.

# Legislative Assembly,

*Thursday, 12th September, 1901.*

Papers presented—Question: Land Drainage Act, to Amend—Question: Absentee Taxation, to Legislate—Question: Midland Railway Guarantee, to withdraw—Question: Mining on Private Property Act, Baser Metals—Presbyterian Church of Australia Bill, third reading—Workers' Compensation Bill, in Committee to Clause 4 (adjourned)—Trade Unions Regulation Bill, resumed in Committee, reported—Adjournment.

The SPEAKER took the Chair at 4·30 o'clock, p.m.

PRAYERS.

### PAPERS PRESENTED.

By the MINISTER FOR WORKS: 1, Mullewa-Cue Railway Contract, papers relating to settlement of claims of Contractors; 2, Lease of 42-Mile Dam (ordered on motions by Hon. F. H. Piesse).

By the PREMIER: Removal of Mr. Pennefather and appointment of Mr. Parker as second Puisne Judge (ordered on motion by Mr. Throssell).

By the COLONIAL TREASURER: Annual Reports, (1) Perth Public Hospital, (2) Postmaster General.

Ordered to lie on the table.

### QUESTION—LAND DRAINAGE ACT, TO AMEND.

MR. W. B. GORDON asked the Premier: Whether it is the intention of the Government to amend the Land Drainage Act 1900. If so, when?

THE PREMIER replied: Yes; a Bill amending the Drainage Act was introduced in the Legislative Council yesterday.

### QUESTION—ABSENTEE TAXATION, TO LEGISLATE.

MR. H. J. YELVERTON (for Mr. P. Stone) asked the Premier: Whether it is the intention of the Government to bring in a Bill this session for the purpose of imposing a tax on absentee owners of large estates?

THE PREMIER replied: The Government are unable to bring in such a Bill at present, but hope during the recess to deal with the question of large estates.

### QUESTION—MIDLAND RAILWAY GUARANTEE, TO WITHDRAW.

MR. H. J. YELVERTON (for Mr. P. Stone) asked the Premier: Is it the

intention of the Government, at as early a date as possible, to withdraw its present guarantee of £500,000 given on behalf of the Midland Company?

THE PREMIER replied: The question has not been considered.

QUESTION—MINING ON PRIVATE PROPERTY ACT, BASER METALS.

MR. W. B. GORDON (for Mr. P. Stone) asked the Minister for Mines: Whether it is the intention of the Government, during this session, to bring in a Bill to make the provisions of the Mining on Private Property Act apply to the baser metals?

THE MINISTER FOR MINES replied: Yes.

PRESBYTERIAN CHURCH OF AUSTRALIA BILL.

Read a third time, on motion by the COLONIAL TREASURER (for Hon. W. H. James), and transmitted to the Legislative Council.

WORKERS' COMPENSATION BILL.

IN COMMITTEE.

Clause 1—Short Title, Commencement:

MR. RASON moved that in Sub-clause 2, lines one and two, the words "shall commence on a date to be fixed by the Governor by Order in Council" be struck out, and "come into operation on the first day of January, 1902," be inserted in lieu. The object of the amendment was to secure absolute justice alike to workers and employers. As the clause stood, the measure might be brought into operation with undue haste or be postponed indefinitely. Some date should be fixed so that the employer might know when he would be under the operation of the measure, and be afforded an opportunity of making those arrangements for insurance which the hon. member in charge of the Bill said were necessary.

HON. W. H. JAMES (in charge of the Bill): The object of the sub-clause was to enable the operation of the measure to be suspended until every provision had been made for carrying out the clause dealing with insurance, and for the purpose of securing that due notice should be given of the coming into operation of the measure. The desire of the hon. member (Mr. Rason) would be met if after the word "Council," in line two, "not being earlier than the first day of January, 1902," were inserted. To have a date fixed when the Act should come in force was undesirable, for that would interfere with negotiations between employers and the insurance companies, for which time was required.

MR. RASON: From an employer's point of view, the Minister's amendment would be entirely satisfactory, but hardly so satisfactory to workers. It would mean the Act could not come into force before the 1st January, and perhaps not for an indefinite period afterwards. To fix a date could not possibly affect any insurance scheme, but would rather strengthen the hands of employers and insurance companies, who would know exactly by what date arrangements should be completed. However, he would withdraw the amendment.

Amendment by leave withdrawn.

HON. W. H. JAMES: The workers could trust the Government. He moved that, after the word "Council," the words "not being earlier than the first day of January, 1902," be inserted.

MR. DAGLISH: The desirableness of a fixed date was undoubted, else too much power would be left in the hands of the Government of the day. The successors of the present Government might not be so fully worthy of trust by the workers as this Ministry, and before the 1st January, 1902, there might be in power an unfriendly Administration, out of sympathy with the objects of the Bill.

HON. W. H. JAMES: The Bill provided that every policy of accident insurance must contain certain provisions, to be prescribed by the Government. To give effect to that would take some time.

MR. DAGLISH: Nevertheless, fix a date, though what date was fixed was not of much importance.

HON. W. H. JAMES: Insurance companies would benefit largely by the Act. If they knew on what date the Act would come into force, they would hold back; but otherwise they would be more inclined to come to an arrangement with employers, and to have fair terms indorsed on policies.

MR. R. HASTIE: Apparently the Minister expected the insurance companies would soon come to terms. The amendment could be altered so as to give

them two months. If it were known to such companies that no date were fixed, they might delay. Fix a day, say the 1st March, which would give ample time for negotiations with the companies.

THE COLONIAL TREASURER: That would hardly meet the difficulty, the object being to make terms with the insurance companies. If there were a date fixed, people must insure by that date; while on the other hand, were it not fixed, the Bill would come into force as soon as satisfactory arrangements had been made; and it would be easier to get desirable terms.

MR. W. B. GORDON supported the amendment. It was regrettable to see that the Labour party, who supported the Government, would not accept the Minister's amendment. On this point the Government required time to make proper negotiations. If there were in the State no insurance companies willing to give liberal terms, the Government would, by the amendment, have an opportunity of introducing some company not at present represented. Labour members should accept the amendment, which was in their own interests.

MR. G. TAYLOR: Were not most of the large mining companies at present insured against accident? It was the insurance agents who defended Supreme Court actions for compensating injured workmen. Surely, no very long time would be required to make arrangements under the Act. A date should be fixed, say 1st June, to give every facility for insuring; but there should be a definite time, else there was no saying when the Bill would be taken advantage of.

THE MINISTER FOR WORKS: It was very possible that if the date were left indefinite at present, it would be fixed much before the 1st June. In the event of the date being fixed, there would be every possible inducement for one party to the bargain to hold back to the latest possible moment, in the hope of getting better terms than would otherwise be obtained.

MR. R. HASTIE: No one proposed to fix a date. A suggestion came from the member for Guildford (Mr. Rason) that it should not be earlier than 1st January; he (Mr. Hastie) then suggested it should not be later than 1st March, and a farther suggestion had been made that it should not be later than 1st June. Surely that was not fixing anything, but simply giving dates between which the Bill must come into force. The great object in fixing a later date was to induce insurance companies to come to terms before that time. If the proposal were passed, the Governor-in-Council might very soon after the 1st January be able to declare this Bill in practical operation.

MR. G. TAYLOR: This measure was a Workers' Compensation Bill, and insurance companies ought not to stand in the way at all. If there was a desire to do something for insurance companies, let a Bill be introduced for that purpose. It was to be hoped that if employers did their part under this Bill, there would be no necessity for the insurance societies to come along at all.

MR. F. WILSON: There was already in existence an Employers' Liability Act, which provided that employers were responsible for any accident that happened through their neglect; but this Bill would compensate a man whether he was hurt through neglect of the employer or his own neglect. The Bill would be very wide in its effect. It was going to be a severe tax on the employers unless they were protected by insurance; so due time should be given in order that insurance companies might be negotiated with for provision to be made in policies to cover accidents which would come under this measure. The clause as it stood would be much better than if it were altered by having the time fixed. The member for Kanowna (Mr. R. Hastie) said the amendment proposed was not fixing the time, but if we said not later than 1st June, surely that fixed the 1st June as a limit. He hoped the amendment would not be pressed.

MR. J. RESIDE: The Bill should be brought into operation as soon as possible. In his district not a week passed without a man being injured and being entitled to compensation. There were certain conditions under the Employers' Liability Act, but owing to the excessive cost of law and the absence of local courts, many men were deprived of that to which they were entitled. He thought a man who met with an accident through his own misconduct was specially exempted, by Clause 5, from obtaining compensation. The time had come when the doctrine of

common employment should be abolished. There was no objection to stating the Bill should come into operation not later than a certain date.

MR. W. D. JOHNSON: As a Labour representative, he was not here to take one side on this Bill, but to give a just deal to both sides. The time had come when something should be done to protect the lives of miners on the goldfields. Associations on the goldfields were paying at the rate of £70 a fortnight for accidents to miners. He opposed the clause as it stood at present, from an employers' point of view. An employer should not have this measure sprung upon him and put into force when he was not prepared for it, and when consequently he had not made provision to come under it. When the measure was brought into force it would not be the employer who would pay, but the consumer. If a builder knew the Bill would come into operation on the 1st June, he would make provision for the insurance of his workmen. At the present time builders did not insure. Managers insured to a large extent their employees, but unfortunately while their employees were insured they could not get compensation. There were companies in Western Australia that would be prepared to take the risk under the Bill. Time should be allowed to contractors who had not at the present time insured their workmen. To enable them to do so a definite time should be stated, and if the 1st June was fixed, plenty of time would be allowed to make arrangements with insurance companies.

MR. J. GARDINER: Apparently the Government, being large employers of labour that would come under the operation of this Bill, desired to make provision for insurance as far as possible. On the other hand, from the workers' standpoint, it would be an unwise thing to leave indefinite the date when the measure should come into operation. If the Government would give an assurance they would take steps to get the measure brought into operation as soon as possible, there would be no opposition to the clause as amended, either as suggested by the member for Kanowna (Mr. R. Hastie) or the member for Mt. Margaret (Mr. G. Taylor).

MR. C. H. RASON: The 1st June was suggested by him because it was absolutely necessary some date should be fixed now. We were told it was absolutely necessary to make some arrangements with the insurance companies. That was wholly beside the issue. Insurance companies taking the risk under this Bill were asked to take something that no present policy comprised. This was a new operation, and it was folly to talk about extending existing policies. To insure against risk under this Bill, it would be necessary to enter into a fresh arrangement altogether. It would be folly to say that would be work which would necessitate delay of months. The risk could be calculated by an actuary in a few moments, being governed by tables that had been in existence for years. Any actuary of an insurance company would in less than ten minutes state exactly what would be the fair actuarial risk under this measure. One was prepared to accept the suggested amendment, if the Minister would, on behalf of the Government, give an assurance that no unnecessary delay would occur in bringing the Bill into operation. The words to be inserted in line 2 after "Council" would then be "not being earlier than the first day of January, 1902."

HON. W. H. JAMES: The question was not what would be charged by insurance companies: there would be no difficulty in fixing that, although it could not be fixed in ten minutes. But the difficulty was that provision was made that the conditions of the accident policies should, to a certain extent, be controlled by the Government. As we were throwing a burden on the employers that would compel them to insure, we ought, as far as we could, to protect them against unfair conditions. That object would be entirely defeated if the date were given. Business men would, no doubt, become aware of the date of the operation of the Bill, but there were hundreds of other employers who might not hear of the measure for many months hence. In South Australia the limit given before the Act came into operation was six months: here the Bill went farther than that, and allowed only three months. There was need for this provision.

THE COLONIAL TREASURER: The Government as employers of labour paid salaries and wages amounting to over a quarter of a million a year. The

question would have to be considered by the Government whether they would insure their employees or whether they would open up an insurance fund of their own. At present he would advocate the Government insuring their own employees. Some little time should be given to look into these arrangements, and if the Government had to treat with insurance companies it was quite possible, having a large number of employees, the Government could make special arrangements, and in that case ordinary figures would be departed from. But if a date were fixed and the Bill had to come into operation on a certain date, such favourable terms could not be come to with the insurance companies as might otherwise be the case.

MR. R. HASTIE: It was not desirable to fix on any particular date. Members had expressed their wishes that the Bill should come into operation at the earliest possible moment. The Government should have an opportunity of making arrangements with the insurance companies if necessary; and the Government had stated that the Bill would come into operation at the earliest possible moment.

MR. H. J. YELVERTON: In the interests of the employer as well as of the employee, a reasonable time should be allowed before the Bill came into operation. The fact of the measure throwing a farther charge on any particular industry should be a sufficient argument to members to give the employers an opportunity to provide against that extra charge, so as to recoup themselves either by insurance or charging an extra price for their commodities. Four or six months would be a reasonable time.

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

Clause 2—Interpretation:

MR. W. F. SAYER: This clause should stand over until the Committee had decided whether the Bill should apply generally to all industries or should only have a limited application. He moved that the clause be postponed.

Motion put and passed, and the clause postponed.

Clause 3—agreed to.

Clause 4—Employment to which Act applies:

MR. RASON: After sub-clause 2, he wished to add a new sub-clause as follows:—

> Any work carried on by or on behalf of the Crown, or any local authority as the employer, if the work would, in the case of a private employer, be an employment to which this Act applies.

The previous clause extended the Bill to workers employed by the Government, and Clause 4 went on to say to what employments the Bill should apply. Municipal authorities and roads boards employed workers on hazardous work at times, yet these bodies were excluded from the operation of the Bill. The words he proposed to insert were contained in the New Zealand Act, and the draughtsman of the clause evidently intended to copy the New Zealand measure. He wished to include men employed under municipal authority, roads boards, or any other public body. If an assurance were given that these men were already included, he would be satisfied.

MR. W. F. SAYER: The Committee should first consider whether this clause was to have a general application to all industries, or a more limited application. It had occurred to him that in dealing with industrial legislation of this kind, it was not well to handicap one of the States of the Commonwealth above another. Much as he appreciated the principle of the measure, and was anxious to see the principle of common employment abolished and the principle of general insurance introduced, the Committee should seek for uniform legislation throughout Australia on this point, especially as now this State had no means of protecting its industries against those of other States by duties. Therefore, no industry of one State should be handicapped by burdens which were not also borne by the industries of other States. The question was, were we to adopt the legislation of New Zealand, which applied generally to all industries, or to adopt that of South Australia? It must be the hope of the Government that the other States of the Commonwealth would follow the example now set by South Australia, and which would be set by Western Australia if this Bill were passed. The right way to deal with the matter was for the individual States to arrive at a common agreement, and then

approach the Federal Parliament with a request for Federal legislation. The Federal Constitution Act made provision for this. The burden of the Act should be cast equally on the whole of the community; and he regarded Australia, since federation, as one community. The language of the clause specifying the employments to which the Bill should apply was really universal language, covering employment of every description; whereas the South Australian Act applied only to injuries sustained by workmen employed "on or in or about railways, waterworks, tramways, electric-light work, factories, mines, quarries, and engineering or building works." There was a sub-clause in the South Australian Act providing for the application of the measure also to workmen engaged in employment declared or proclaimed to be "dangerous or injurious to health, or dangerous to life or limb." It would be better to adopt the South Australian rather than the New Zealand Act.

MR. T. HAYWARD: The hon. member in charge of the Bill (Hon. W. H. James) distinctly stated that the measure would not apply to agricultural labourers. Might the word "industrial" in this clause be construed to include "agricultural"?

HON. W. H. JAMES: It would be made perfectly clear that the Bill did not include agricultural labourers.

MR. G. TAYLOR: The agricultural labourer should not be excluded from the benefits of the Bill, but should receive the same amount of protection as labourers of any other class. There was a certain amount of risk from machinery in agricultural work, and therefore the industry should be included within the scope of the Bill, which would press heavily on mining and other employers. There was no reason why the agricultural employer should be exempt.

MR. T. HAYWARD: Great difficulty would be caused to many farmers if agriculture were included. There were many small farmers scattered about the State at a considerable distance from any town where they could make arrangements to insure against accidents. These farmers employed men for only two or three months in the year.

MR. HOPKINS: Could not that portion of the farming community be exempted?

MR. HAYWARD: It would be very difficult to arrange that.

MR. JACOBY: This Bill was intended to apply mainly to admittedly dangerous occupations. If its operation were extended to farm labourers—and there was frequently only one hired man on a farm—it might logically just as well be extended to domestic servants. The clause as it stood went far enough.

MR. DAGLISH: There appeared to be a good deal of fear in the minds of some members that this Bill might prove of some service to the community.

HON. W. H. JAMES: On a point of order, where were we getting to? If it was the desire of the Committee that agricultural labourers should be included in the Bill, let an amendment to that effect be moved. Then the matter could be discussed.

MR. C. H. RASON moved that after Sub-clause 2 the following new sub-clause be inserted, to stand as Sub-clause 3: "Any work carried on by or on behalf of the Crown, or any local authority as the employer, if the work would, in the case of a private employer, be an employment to which this Act applies."

HON. W. H. JAMES: The proposed sub-clause appeared in the New Zealand Act; but the Government had considered it unnecessary and had therefore struck it out. It was not in the English Act, and its inclusion was purely a question of draftsmanship. The definition of "employer" included persons, firms and corporations; therefore it included municipal bodies. It was intended that under the Bill as drawn the Crown and municipal bodies should be liable. He certainly thought the Bill, as drafted, made them liable in every instance, and therefore the proposed sub-clause was irrelevant.

MR. W. F. SAYER: The definition of "employer" should specifically include the Crown. The word "employment" as defined in Clause 4 did not appear to include the Crown. The difficulty would be met if the definition of "employer" were so worded as to include the Crown.

MR. S. C. PIGOTT desired to move, as an amendment, that Clause 4 be struck out, and the following inserted in lieu:

This Act applies only to injuries to workmen employed by employers—

(1.) On or in or about a railway, waterwork, tramway, electric lighting work, factory, mine, quarry, or engineering or building work:

(2.) On or in or about any employment declared by Proclamation to be dangerous or injurious to health or dangerous to life or limb: Provided that no such Proclamation shall issue except pursuant to addresses from both Houses of Parliament.

This was the corresponding section of the South Australian Act.

THE CHAIRMAN: There was already an amendment before the Committee.

HON. W. H. JAMES: The amendment moved by the member for Guildford (Mr. Rason) might be temporarily withdrawn, to permit of discussion of the amendment which the member for West Kimberley desired to move.

Amendment (Mr. Rason's) by leave withdrawn.

MR. PIGOTT formally moved his amendment, as indicated. He said the South Australian Act guarded against the exclusion of any employment which ought to be included.

MR. W. F. SAYER: If the sub-clause from the South Australian Act were inserted, better go one step farther by defining "building work," which was a very wide term.

HON. W. H. JAMES: Do that in the interpretation clause.

MR. SAYER had intended to suggest a similar amendment defining the employments to which the Act should apply, including railways, tramways, waterworks, electric lighting, factories, mines, quarries, or engineering or other hazardous work, or building work exceeding thirty feet in height which was either being constructed or repaired by means of scaffolding, or being demolished, or on which machinery driven by steam or other mechanical power was being used, etcetera; and providing that no proclamation should issue except pursuant to addresses from both Houses of Parliament.

MR. H. DAGLISH opposed the amendment (Mr. Pigott's). It was surprising the member for Claremont (Mr. Sayer) had not previously proposed that the clause be struck out, in order entirely to abrogate the principle of the Bill, in view of the hon. member's speech on the second reading. It had been objected that the Bill would place this State at a disadvantage compared with other States. That would be true were we entering into free-trade with the rest of Australia; but for the next five years protective duties would be retained and our industries be preserved from inter-State competition. The argument that all the States should progress equally was invariably an argument for delay and not for progress. While complaints were made about similar Acts in Victoria and New South Wales, in South Australia the Act corresponding to this Bill had caused no evil, while in England it had worked successfully. The sub-clause of the South Australian Act which the amendment proposed to insert was too precise. In enumerating the industries affected, there was danger of small industries being omitted. Better give the Bill as wide an area as possible. By accident to life and limb the whole community suffered, and those who gained the benefit of work done in dangerous occupations should pay compensation. He supported the clause as drafted.

MR. M. H. JACOBY: Because of its definiteness, the amendment would have his support. Recently the Judges had complained of the indefinite wording of an Act dealing with land resumption. The animus of Labour members against the South Australian Act was surprising, considering the advanced legislation for which that State was noted. The amendment distinctly prescribed what industries should come under the Act; and the only objection to it was that some less cumbersome method than by proclamation should be provided for bringing it into operation.

MR. W. D. JOHNSON opposed the amendment. What was its object? No reasons had been given for borrowing the sub-clause from the South Australian Act. Apparently the mover was interested in some dangerous industry.

THE CHAIRMAN: The hon. member must not impute motives.

MR. JOHNSON: It was only fair that reasons should be given for moving an amendment.

MR. F. WILSON: Apparently the member for Claremont had suggested the clause founded on the South Australian Act because it was desirable to avoid copying the New Zealand Act, in view of the fact that the former Act might be adopted by the Federal Parliament, and then the legislation of the various States

would be in line with that of the Commonwealth. The member for Subiaco (Mr. Daglish) was hardly fair in saying the member for Claremont wished to shelve the whole Bill, for the hon. member had made it clear that the Bill had his sympathy. As an employer of labour, he (Mr. Wilson) agreed with the member for Mt. Margaret (Mr. G. Taylor) that agriculturists and other employees of like description should come under this Bill. There was as much danger in driving a steam threshing machine as in working in a mine, or, at any rate, in many mines, and certainly as much danger as there was in working about timber mills. Many accidents were caused by these machines, and why should not the agriculturist be protected the same as any other worker? Inasmuch as the greatest number of our workers were engaged in the gold mines, we need not delay legislation of this sort for fear of the effect it would have on our industries, as regarded competition in the other States; for, in regard to gold-mining, we had not any trouble in finding a market for the product. It was only a case of raising so many ounces of gold, and getting value for it. He agreed, however, with the hon. member for Claremont (Mr. W. F. Sayer) that we might as well get as far as possible into line with the existing Acts in the other States, so that when the Federal Parliament legislated, it would be inclined to adopt legislation which had been passed in the States.

HON. F. H. PIESSE: The Bill was full of difficulties, and needed careful consideration before being agreed to, either in the form in which it had been submitted, or amended as suggested. If a Bill of this kind was to be introduced, it should have general application. Apparently, the Imperial statute provided that the Act should apply to certain works. In the first instance, no doubt, the reason for introducing this measure was to protect workmen engaged in hazardous occupations. In New Zealand, a measure much wider in its application—as wide as the measure now proposed—was introduced, but another proposal had been made to limit its application, following the Imperial statute. This Bill was of a very complicated nature, and required more consideration than could be given to it in Committee. It would be better to refer it to a select committee, for that committee to ascertain the occupations which might be embodied, and which were considered hazardous. Let us make a start with the hazardous occupations, although as a large employer of agricultural labour he did not object to the Bill being made applicable to the agriculturist, yet he hardly thought it necessary to make it so. During a long period of years in which he had employed 40 or 50 men, there had been occasions on which men had received injuries in agricultural work. In fact, he might give an instance which recently came under his notice, where a man who was oiling a portable engine met with an accident through his own carelessness. He placed his foot under the crank, and gave the signal to start; and before he could remove his foot, down came the crank and pinned him by the foot. The man had to be in the hospital for some months. He had kept the man going all the time, and he had now resumed work. As an employer, he considered himself bound, morally, to look after that man, and of course in most instances men were properly attended to; but if an employer did not care to look after a man, that man might be thrown upon the State or upon his relatives. All who employed labour had no objection to any reasonable provision of the sort proposed, but it would be difficult to make this even general, because, after all, it might apply to a carter in the street. That man might be thrown from the cart, and sustain some injury, and why should he be exempt any more than an agriculturist? We began to see that this measure was very far-reaching, and it deserved every consideration. He was afraid that, with so many opinions, there was no probability of their being able to arrive at a conclusion likely to meet with the general approval of members. He took it the Committee desired to do justice to the employer and also to protect the labourer. Admittedly, this was legislation of a progressive character. Although many long ago thought such legislation would never become law, we subsequently found it was introduced, and in its working it was, perhaps, found not to be so arbitrary as was anticipated. He was progressive himself. But let us intro-

duce a measure which would not act detrimentally to our industries; and let it be fair and just to all sides. The amendment moved would certainly be in keeping with the Imperial statute. At the same time, it did not follow that the best course to adopt was to copy that legislation. In a new country like this, we had to think for ourselves, and were not going to follow every piece of legislation adopted elsewhere, although, of course, in many instances we were able to obtain good points from that legislation. We should initiate legislation for ourselves, and endeavour to do the best in the interests of the country. The greater the number of amendments moved in the direction indicated to-night, the greater the probability of our being farther confused with regard to the matter. If the suggestion he made did not meet with the sanction of the House, progress should be reported.

HON. W. H. JAMES: We should not derive much benefit by referring this measure to a select committee, because the very clause we were now considering was one no select committee could deal with. It was the heart of the Bill, the extent to which the Bill should operate, and these were questions which should be discussed in the House. Our way was made clear, because if we did not want to adopt the language of the Bill, we should adopt the language of the South Australian Act.

MR. JACOBY: Would the Minister adopt the South Australian Act?

HON. W. H. JAMES: That was for the Committee to discuss.

MR. JACOBY: Would the Minister accept it?

HON. W. H. JAMES: So far as one could see from the wording of the Act, it would apply to nearly every person in this State who was likely to receive compensation, and difficulties might arise in the interpretation. The Act of South Australia applied to a railway, a waterwork, a tramway, electric light work, a factory, a mine, a quarry, and engineering or building work. Moreover, the definition of "factory," was very wide. It included any building, or any premises, wherein or whereon manual labour was carried on in the manner indicated. He could not bring to mind an industry in this State which would not be covered by Section 3 of the South Australian Act.

MR. F. WILSON: The present Bill was just as wide as the South Australian Act.

HON. W. H. JAMES: Taking the Bill now before the House, and looking at it clause by clause, it was wider on the face of it than the South Australian Act. He could not recall to mind any case in which a man would be entitled to compensation under the Bill and not under the South Australian Act.

MR. SAYER: In the English Act "factory" was not so wide as in the South Australian law.

HON. W. H. JAMES: It was not. The definition of "factory" included a great number of occupations which were not hazardous.

MR. SAYER: They were dangerous to health if not hazardous.

HON. W. H. JAMES: Dangerous to health because a large number of people had to work within a small space, but the occupation itself was not hazardous. We required a Bill that would pass this House and another place. There might be a discussion on the point raised and then progress could be reported.

MR. SAYER: There was one reason why he preferred the South Australian provision: it would enable the Committee to consider whether the definition of "factory" should or should not be limited.

HON. W. H. JAMES: Then we should be placing a limitation on the South Australian Act.

MR. SAYER: By adopting the South Australian law the Committee could more fully discuss how far it would be advisable to extend the definition of "factory."

THE COLONIAL TREASURER: There was nothing whatever to be gained by altering the terms of the clause. What was required was compensation for injury and to give the fullest application of the Bill to workers who were unfortunate enough to be injured. He would strongly support the clause as it stood, as it met all the purposes the Committee desired. The provisions of the South Australian and New Zealand Act might lead to complications. Once the Committee started defining, there was no end of definitions, and there was a danger that one class might be excluded by a definition.

MR. R. HASTIE: There was no necessity to amend the clause. Although the member for Claremont asked the Committee to adopt the definition in the South Australian Act, no member had yet suggested one industry which would be excluded by the operation of the Bill; therefore the only reason the member for Claremont might have was the one that he had suggested, that the Committee would have an opportunity of considering whether factories coming under the operation of the Bill should be limited or not. Clause 2 in which the definition of "worker" occurred had been postponed, and under that clause the Committee could consider whether the Bill applied to all factories or not. The definition appearing in the Bill should be adopted.

MR. G. TAYLOR: The clause as it stood was better than as it was proposed to be amended by the member for West Kimberley (Mr. S. C. Pigott). The hon. member had said there were certain hazardous works carried out which could not be brought under the Bill: what works would they be? The member for West Kimberley had pointed out that men accepted work of their own free will, but when competition was keen in the labour market, men had practically no choice, but so soon as men were in a position to leave such work they did so. That was no argument in favour of the South Australian law as against the measure before the Committee. He (Mr. Taylor) had accepted employment of a very dangerous character, but when he was better off he at once withdrew from it.

MR. W. J. GEORGE: The clause was not definite enough. What was the meaning of "other hazardous work"? Any work that a man might do was hazardous to a certain extent. The Labour members were no more desirous of opposing employers than he (Mr. George) was of opposing employees.

MR. TAYLOR: The workers wanted a fair deal.

MR. GEORGE: Unless there was some definition of what hazardous work was, we might find that there were men who had just started work as farmers or orchardists threatened with painful penalties under the Bill, and those employers might be crushed out of existence.

MR. WILSON: It was the same under the Employers' Liability Act.

HON. W. H. JAMES: The Committee were discussing whether we should strike out Clause 4, and insert the South Australian section. If we adopted the South Australian provisions we should not require to put in the definition of "worker" at all.

MR. W. J. GEORGE: The South Australian clause seemed more preferable. This was really tentative legislation; it was the forerunner of more legislation of the kind.

MR. DAGLISH: It had had a fair trial.

MR. GEORGE: The law might have been tried in England, but the conditions in England were altogether different as compared with those in Australia. The mere fact that this legislation had been tried in New Zealand or in England did not appeal to him in any shape or form. There could be no particular harm done to the workers if the Bill only applied to half-a-dozen trades. Next session, if the Bill was found to work well, it could be extended by a slight amendment.

MR. R. HASTIE: What industries did the hon. member wish to exclude?

MR. GEORGE: The Bill might apply first to railway workers, to those employed in the construction of waterworks, tramways, engineering works, and factories. There were many manufactories in Western Australia, although they were small at present.

At 6·30, the CHAIRMAN left the Chair.

At 7·30, Chair resumed.

MR. W. J. GEORGE (continuing): In connection with the amendment proposed by the member for West Kimberley (Mr. Pigott), he would suggest that, legislation of this kind being new to the country, we might well make the first trial in connection with such industries as were mentioned in the South Australian Act. Hazardous work had been referred to. The timber industry certainly involved hazardous work.

HON. W. H. JAMES: The timber industry would probably be covered by "factories."

MR. GEORGE: The timber industry involved danger, not only amongst the saws in the mill, but also in the forests and on bush railways. If the clause suggested

in the amendment were accepted by the House, it might be given a year's trial, or two years' trial, and then we could decide whether the provisions of the measure did or did not press unduly on the employers in any industry and, by reflex action, on the men in that industry. We could then decide whether the scope of the measure should be extended. He could not help thinking that the Bill, as it stood, would take in every industry in the State. If the Bill was intended to cover every industry, then its object would be better attained by a system of universal State insurance, in the adoption of which, however, care should be taken to avoid the infliction of the stigma of pauperism on injured workmen receiving aid from the State. If a scheme could be devised for laying aside a certain portion of the revenue as an insurance fund for any and every person injured in the State, he would give it his support. The stage for the introduction of such a scheme had not yet been reached, however. The Committee generally, and the Labour members in particular, should consider whether it was not more to the interests of the employees to accept a clause covering half-a-dozen or so of these hazardous industries, in preference to one involving the risk of stifling in their infancy all the industries now started in this State. Regarding agriculturists, there was little difference between the status of farm labourers and that of farmers, few of whom were capitalists. To make a small farmer liable for compensation amounting to three years' wages of a labourer would practically ruin him and place him in a worse position than his employee. He supported the amendment to substitute for Clause 4, Section 3 of the South Australian Act. If after a year's trial it were found the Act should be extended to other industries, such extension would have his support.

MR. W. D. JOHNSON: The opposition to the clause as drafted was unaccountable. All speakers agreed they would like to see the Bill applied universally; yet many wished the clause abolished in favour of the South Australian section, but would not tell the House with what object, or what callings they wished to exempt. These should be clearly stated.

MR. F. WILSON: The member for the Murray (Mr. George) applied for the exclusion of agriculturists on the ground that a verdict might ruin a farmer. The same would apply to any calling. A small sawmiller, unless insured, would be ruined by a £400 verdict, likewise a miner employing two or three men. Where should we draw the line? If the argument were sound, why legislate at all? The agricultural worker was as much entitled to compensation for accidents as any other. The scope of the Bill should be extended to every hazardous industry, and there were few callings which were not hazardous. One hon. member said wilful misconduct of the injured would exempt the employer from liability; but how could one prove that a workman had wilfully damaged himself? Stupidity was not wilful misconduct. Another member interjected "drunkenness." Who could prove drunkenness, which was a question of degree? The object of the Bill was to compensate any man who in following his calling received damage, whether by his own neglect or not.

MR. J. GARDINER: The agriculturist should not be exempted. Frequently such an employer gave in charity to injured employees enough money to pay the insurance premiums necessitated by the Bill, and thus to avoid the risks created. Why exempt anybody? Few employers docked a man's wages as soon as he was injured. Include every industry where the work was hazardous, notwithstanding that the Bill might then meet with opposition in another place.

MR. W. J. BUTCHER supported the amendment. Clause 4 would probably lead to endless litigation. It read: "Any industrial, commercial, or manufacturing work." How define "industrial"? Blacking boots in the streets was surely an industrial work, and apparently the clause would make anyone utilising a boot-black responsible in the event of the latter being run over by a cart. If not, what did the phrase mean? The amendment specified the callings to be brought under the Act; and the Governor might by proclamation add to their number.

MR. H. J. YELVERTON: While in favour of the amendment, he considered that all industries, including agriculture and the timber industry, should be

subject to the Bill. Why should the "small man" be exempt? The difference between him and the wealthy employer was one of degree merely. A farmer employing three or four men might have one injured, and a verdict of £400 recorded. A large sawmiller might have twenty men killed in an accident, and all their relatives would require compensation.

MR. S. C. PIGOTT: If a person engaged a man in casual employment even for half-an-hour, he would become liable under this Bill, and this was absurd. Many employers were engaged in districts where they could not possibly make arrangements for insurance against accidents to casual labourers. This legislation would not suit in the back blocks, but it would be beneficial in any place where there was a large mining population or permanent employment was given. He himself employed a lot of men and would be very pleased to have them brought under the Bill wherever it was possible for him to have an insurance policy granted to cover them, but it would be unjust to bring under the Bill any man who was unable to get his risk covered by insurance.

HON. W. H. JAMES: The Bill was to apply only to employment on, in, or about any industrial, commercial, or manufacturing work carried on by or on behalf of an employer as part of his trade or business. It was not part of a man's trade or business to have his boots blacked. If a man was employed in the course of one's trade or business for half-an-hour, was there any reason why he should not have the same protection as another? There was no need to have a special insurance for each casual hand. It did not matter how many hands were employed, because one paid on his wages sheet.

MR. PIGOTT: There were big businesses in relation to which there was no wages sheet.

HON. W. H. JAMES: As far as insurance was concerned, there was no difficulty. Any man who employed labour had an insurance policy covering the number of men employed; and if he occasionally employed casual labour, he would make allowance for that. One paid on his wages sheet. The hon. member (Mr. S. C. Pigott) said some men did not have wages sheets. If they had no wages sheet they would not have a trade or business. They would hardly have an employee.

MR. W. D. GORDON: The amendment would receive his support, principally for the reason that the clause was not definite enough. Sub-clause 2 contained the words, "or other hazardous works," and these words were altogether too vague. Sometimes he wanted men to lead horses drawing trucks to his yard. They were men picked up here and there. If a man wanted a job he got it, and it was only a matter of 1s., 2s., or 3s. each. If anyone of them happened to have an accident whilst leading those horses, was he (Mr. Gordon) to keep him or his wife and family? It was out of all reason. Supposing a farmer who had kept employees for years, in the course of time had bad crops and suddenly died, would those men turn round and keep the widow of that farmer? The amendment was definite. When the measure had been proved to be workable we could attend to other trades.

MR. G. TAYLOR: According to his experience of employer and employed, it was the employee who kept the employer. Capital was stored-up labour. If the employee did not produce, the employer had not the money in his pocket to pay him. The employee kept the employer and the employer's wife and family too. Clause 4 would protect the workman and not injure the employer.

MR. W. J. GEORGE: Insurance companies were bound to make their policies in such a way as to cover men engaged in casual work. He agreed as to the difficulty and unfairness of any man who happened to be in an employer's place for a few minutes being liable to be a charge on the industry for several hundred pounds; especially when we came to contemplate the schedule, starting with husband and wife and running down all the gamut till we got to "grandmother." There were 16 persons.

A MEMBER: Only one could claim.

MR. GEORGE: It had been mentioned that a farmer might insure. Of course, anyone could insure, if he had the means to do it. Some members had an idea that a farmer was a bloated capitalist, but the bulk of the farmers of Western Australia had all they could do to pay for

the employment of one man; and if they were properly supported in their industry in the same way as the other labouring classes in this State, they would be in a far better position than at the present time. There was any amount of anxiety to protect the man who got wages and worked eight hours a day; but he would like to see a little of that anxiety extended to the man who had to depend on Providence for his wages, on whether the crops would turn out good or bad.

A MEMBER: The agriculturist had all the consideration before.

MR. GEORGE: Then it had not lifted him out of the position of being the hardest worked man in Western Australia. What had been the complaints of the labouring classes for years? That it had been class against the mass, and it was contended that the mass should have the power. If members agreed with that—and he was not going to dispute it—why were members going to exclude from the mass men who had as much right to consideration as any others?

A MEMBER: Members were not going to.

MR. GEORGE: The hon. gentleman who framed the Bill tried to include within the four corners of it men to whom even their insurance fee was a matter of importance.

MR. JOHNSON: Labour members did not want to include farmers in the operation of this Bill.

MR. GEORGE: Then why not accept the amendment offered?

MR. JOHNSON: Because not only were we missing the farmers, but others.

MR. GEORGE: One wished to proceed in the direction of making the State responsible for everybody who was disabled from working either by illness or accident; but in Great Britain the labour legislation had never been marked by too much progress at the start. The steps there were taken very carefully and anxiously, and it was well for the whole world that such was the case, because if there had been anything like the rush of legislation which had been attempted in the different Australian States, the labour cause would have been miles and miles behind the position it occupied to-day. [A MEMBER: No fear.] We should not make haste too quickly. Why should not the trades mentioned in the South Australian Act be sufficient for a first step in this movement in this State? Had Western Australia, during the past ten years of its progress, suffered so much from the lack of such legislation as this, that people were being thrown upon charity? There might have been isolated cases in which men who had been injured were unable to bring their cases under the Employers' Liability Act, but the proportion of such cases was so small that it was not sufficient to cause this measure to be so widened. Surely the trades mentioned in the South Australian Act were sufficient to cover all that was necessary here, as a commencement.

MR. TAYLOR: Why legislate for one section and not another?

MR. GEORGE: It was as well not to make haste too quickly.

MR. JOHNSON: What trade should be exempted? The hon. member would exempt the farmer?

MR. GEORGE: For the reasons he had given he was prepared to support the amendment.

MR. JOHNSON: Because it exempted the farmers?

MR. GEORGE: It had been said that what was good enough for New Zealand and for England was good enough for Western Australia. Then what was good enough for South Australia, which was larger than Western Australia as far as its population was concerned, was surely good enough for Western Australia. The legislation of South Australia should be good enough for this Parliament to follow. Let the Committee pass a similar law to that in force in South Australia, and if it was found desirable to extend the provisions, then, later on that could be done.

MR. J. GARDINER: The question had been raised as to the hardship in regard to the price of insurance. He had before him the rates of the Underwriters' Association of South Australia, and according to them the farm and station risks were 12s. 6d. per cent. per annum on the wages. If a farmer was paying for his labour £1 per week, he could insure that labour for £300 for 18s. 9d. That did not seem a great hardship.

MR. SAYER: Was that insurance by the employer or the worker?

MR. GARDINER: The employer, he presumed, as it was the rate for the Underwriters' Association of South Australia.

MR. J. RESIDE: The member for the Murray (Mr. George) had stated that Western Australia did not suffer from any lack of legislation in the past. There were scores of people on the goldfields who had suffered because Western Australia was behind in labour legislation. Men on the goldfields had been killed or maimed, and it was impossible to obtain compensation in those cases, as it was necessary to prove that the employer himself was responsible for the accident before compensation could be claimed. He could not understand members saying that the Bill should apply to all workers, at the same time those members were prepared to support an amendment because it would restrict the number of trades which would come under the Bill. The agricultural labourer was as much entitled to the protection the Bill afforded as men engaged in more hazardous occupations. And the less hazardous an occupation was, the smaller would be the cost of insurance. If the Bill passed, it would give a great impetus to the principle of insurance, and there would be good reason for establishing a State Insurance Fund. The member for West Kimberley (Mr. Pigott) who proposed the amendment, considered that the Bill should not apply to people out back. What about the small pioneer mine owner in the back blocks, who was farther away from civilisation than the pearlers in the North-West? The argument of the member for West Kimberley did not carry weight in that respect. Members who had advocated the South Australian provisions had given no reasons why the principle should be adopted.

MR. S. C. PIGOTT: In moving the amendment, he had stated distinctly that there were cases in which insurance companies would issue no policies at all. It was for that reason, and to protect the employees, that he wished to adopt the South Australian law, which would cover everything that had been asked for to-night.

MR. H. DAGLISH: It was surprising the amendment was still pressed, considering the difficulties members found in discovering any reason for pressing it. The member for the Gascoyne (Mr. Butcher) instanced the case of a boot-black as his justification, and he was afraid, if he got his boots blacked, he would run the risk of having to pay compensation. The member in charge of the Bill had, however, informed the member for the Gascoyne that he was in perfect safety in getting his boots blacked. The member for Sussex (Mr. Yelverton), while favouring the clause being given a general application, was prepared to vote for a proposal which would limit the application of the measure. The member for South Perth was even more original. He discovered that if a farmer dropped dead, his workmen were not to pay compensation, and that was given as a reason why the farmer should not pay compensation to his workman who was killed while engaged in his employment. The argument was utterly absurd. Many members had looked at the matter from a purely personal point of view, as against that point of view from which their constituents would like them to look at it. One member had pointed out that an employer might engage men to lead horses about for a few minutes, and in the pursuance of that occupation a man might be killed, and the employee would be entitled to compensation. The matter should not be looked at from a narrow, personal point of view, but from a broad public standpoint. It was urged that a man might be injured or killed when he had been employed in an industry for only a few moments, therefore he should not receive compensation. But compensation must come from some quarter, as a means of subsistence to a man if he be injured, or to his wife and family, if the man be killed. The member for the Murray (Mr. George) waxed eloquent in support of the limitation of the clause. Some members had advocated that the principle should be applied all round, and he (Mr. Daglish) was in favour of applying it all round; but there was the point of expediency. There was no hope of getting the measure through if farmers were included in the Bill; therefore, he was in favour of the amendment for excluding farmers from the operation of the measure. In order to get some recognition of the principle of compensation, he was quite willing to support the measure being applied in all

cases, except the farming industry. It was urged by the member for the Murray (Mr. W. J. George) that there had been only isolated cases of accident and injury in the past. Then how could the hon. member maintain that a Bill which touched only isolated cases would kill industries? The insurance premiums to cover those isolated cases would be very low.

MR. W. J. GEORGE: The hon. member had not given the exact words used by him, which were that Western Australian had waited ten years for this Bill, and that although some people might have suffered harm during that period, the isolated cases not covered by the clause were not likely to occasion much suffering in the future. Under the clause in question any trade could be by proclamation declared hazardous.

MR. DAGLISH: It was best to make the Bill as wide as possible in the first instance.

MR. WILSON: The hon. member was throwing over the farmer.

MR. DAGLISH: No; he was omitting the farmer only for reasons of expediency. It was absolutely necessary to exclude farmers' employees, in order to get compensation for other classes of workers.

MR. W. F. SAYER: We should proceed tentatively and experimentally in regard to measures of this kind, because in legislation it was far easier to go forward than to go backward. There was reason to fear that this State might find itself in advance of the sister States in its labour legislation, with the result that our industries would be burdened more heavily than those of our neighbours, and thus be handicapped in the markets if not handicapped out of the markets.

MR. F. W. MOORHEAD: The amendment would have his support. He was particularly wedded to the principles underlying this measure: in fact, he might claim to be the sponsor of the Bill. The measure which he had drafted was based more or less on the South Australian Act, and he had embodied Section 4 of that Act in the measure which he had proposed to lay before the House. Clause 4 as it stood was likely to lead to much litigation. The words "industrial, commercial, or manufacturing work," in spite of the contention raised by the member for East Perth (Hon. W. H. James), must necessarily include pastoral and agricultural industries. It had to be remembered that the farmers of this State were not the large farmers of the other States. Our farmers employed, on the average, six or seven hands at most; the number might be increased to 10 at reaping time. It was unfair that such farmers should be mulcted in damages under this Bill, although he would admit that the logical outcome of the principle underlying the measure was to extend protection to every class of workers. The contention of the member for Claremont (Mr. Sayer) that we should proceed tentatively and experimentally was a sound one. We ought to wait and see how the measure worked in the few large industries existing here, and it should be our aim to fall into line with the legislation of the sister States. The South Australian Act provided that any employment which, in the opinion of the Governor-in-Council, became dangerous might be, by proclamation, declared dangerous, and so brought within the meaning of the Act. He trusted the Committee would adopt Section 3 of the South Australian Act in place of the wide and indefinite clause now standing in the Bill, which would give rise to endless litigation.

MR. W. J. BUTCHER: The member for Subiaco (Mr. Daglish) had attributed to him ulterior motives, quite without reason. He desired to say distinctly that his only reason for supporting the amendment was that the clause as it stood in the Bill was not sufficiently explicit, and would therefore lead to endless litigation. When he referred to the probability of litigation, the member for East Perth (Hon. W. H. James) immediately interjected, "No, no"; but the suggestion having been confirmed by the hon. member who had just spoken, he was inclined to think that it was right. The clause was too vague. For his part, he was perfectly willing that the pastoral and farming industries should be brought under the measure.

MR. R. D. HUTCHINSON: The amendment proposed would have his support, because it set forth more definitely than the clause in the Bill the desired object. Clause 4, if passed, would open up such an unlimited field of legislation as to make its best friends regret its existence. He would support the pro-

posal to extend the protection of the Bill to any section of workmen, provided that the nature of the dangers and injuries which the clause was to protect them against were clearly laid before the Committee.

HON. W. H. JAMES: In discussing this clause he would make no reference whatever to the question of how it would affect the agricultural and pastoral labourer, the majority of the House being of opinion that the agricultural and pastoral industries should not be brought within the scope of the Bill. The clause, as drafted, was to be found in the New Zealand Act, and there it did not include agricultural labourers. Personally he was satisfied to rest on that; but if the Committee wanted to make it more abundantly clear, we could do so. He emphatically contradicted the statement that Clause 4 would lead to more doubtful litigation than the corresponding section of the South Australian Act. Hundreds of cases under the measure in force at home came before the English courts, and nearly every one of these cases turned on interpretation. A recent case, for instance, turned on the point whether a ship being repaired in dock was or was not a factory. Another point had several times gone to the Court of Appeal, as to whether a certain structure were a scaffold.

MR. SAYER: All those points had since been settled by authority.

HON. W. H. JAMES: No; they were constantly cropping up every day, and each monthly report which arrived from England contained at least two cases before the Court of Appeal. These difficulties were created because so many industries were specified in the Act. The members for North Murchison (Mr. Moorhead) and Claremont (Mr. Sayer) said it would be hard if a squatter were made liable because a horse threw a boundary rider, or an eatinghouse-keeper because the cook had her hand burnt. Was it not equally harsh to hold a mine-owner liable because a man fell over a stone and broke his neck? It was always harsh to hold an employer liable when there was no negligence on his part; and that contention struck at the root of the Bill. If it were good as against one clause, it was good against the whole measure.

MR. TAYLOR: Would the clause include a lodginghouse-keeper?

HON. W. H. JAMES: There was no apparent reason why it would not. The definition of a "factory" in the South Australian Act left ample room for litigation. "Factory" meant any premises where manual labour was exercised for the purposes of gain, for the making, altering, or repairing of any article by way of trade. One employer, with one servant, constituted a factory; and the definition included any ship or boat in port, any dock, wharf, quay, or warehouse, so far as related to any machinery or plant used in the process of loading or unloading, and every laundry worked by steam, water, or mechanical power.

MR. MOORHEAD: The English definition.

HON. W. H. JAMES: The point was, what would be the position of a lumper injured at his calling? Apparently he would have no redress under the South Australian definition; but under Clause 4 of the Bill he would. Under the South Australian Act, he could not be compensated unless the loading or unloading was being carried on by machinery or plant, and he suffered, directly or indirectly, by reason of machinery or plant. Why should a lumper who fell down the hold have no redress?

MR. GEORGE: We were taking a portion only of the South Australian Act.

MR. MOORHEAD: Section 3.

HON. W. H. JAMES: That portion must include the definition of "factory." Certainly there were great advantages in having the employments included under the Act defined; and Clause 4 was objected to as being too wide; whereas, if all the occupations mentioned in the amendment were inserted, members thought the definition much narrower, though truly there was little difference. [A MEMBER: Then why object?] Because the language of the Bill should be as simple as possible. The English Workmen's Compensation Act had caused more litigation than any other Act.

MR. JACOBY: But the points were now settled.

HON. W. H. JAMES: In every monthly report received, the hon. member would find at least two appeal cases arising out of that Act, and not one-tenth of the cases were reported. But nobody sug-

gested that Clause 4 would cause litigation, for all said that it covered everything, the only objection being that it was too wide.

MR. TAYLOR: And too plain.

HON. W. H. JAMES: If it were considered certain occupations ought to be excluded, exclude them specifically; or if the Act ought not to apply to an employer with only one, two, or three workmen, alter the definition of employer.

MR. R. D. HUTCHINSON: After listening to the Minister and the member for North Murchison (Mr. Moorhead), one was satisfied that if Clause 4 were passed, the law courts would be filled with lively discussions; for if two eminent lawyers disagreed here as to the meaning of the clause, what might be expected when they were retained to do their best to still farther tear it to pieces in the courts? An hon. member had just said the clause was too plain; but the two legal members had shown that there was only one thing plain in it—that workmen who tried to take advantage of it would find themselves hopelessly beaten every time by the man of wealth.

MR. H. DAGLISH: The member for the Gascoyne (Mr. W. J. Butcher) had complained that he accused him of ulterior reasons for supporting the amendment. There had been no intention to impugn the hon. member's motives, and it was regrettable the hon. member should think there had been any.

MR. F. W. MOORHEAD: Replying to the Minister, if we adopted Section 3 of the South Australian Act, a lumper falling down a vessel's hold was not deprived of his remedy; for the South Australian Act provided for personal injury out of or arising in the course of employment, the employer to pay compensation except when the injury was caused by wilful misconduct.

HON. W. H. JAMES: But we must refer to Section 3 to see to which employments the Act extended.

MR. MOORHEAD: No. The definition of "factory" included a ship.

HON. W. H. JAMES: Yes; a ship in certain circumstances.

MR. W. B. GORDON: If one had been in doubt as to the wisdom of supporting the amendment, that doubt was now removed; for when lawyers disagreed, there was a chance for honest men. The Minister had pointed out that there had been numerous legal decisions regarding Section 3 of the South Australian Act; therefore, if the amendment were adopted, disputed points would be to some extent narrowed down, whereas were Clause 4 passed unaltered, we should have to start litigation afresh. Some of the South Australian points had been settled; none in this Bill had been settled. True, as stated, Clause 4 covered everything; but none knew what it did cover, and that was why litigation might go on for ever.

MR. GEORGE: We should have to discover it.

Amendment (Mr. Pigott's) put, and a division taken with the following result:—

| | | | |
|---|---|---|---|
| Ayes | ... | ... | 17 |
| Noes | ... | ... | 16 |
| Majority for | | ... | 1 |

| AYES. | NOES. |
|---|---|
| Mr. Butcher | Mr. Connor |
| Mr. Doherty | Mr. Daglish |
| Mr. Ewing | Mr. Gardiner |
| Mr. George | Mr. Gregory |
| Mr. Gordon | Mr. Hastie |
| Mr. Hayward | Mr. Illingworth |
| Mr. Hicks | Mr. Johnson |
| Mr. Hutchinson | Mr. Leake |
| Mr. Monger | Mr. McDonald |
| Mr. Moorhead | Mr. Rason |
| Mr. O'Connor | Mr. Reid |
| Mr. Pigott | Mr. Reside |
| Mr. Quinlan | Mr. Taylor |
| Mr. Sayer | Mr. Wallace |
| Sir J. G. Lee Steere | Mr. Wilson |
| Mr. Yelverton | Mr. James (*Teller*). |
| Mr. Jacoby (*Teller*). | |

Amendment thus passed.

MR. F. WILSON moved that the following be added as Sub-clause 3: "on agricultural, farm, or pastoral station." He had intended to move the addition of these words to Sub-clause 1, but as that could not be done he moved the addition now. Throughout the debate he had emphasised his opinion that agricultural labourers and farm hands, in addition to station hands, ought to have the benefit of this measure. No argument could gainsay the rights of these men to benefit under the Bill. The member for North Murchison (Mr. F. W. Moorhead) argued that a pastoralist ought not to be responsible for a man being injured through a bucking horse. If not, why should a sawmill hand claim damages, and the employer be responsible, if the employee went to the mill and put his hand on a circular saw which was running?

MR. MOORHEAD: The employer was not liable if the man did it deliberately.

MR. WILSON: If the man did it deliberately, the employer was liable. He knew an instance in which a man walked into a mill where a circular saw was running at such a speed that he thought it was still. He put his hand on it, and the hand was cut off. Would not the employer be liable?

MR. MOORHEAD: Not liable in law, but a jury might give him a verdict.

MR. WILSON: He would certainly get a verdict under this Bill: nothing but wilful misconduct would exempt an employer under this measure.

MR. SAYER: The exception was an intention to bring about the end.

MR. WILSON: The agricultural labourer and station hand were just as entitled to compensation as any other employee in the State, and he did not see why we should exempt one or the other. The argument that if a man had a small capital invested, and no spare capital, and a verdict was given against him it would be ruinous, would not hold water, because the same thing could be alleged in relation to every industry. There were large and small employers of labour; there was the man who could pay a verdict, and the man to whom it meant ruination. The only way to get out of the difficulty was by an insurance clause. If the small employer of labour, the farmer for instance, had his haystack and house burnt down, he was ruined if he did not take the ordinary precautions open to him to insure against fire. The same thing applied in regard to this Bill. If the employer did not take the ordinary precaution to insure his men against accident, he was ruined. If the clause was still not wide enough to embrace every industry in the State, he was prepared to support an amendment to enlarge it. One hon. member instanced the lifting off the lid of a pot in a restaurant, and an employee having his hand scalded by boiling steam. Why should not a restaurant-keeper be responsible just as much as a baker or a laundryman who employed a man to go round with a cart, and the man met with an accident and broke his leg? One could not support the Bill if it was taken on general grounds, because no one should be responsible for an accident beyond his control or caused by some person's neglect. If members were honest in their endeavour to limit the scope of the Bill and exclude certain industries, then vote against the Bill itself. If the right of the workman to compensation for injuries received during his employment was admitted, so long as it was not wilful misconduct, then every industry in the State should be allowed to come within the scope of the Bill. Every worker should have the same privilege, and no reason had been adduced which warranted the Committee in giving to every worker in any industry protection and compensation.

MR. R. HASTIE: The member for Perth said the Committee could not with justice vote for keeping any industry out. Many members would find fault with that sentiment. If people were entitled to some consideration and suffered injustice, it was only fair that everybody should be placed in the same position. We were asked to include the agricultural and pastoral pursuits, but in that case the Bill would not become law.

MR. WILSON: How was that?

MR. HASTIE: The member for Perth was satisfied about that also.

MR. WILSON: Nothing of the sort.

MR. HASTIE: If the Committee could not get everything, we should get all we could. He strongly advised the Committee to vote against the amendment.

MR. MOORHEAD: Did the member for Perth think this proposal would pass the Upper House?

MR. WILSON: Try it. We should not be afraid of the Upper House.

MR. HASTIE: Personally, he wished to include every industry in the Bill, but we could not do it, therefore he would vote to include as many as possible. Members who were anxious to see the Bill become law as soon as possible should do their utmost to discourage any unnecessary amendment.

MR. J. GARDINER: The Committee had no right to consider what might happen in another place. If we considered the measure was just in its application we should not put it on one side because another place might not pass it. If we were going to pass measures there should be equity and justice behind them. If that was not the kind of legislation it was intended to pass, members were wasting their time.

"Half a loaf was better than no bread" might be a very fine principle as a principle of convenience, but it was not a good principle in application. If there was any principle at all, let members be loyal to the principle. There was no reason why agriculturists or pastoralists should be exempted from the operation of the measure. Human life ought to be as sacred if employed by agriculturists as if employed in the factory. The score of expense was a very small one indeed. Under the South Australian law, which only applied to accidents by machinery, a man could practically insure three hands for 18s. 9d. a year, therefore the farming community in this country did not want their poverty paraded in the House to that small extent. If there was a principle in the Bill at all, we should adhere to it, and not make the measure a matter of convenience.

MR. D. J. DOHERTY: The member for Kanowna had pointed out that if this amendment was passed it would wreck the Bill, and there was no doubt that if this clause appeared in the Bill when it reached the Upper House it would be thrown out. That was the only object which the member for Perth, assisted by the member for Albany, had in view.

MR. WILSON: That was not true.

MR. DOHERTY: We could only judge by what we saw on the surface, and the action of the member for Perth simply indicated his wish to wreck the measure. On a pastoral holding, the owner had not the chance of superintending the movements of his employees as the owner of a factory had. The control of a pastoral holding was almost entirely out of the hands of the manager or owner. On a pastoral holding in the North-West a native might be out on the warpath to commit murder, as very often was the case. The native might spear a stockman, and the proprietor of the station would become liable for the murder of that stockman. If the Committee were actuated by wise counsel they would not agree to the amendment. It was the desire of most members that the Bill become law, therefore we should see that the action of the member for Perth did not cause the measure to be wrecked.

MR. G. TAYLOR: It was unfair for members to attribute evil motives to good actions. He believed the member for Perth (Mr. Wilson) was sincere in moving to include the farming industry, and he was justified in doing so. Members should not be influenced by what might be done in another place. If the Committee thought the measure good, they should pass it irrespective of what happened in another place. It was a poor state of politics if one House was frightened of another. He did not think for a moment that the amendment would wreck the Bill. There were too many gentlemen in the Assembly looking after the pastoral and agricultural interests to allow the Committee to do anything which was inimical to the interests of the pastoralists. The discussion could not possibly continue without the Kimberley aborigines being dragged in. He did not know whether the Bill would apply to a man killed by niggers, but it certainly should be made applicable to squatters' employees.

MR. W. J. GEORGE: In refusing his support to the amendment, he was looking after the interests of his constituents, both those connected with farming and those connected with saw-milling. The amendment of the member for Perth (Mr. Wilson) would paralyse a number of worthy people in the State. Why did the hon. member not include saw-milling?

MR. WILSON: Saw-milling was included.

MR. GEORGE: It was not included. Had the hon. member included saw-milling he would have had a prospect of getting some support which he would not receive now.

MR. WILSON: Saw-milling, he thought, was included now; but if an amendment was necessary to bring the saw-milling industry within the scope of the Bill, he would support such an amendment.

MR. GEORGE: The effect of the present amendment would very likely be to wreck the Bill. He did not concur in the remarks of the hon. member for Mt. Margaret (Mr. Taylor), in respect to another place. We were here to safeguard the interests of our constituents, and not to pay attention to the doings of another place, or the doings of other people.

MR. J. GARDINER: The member for North Fremantle (Mr. Doherty), having no political principle himself, could not credit another member with its possession.

In supporting the member for Perth (Mr. Wilson), he had been perfectly conscientious; and the member for North Fremantle had no right to say he was assisting the member for Perth to wreck the Bill. He resented the imputation, and resented the insult thrown at him by the member for North Fremantle.

MR. D. J. DOHERTY: There had been no intention on his part to hurt the sensitive feelings of the member for Albany (Mr. Gardiner). Anything he had said was to be interpreted absolutely in a political sense.

MR. W. B. GORDON: The amendment of the member for Perth should not be supported. One hon. member (Mr. Taylor) had said "Let the farmers go, so long as our ends are served;" but now he was advocating that farm labourers should be brought within the scope of the Bill.

MR. TAYLOR: Nothing of the kind had been said by him.

MR. W. B. GORDON: The reason why he had supported the insertion of Section 4 of the South Australian Act as an amendment was that the section was concise and definite, and that its scope was quite sufficient for the legislation which we should pass at present. The time had not yet arrived for more extensive legislation.

MR. G. TAYLOR: The member for South Perth having accused him of speaking both for and against the inclusion of farm labourers, he desired to explain that he had from the first opposed the passing of legislation protecting one section of employees and not others. He could see there was no possible chance of carrying anything against the squatocracy or the farming industry. He had not stuck up for the farmers in any part of the debate, and the hon. member was quite in error in saying so. It was purely from the point of principle he had spoken: there was no spirit of compromise about him. It was wrong that a burden such as the Bill would involve should be cast on one section of employers, whilst another section was allowed to go scot-free. His desire was to legislate for every worker.

MR. F. WILSON: Certain hon. members were crying out before they were hurt, in maintaining that if we included within the scope of this Bill a certain section of employers largely represented in the Upper House, that Chamber would throw out the Bill. The members of the Upper House were just as honourable as members of this House, and would do their duty in legislating towards the end to which this Bill trended, namely the protection of the workers. If the Upper House would throw out the Bill because it included agricultural labourers, then that House would never pass it at all. Possibly the Upper House would send the Bill back to this Chamber with amendments; and then we might perhaps, for the sake of expediency, accept those amendments. The mention of the pastoral industry in the presence of the member for North Fremantle (Mr. Doherty) seemed almost like fluttering a red rag before a bull. That hon. member had accused him of trying to wreck the Bill. All the industries with which he was connected, the timber industry and the coal-mining industry in particular, were covered by the Bill; and he had not asked for the exemption of any of those industries. The hon. member, however, wanted pastoral pursuits exempted because a nigger might attack one of his men. If one of the hon. member's employees went out back for a bullock and was killed or maimed by niggers, the hon. member, as employer, ought to be responsible for the accident, against which he could insure.

MR. DOHERTY: It was the hon. member's attempt to wreck the Bill that he objected to.

MR. WILSON: That remark of the hon. member was highly objectionable. He had stated that the hon. member, in making it, was not speaking the truth; and that ought to be sufficient.

MR. DOHERTY: Was that expression parliamentary?

THE CHAIRMAN: No; the hon. member must withdraw it.

MR. WILSON: Having made the remark, he would withdraw it.

THE PREMIER: The discussion had reached a stage at which we might fairly ask to report progress. The degree of warmth which had been introduced into the debate was to be deprecated. So serious a subject should be approached with some degree of calmness. The amendment now being discussed was not in print, and possibly hon. members were talking without quite understanding each

other. In the circumstances he hoped the Committee would consent to report progress, and ask leave to sit again.

MR. J. M. HOPKINS, referring to an interjection he had made previously, as to whether a certain occupation was hazardous, said the member for the Murray (Mr. George) made a tremendous onslaught on him for that interjection, providing a little pantomime; concerning which it was only necessary to say now that the hon. member was a gentleman. To describe him otherwise would be unparliamentary.

Progress reported, and leave given to sit again.

### TRADE UNIONS REGULATION BILL.

IN COMMITTEE.

Resumed from the previous Tuesday.

Schedule, preamble, and title—agreed to.

Bill reported with amendments.

### ADJOURNMENT.

The House adjourned at 9·50 o'clock, until the next Tuesday.

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## Legislative Council,

*Tuesday, 17th September, 1901.*

Obituary: President McKinley, Message of Sympathy—Papers Presented—Motion: Judges' Pensions Act, to Amend—Motion: Immigration, Assisted Passages—Presbyterian Church of Australia Bill, first reading—Roads Act Amendment Bill, in Committee to Clause 20, progress—the Message of Sympathy—Adjournment.

THE PRESIDENT took the Chair at 4·30 o'clock, p.m.

PRAYERS.

### OBITUARY—PRESIDENT McKINLEY, MESSAGE OF SYMPATHY.

THE MINISTER FOR LANDS (Hon. C. Sommers): Before proceeding with the ordinary business of the House, I desire, by permission, to move the following motion:

That this House deplores the untimely death of President McKinley, of the United States of America, and desires to express its heartfelt sympathy with the American people and the family of the late President in the great loss they have sustained.

I feel sure members of the House viewed with great horror the death of the President of the United States of America. I think that in this motion we will be expressing unanimously our horror of what has taken place, and our feelings in regard to the great calamity which has befallen the people of the United States.

HON. G. RANDELL (Metropolitan): At the request of the leader of the House, I second the motion which has been placed before us. In doing so I think very few words are needed. We can scarcely, on the spur of the moment, express our feelings in regard to the great crime which has been committed in an English-speaking community, a crime committed amongst people who are enjoying, perhaps, the freest institutions of any people on the face of the earth. Yet we know there are men who have been so worked upon, apparently by lecturers and others, to arrive at such a pitch as to take the life of the first citizen of the United States of America; a man who was entitled to every consideration at the hands of his fellow-citizens, being upright and honourable, and carrying on the Government of the country with the greatest ability. I believe he was respected by all nations. I think we should be wanting in our duty if we failed to join with the whole civilised world in sending our condolences to the people of America and the family of the late President, in the loss they have sustained by the murder of Mr. McKinley. I am quite sure I am only expressing the feelings of members of the House when I say that we look on the crime with the greatest of horror, striking as it does at all rule and authority, and aiming at bringing the Governments of the world into chaos and disorder. I will not trust myself to say any more on the subject, but I most heartily indorse the motion which has been moved by the Minister for Lands.

THE MINISTER FOR LANDS: Before the motion is put I desire to say that to-morrow, in accordance with