

Legislative Council,

Thursday, 8th December, 1927.

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The PRESIDENT took the Chair at 3 p.m. and read prayers.

QUESTION—RAILWAYS, KALGARIN PROJECT.

Hon. Sir WILLIAM LATHLAIN (for Hon. W. T. Glasheen) asked the Chief Secretary: 1, Is it the intention of the Government, during this session, to introduce a Bill for the construction of a railway to serve the Kalgarin settlers? 2, If not, why not? 3, If it is not the intention of the Government to introduce such a Bill this session, will they grant some financial assistance to the settlers to enable them to transport their wheat over the long stretch of almost impassable road between Kalgarin and Kondinin?

The CHIEF SECRETARY replied: 1, No. 2, The route has not definitely been determined. 3, The matter will receive consideration.

QUESTION—ROAD CONSTRUCTION, ARMADALE-PEMBERTON.

Contract and Day Labour.

Hon. W. J. MANN asked the Chief Secretary: 1, How many sections of the Armadale-Pemberton road were constructed by the Main Roads Board during the financial year ended 30th June, 1927—(a) by day labour; (b) by contract? 2, What was the cost, per chain, in each case? 3, What sections are to be constructed during

the present financial year—(a) by day labour; (b) by contract? 4, What is the price per chain of contracts accepted this year to date? 5, Will the Government in future make public the successful tenderers' prices?

The CHIEF SECRETARY replied: 1, (a) Three sections, viz., Coolup (Murray Road District), North Dandalup (Murray Road District), Jardee-Pemberton (Manjimup Road District), were constructed by day labour. (b) Nil. 2, £47 5s. per chain, including heavy earthworks; £63 17s. per chain, including heavy earthworks; £4 8s. per chain, clearing only, respectively. 3, (a) and (b) Until tenders are invited and considered it cannot be stated what sections will be constructed during the present year by day labour or contract. 4, Tenders for two sections have been accepted this year, to date, viz.:—Pemberton-Jardee Section (Manjimup Road District), at £18 9s. 4d. per chain; Waroona Section (Drakesbrook Road District), at £22 15s. per chain. 5, Tenders are always opened publicly at the Main Roads Board office and the amounts of all tenders announced to those who are present. The name of the lowest tenderer and the amount of tender are also supplied for publication in such newspapers as apply for the information.

QUESTION—LONG SERVICE LEAVE.

Hon. E. H. HARRIS asked the Chief Secretary: Relating to long service leave granted to Government employees under conditions gazetted on the 2nd October, 1927, in industrial agreements—1, In what departments of the Government service is leave operating? 2, How many employees are now enjoying leave? 3, Of the number on leave, or who have been notified in writing to clear their leave, how many have been notified that at the expiration of that leave their services will no longer be required? 4, What are the ages of the employees, if any, whose service is being terminated? 5, Is it true that some employees have been advised that, owing to the funds provided for long service leave in the department in which they are employed having become exhausted, their applications must be deferred until after the 30th June next?

The CHIEF SECRETARY replied: 1, Long service leave is operating in all Gov-

ernment departments. 2, It will take some time to ascertain this. 3, I am not aware of any instances of this nature. 4, Answered by No. 3. 5, No.

ASSENT TO BILLS.

Message from the Governor received and read notifying assent to the undermentioned Bills:—

- 1, Forests Act Amendment.
- 2, Stamp Act Amendment.

BILL—AUDIT ACT AMENDMENT.

Conference Managers' Report.

The CHIEF SECRETARY: I have to report that the Managers met and agreed to recommend that the amendment proposed by the Council be accepted. I move—

That the report be adopted.

Question put and passed and a message accordingly transmitted to the Assembly.

BILL—CONSTITUTION ACT AMENDMENT (No. 2).

In Committee.

Resumed from the previous day. Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clause 4—Amendment of Fourth Schedule (partly considered):

The CHIEF SECRETARY: Yesterday I promised the Committee I would make inquiries in reference to the salary the Clerk of the Executive Council is receiving. I find that owing to an arrangement made during the term of the Mitchell Government, the Clerk of the Executive Council is paid £100 per annum for his services.

Hon. A. LOVEKIN: In almost every other case the total salary an officer receives is shown on the Estimates; if not in its proper place in the column, at all events in a footnote. I think it would be as well if in future the £100 drawn by this officer was shown, so that the House might at all times know exactly what he is getting.

Hon. E. H. HARRIS: Did the Chief Secretary say an agreement had been entered into that this officer should receive only £100 of the £350 provided; or does he receive £100, and has he entered into

an agreement not to claim the remaining £250?

The CHIEF SECRETARY: I did not say entered into an agreement; I said he had entered into an arrangement. Section 45 of the principal Act provides that there shall be payable to Her Majesty every year a sum not exceeding £15,400 for the expenses set forth in the Fourth Schedule.

Hon. A. LOVEKIN: I do not think the words "not exceeding" cover this. Could it be said that although the Governor's salary is set down at £4,000 the Government would be entitled to pay him £3,500? I should say certainly not.

Hon. J. Nicholson: If they arranged that with him, they could do so.

Hon. A. LOVEKIN: If the salary of the Clerk of the Executive Council is set down at £350, the Clerk is entitled to that money. "Not exceeding" means that the Government shall not exceed the total of £15,400, but I do not think they could pay any less if the occupant of the office liked to claim the full amount.

Hon. E. H. HARRIS: Mr. Lovekin is quite right. Notwithstanding any arrangement that may have been made with the officer occupying the position, I contend he is entitled to claim the full amount. It has occurred in the other States, and in the Federal Parliament that certain members have declined to take an increase of salary, whereupon the money has been set aside, as provided in the Constitution, and subsequently those members have claimed and received the whole of the increase. I still contend that notwithstanding the arrangement entered into, the Clerk of the Executive Council is entitled to claim the balance of his money if he so desires.

The CHAIRMAN: Much discussion has ensued on this point. The Chief Secretary reported progress last night in order to secure certain information and make a statement to the Committee to-day. He has made that statement. There is nothing in the Bill affecting the salary of the Clerk of the Executive Council.

Hon. A. Lovekin: Oh yes there is.

Hon. E. H. Harris: We are dealing with the Fourth Schedule.

The CHAIRMAN: But the amendment of the Fourth Schedule of the principal Act does not touch that item.

Hon. A. Lovekin: Yes, it does.

The CHAIRMAN: I say it does not. If further discussion is desired, I require an amendment touching that specific item, Clerk of the Executive Council, in the schedule of the original Act.

Hon. A. LOVEKIN: The whole always includes the part. Here we have in Clause 4 the amount amended from £15,400 to £21,200, and part of that £21,200 is this £350 for the Clerk of the Executive Council. Therefore the Committee is entitled to discuss it.

The CHAIRMAN: Entitled to discuss it, but under a broad discussion no finality can be arrived at. We must have an amendment.

Hon. A. Lovekin: The Chief Secretary has made a statement. Surely the Committee are entitled to discuss that statement!

The CHAIRMAN: But where shall we get to?

Hon. J. J. HOLMES: I feel disposed to move an amendment to strike out "£21,200" and to insert "£20,950" in its place. Such an amendment would then leave the matter open to discussion.

The CHAIRMAN: I suggest that Mr. Holmes move a specific amendment to the portion of the section relating to the Executive Council and, if the item be reduced, he could then move for a corresponding reduction in the total amount.

Hon. G. W. Miles: Is the amendment before the Chair?

The CHAIRMAN: Does the hon. member press his amendment?

Hon. J. J. Holmes: No, my object was to overcome the difficulty.

Hon. G. W. MILES: I hope the clause will be passed. The amount for the clerk of the Executive Council has stood in the Constitution for years and, though the Government are not paying more than £100, it may be necessary later on to increase the amount.

Hon. A. LOVEKIN: I cannot agree with the ruling that Mr. Holmes cannot move to reduce the total amount without first dealing with the item.

The CHAIRMAN: I gave no ruling; I merely made a suggestion.

Hon. A. LOVEKIN: Then I submit that Mr. Holmes is not bound to adopt that course.

The CHAIRMAN: No, but he has adopted it.

Clause put and passed.

New clause:

Hon. J. NICHOLSON: I move—

That the following be inserted to stand as Clause 5—"Section 6 of the Constitution Act 1889, and Subsection (3) of Section 43 of the Constitution Act, 1899, are amended by striking out the word 'one' where that word appears in the said section and subsection of said Acts, and the word 'two' is inserted in lieu thereof respectively."

Section 6 of the Act of 1889 states that one at least of the executive offices liable to be vacated on political grounds shall always be held by a member of the Council; and Section 43, Subsection 3, of the Act of 1899 states that one at least of such executive offices shall always be held by a member of the Council. Obviously when the Constitution was framed it was recognised that there would come a time when other Ministers would be required in this Chamber. The new clause would give expression to the opinions of members that there should be two Ministers in this House. The total number of Ministers is being increased from six to eight and it is not too much to ask that at least two of the eight should be in this House.

The CHAIRMAN: I point out that the drafting of the proposed new clause differs from the drafting of the other clauses of the Bill. The Bill is for an Act to amend certain sections of the Constitution Acts and the hon. member has repeated that formula in his proposed new clause.

Hon. J. Nicholson: Then divide it into two new clauses.

The CHIEF SECRETARY: There is already provision for having more than one Minister in this Chamber and it would be easy for the Government to appoint two Ministers. The day may come when, owing to the restrictive franchise, there may be only one representative of the Labour Party in this House. That has occurred before. Perhaps in such circumstances Mr. Nicholson would be prepared to accept office with a Labour Government.

Hon. J. Nicholson: I would not say that, but I heard one member say he would be prepared to go to the assistance of the Government in such circumstances.

The CHIEF SECRETARY: I am afraid many members would be straining their principles considerably if they had to introduce some of our legislation. That is my only objection to the proposed new clause.

Hon. Sir EDWARD WITTENOOM: I cannot support the new clause. I had four or five years' experience of Cabinet work and I do not believe in elective ministries. A man who can command the confidence of Parliament and become Premier should be free to say how his Ministers shall be distributed. I do not think the Premier would hesitate to appoint another Minister in this Chamber if necessary.

Hon. J. M. Macfarlane: But the Premier does not appoint them.

Hon. Sir William Lathlain: No, caucus does it.

Hon. Sir EDWARD WITTENOOM: I do not believe in that system. The Premier should be free to allocate Ministers as he thinks fit. If the Government felt that their interests were being neglected through having only one Minister in this Chamber, they would soon appoint a second Minister.

Hon. E. H. HARRIS: I am not disposed to support the new clause. Section 43 says there may be six principal executive offices of the Government and now we are amending that to provide that there may be eight, but it will still be open to the Government to determine whether there shall be eight or any smaller number. It would perhaps be wise not to alter the provision in the Act for then the Government would be free to decide whether more than one Minister was necessary in this Chamber.

Hon. J. NICHOLSON: I do not know whether the Chief Secretary is apprehensive of the position arising when there will be only one supporter of the Government in this House.

Hon. J. M. Macfarlane: You might go further and speculate what would happen if there was none.

Hon. J. NICHOLSON: That is so. The Chief Secretary need have no apprehension on that score. I feel sure there will always be a fair representation of Labour as there has been for a number of years. If his apprehensions were realised, however, there are members who, being non-party by instinct, would see that means were devised to overcome the difficulty.

Hon. J. J. Holmes: Some would be killed in the rush to get there first.

Hon. J. NICHOLSON: I heard one member say he had proffered his services in the event of any such difficulty arising.

Hon. J. J. Holmes: Yes, without profit and without pay.

Hon. J. NICHOLSON: The Labour Party might welcome that, and hand over one or two of these seats to some members who are able to sacrifice the monetary benefits attached to the office. I suggest at all events there should be a minimum of two Ministers in this House.

Hon. A. LOVEKIN: The hon. member should not press his new clause because it will lead to no good results. Ministers are not elected by the House, but somewhere in Murray-street or elsewhere, it does not matter to us where.

Hon. J. Nicholson: I will withdraw my motion.

New clause, by leave, withdrawn.

Title—agreed to.

Bill reported without amendment and the report adopted.

Recommittal.

On motion by Hon. E. H. Harris, Bill recommitted for the purpose of further considering Clause 1.

In Committee.

Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clause 1—Short Title:

Hon. E. H. HARRIS: I move an amendment—

That all words after "on," in line 4, be struck out, and that the words "the first day of July, 1928," be inserted in lieu.

I asked the Chief Secretary if he would indicate whether the Bill would come into operation before or after the Legislative Council elections next year. Will the extraordinary elections for Ministers be held on the same day as the elections for the Legislative Council? In this case I believe in the principle of "safety first."

The CHIEF SECRETARY: I should very much regret that members should be influenced by the reasons advanced by Mr. Harris. He has implied that the Government design that any member of this Chamber who might be selected for full Cabinet rank should meet his electors with a portfolio. There is no evidence of that. I believe it is the intention of the Government to take advantage of this Bill as speedily as possible.

Hon. J. J. HOLMES: I am inclined to support the amendment. We must look at things as they are likely to be. Some

time ago an election was held, and one of the candidates, who was not a member of Parliament, was given Cabinet rank and stood as a Minister. As a result of that the Albany harbour is to-day two feet deeper than the entrance to it. I believe in tying things up. The hon. member is quite right to fix the date in the way proposed. If I had my way the date would be 99 years hence.

Hon. J. EWING: I regret that the amendment has been moved. The Government should be trusted in this matter. I am sure Mr. Harris has not intended to reflect upon the Government, although he has suggested that certain things might happen. If the Government did anything wrong the country would soon deal with them. I do not like the suggested reflection upon them.

Hon. E. H. HARRIS: I have not questioned the honesty of the Government. We know that many things they do are done against their wishes. I asked for certain information which I have not been able to get. I do not know, therefore, what will be done. To be on the safe side we should provide that this Bill will not come into operation until after the Legislative Council elections are held next May. The Minister is not in a position to give the desired assurance. There are three Honorary Ministers, and two new portfolios; and the qualifications of certain people are being canvassed. It is possible for a party meeting to jeopardise the political chances of one of their members, and so either end or mend his career. Perhaps unconsciously, the party may do one of their members a distinct injustice.

The CHAIRMAN: Order! The hon. member is getting fairly close to motive.

Hon. E. H. HARRIS: Very well, Sir. I will leave the matter at that.

Hon. J. NICHOLSON: Commitments have been made to the end of the financial year; and changes of this nature should not become effective until the beginning of the next financial year, the 1st July. Mr. Harris's amendment imputes no motive whatever.

Hon. G. W. MILES: I was one of those who voted against the Bill, my reason being that if the State trading concerns were got rid of, the State could do with six Ministers. Other Bills of a similar nature to this have been before the Chamber, and in connection with them there was no suggestion to hold over their operation, except on the part of Mr. Holmes.

Hon. H. Stewart: Also on my part.

Hon. G. W. MILES: Under the Bill the State is to pay eight Ministers instead of six. In the past the six portfolioed Ministers have paid the Honorary Ministers. When we agreed to increase members' salaries, the increase was to take place from the proclamation of the measure. This claims to be a non-party House, and yet we are imputing to the Government the motive of desiring to influence the next biennial election. If the two new portfolioed Ministers are appointed from another place, the matter cannot affect this Chamber. I regard the amendment as paltry.

Hon. J. J. HOLMES: No increase is involved in the Bill; present Ministers will continue on their present salaries. I do not go into any side issue as to their giving away part of their salaries; that is their own funeral. This Chamber is entitled to say that the change contemplated by the Bill shall take place on the 1st July next.

The CHIEF SECRETARY: I brought down the Bill and explained the necessity for it, Ministers being overworked and Honorary Ministers being unable to perform all the work of even those departments which were under their control. The Chamber passed the second reading without a division. Now it is suggested, principally by opponents of the measure, that the appointment of the two new Ministers shall be deferred for six months. If the Bill is necessary at all, it should be put into operation straightaway. Why should portfolioed Ministers be asked to overwork themselves for six months longer? Members in favour of the Bill cannot consistently ask that. The Bill went through Committee without amendment, but now on recommitment we have this proposal. Being in a manner interested, I do not care to press the matter strongly, but I ask hon. members to consider the position seriously.

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

Ayes	12
Noes	13
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Majority against	1
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AYES.

Hon. A. Burvill	Hon. W. J. Mann
Hon. W. T. Glasheen	Hon. J. Nicholson
Hon. V. Hamersley	Hon. H. Seddon
Hon. J. J. Holmes	Hon. H. Stewart
Hon. G. A. Kempton	Hon. H. J. Yelland
Hon. A. Lovekin	Hon. E. H. Harris

(Teller.)

NOMS.

Hon. J. R. Brown	Hon. J. M. Macfarlane
Hon. J. M. Drew	Hon. G. W. Miles
Hon. J. Ewing	Hon. G. Potter
Hon. E. H. Gray	Hon. H. A. Stephenson
Hon. J. W. Hickey	Hon. Sir E. Wittenoom
Hon. W. H. Kitson	Hon. C. F. Baxter
Hon. Sir W. F. Lathlain	(Teller.)

Amendment thus negatived.

Clause put and passed.

Bill again reported without amendment, and the report adopted.

Read a third time, and *passed*.

BILL--WORKERS' COMPENSATION ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [3.56] in moving the second reading said: This Bill has three objects. The first is to insert a consequential amendment overlooked when Section 6 was amended in 1924. The substitution of the word "or" for the word "and" was agreed to at the Conference of Managers in 1924, and the words "arising out of and in the course of employment" were made to read, by Conference, "arising out of or in the course of employment." Unfortunately the words were altered only in Sub-section 1 of Section 6 instead of consequentially throughout the section. The amendment in this Bill will make the section consistent and remove an obvious error. In the second place, the Bill is intended to simplify, without affecting the efficiency of, the method of determining whether or not a person has contracted one of the diseases mentioned in the Third Schedule. Under the existing law there is a good deal of circumlocution. The person claiming to have contracted, say, miners' disease, must first produce a medical certificate to that effect. If the employer disputes the medical certificate, the matter is referred to a medical referee, and then either party has the right of appeal to a Medical Board appointed by the Minister. This roundabout procedure has resulted in considerable delay and irritation, and consequently undesirable ill-feeling, on both sides. In the end, the dispute generally has to go to the Medical Board; and why not in the first instance, as is proposed now? The Bill provides for a direct reference to the Medical Board of three members, whose decision shall be final. The third amendment

contemplated by the Bill includes hospital expenses as a charge against the £100 maximum provided by the Act for medical or surgical attendance. When the Bill was introduced in 1924, it was made quite clear that the measure covered medical, surgical, ambulance and hospital expenses. Later, in order to enable the Insurance Companies to have a definite maximum for the purpose of assessing premiums, an amendment providing for a maximum of £100 was adopted.

Hon. G. W. Miles: Have not the medical men been getting too big a cut out of it?

The CHIEF SECRETARY: That is a charge that has been made frequently.

Hon. G. W. Miles: Cannot we amend the Act to deal with that?

The CHIEF SECRETARY: When the Bill was drafted originally, the intention was to include hospital expenses, and the idea of Parliament was that they had been included. The insurance companies have, however, contended that the present Act does not empower the injured worker to recover the cost of his sustenance (meals, etc.), as they say this expenditure is apart from the medical and surgical attendance at the hospital, and they are therefore deducting an amount of 30s. a week from the hospital account, etc., being the estimated cost of sustenance. The legal position not being entirely conclusive, the action of the companies was recently challenged in the courts, and a verdict was given in favour of the insurance companies' interpretation. The present amendment will make the position clear. Provision is also made, under the same amendment, for the payment of expenses incidental to medical and surgical attendance. For instance, the cost of drugs, bandages, etc., which does not seem to be provided for now. I move—

That the Bill be now read a second time.

HON. J. CORNELL (South) [4.3]: If I take up some time of the House at this late stage of the session, I hope I will be pardoned. The Bill is a simple and short one, but the causes that gave rise to the necessity for the amendments have a wide application. Dealing with the Third Schedule of the parent Act, I wish to draw attention to the disclosures resulting from the medical examinations during the past two years. The Minister will bear with me when I remind the House that I condemned the proposal to include silicosis or miners' phthisis under

the provisions of the Workers' Compensation Act. I still hold that miners' diseases should not come within the Third Schedule of that Act. In the application it has worked out as I indicated. The replies to questions I asked recently in the House showed beyond a shadow of doubt that it was difficult for miners to get compensation on account of pure silicosis unless they fell down on the job and had to be carried away. I wish to deal with a few figures to demonstrate the position disclosed by the demands that have been made under the provisions of the Act and to show that our legislative machinery should be more elastic and just in its application. Any criticism I offer is not aimed at the Government on the score that they have not endeavoured to do the right thing, but rather that they have been endeavouring to do the right thing very often in the wrong way. Without being egotistical, I think I can claim that this is a subject to which I have given some little research without any desire for political advancement or monetary reward. Recently the Minister for Mines published certain figures arising out of the examination of miners, and I have analysed them. The figures show that in 1927, 3,395 men were examined and of those 338, or 10 per cent., were found to be suffering from silicosis or miners' phthisis. In 1926, 4,017 men were examined, of whom 459, or 11.4 per cent., were proved to be in the early stages of silicosis. That showed a difference of 1.4 per cent. in the two years. In 1927, 88 men, or 2.6 per cent., were found to be suffering from the disease in an advanced stage, while in 1926, 183 men, or 4.6 per cent., were found to be suffering to the same extent. Those figures disclose a difference of 2 per cent. between this year and last year. In 1927, 121 men were found to be suffering from tuberculosis superimposed upon silicosis. That gave a percentage of 3.6. In 1926, 130 men were found to be similarly afflicted, or 3.4 per cent. Thus we find that in the year just concluded, despite the rigorous examination of 12 months ago, the percentage has gone up. In 1927, eight men were found to be suffering from pure tuberculosis, giving a percentage of .02, while in 1926 nine men were found to be suffering from the same disease, the percentage again being .02. This comparison shows that in the early stages of silicosis there was a decline this year of 1.4 per cent.; in the advanced stages, a decline of .2 per

cent.; in the case of tuberculosis superimposed upon silicosis, an increase of .02 per cent.; while the percentage of men suffering from pure tuberculosis remained unchanged.

The PRESIDENT: I would like the hon. member to connect his remarks with the Bill, which is one merely to amend two subsections and a section of the Workers' Compensation Act. That does not permit the hon. member to deal generally with the principles of workers' compensation and the operations of the Act.

Hon. J. CORNELL: When I have quoted a few more figures I shall connect my remarks up with the Bill, and I propose to discuss the proposed medical board as well.

The PRESIDENT. I would like the hon. member to connect up his remarks straight away.

Hon. J. CORNELL: If I am not permitted to deal with the question of workers' compensation generally on the second reading, I will bow to your ruling, Mr. President, and will not proceed any further with the point I was making. I will get down to the simple amendments, and express my views. The Minister told us that it was proposed to do away with the medical referee. As he pointed out, the position to-day is that the employer has the right to appeal to a medical referee against a certificate given by a medical practitioner setting out that an individual is suffering from miners' phthisis. The proposal now is to appoint a board, the chairman of which will be a duly qualified medical practitioner, while the remaining two members will represent the workers and the employers respectively. The majority decision of that board is to be final. I am utterly opposed to the constitution of that board. Had I been permitted to conclude the figures I was quoting, I would have demonstrated to the House what the board may be up against shortly. The appeal that will be available in future will be to a board consisting of one medical man and two laymen. What qualifications has any layman, however zealous he may be, to enable him to inquire as to whether the decision of a medical practitioner that a man is suffering from silicosis is correct or is incorrect? I cannot imagine a board of laymen dealing with such a subject, even though the chairman may be a medical man. Let us consider the position in the army. A soldier suffering from war disabilities has to go periodi-

cally before a medical officer appointed by the Department of Repatriation. The doctor examines the man and decides whether his pension shall be increased or decreased, or shall be left stationary. The soldier has the right of appeal against the decision of the medical officer, and that appeal is to a board consisting of medical men. It would be just as logical to expect laymen to deal with the appeal of a soldier in that position, as it is to expect laymen to deal with appeals under the Workers' Compensation Act.

Hon. E. H. Harris: That position does not arise on any other board that I know of.

Hon. J. CORNELL: I am pointing out to the Minister, to the miners and the employers, what the position really amounts to. If the chairman, who is a medical man, does not receive the unanimous support of the lay members of the board, he will give his decision with the support of one or other of the lay members. The most satisfactory board would be a board constituted similarly to that under the Miners' Phthisis Act. The chairman of that board is the Principal Medical Officer or his deputy, and both the other members are medical practitioners, one appointed by the appellant and the other by the Minister. A man reported upon as having T.B. can appeal to that board. That is much more satisfactory than having him appeal to a board consisting partly of laymen. I understand that Mr. Seddon has given this question some consideration and is prepared to move an amendment somewhat on the lines I have suggested. The only other point I wish to touch upon is in regard to the £100 allowed for hospital expenses. Fortunately I have had nothing to do with workers' compensation, not having had to collect anything under the Act nor to participate in that £100 hospital expenses. But I have met a good few reputable doctors who desire that the Act should be amended in order that the goats in the medical profession might be separated from the sheep.

Hon. C. F. Baxter: That is a reflection on the medical profession, although it is quite justified.

Hon. J. CORNELL: They have said emphatically that some members of the medical profession in this State are making a welter of that £100 provision. The general

run of medical men in this State do not stand for what is going on, and they would welcome some machinery under which the goats in their profession could be brought to book.

Hon. C. F. Baxter: Why "goats"? Would not "wolves" be more appropriate?

Hon. J. CORNELL: I will support the second reading.

HON. H. SEDDON (North-East) [4.20]: In the first place I was expecting that the Government, after the repeated representations made to them regarding the operations of the Workers' Compensation Act, would have brought in an amendment covering the existing anomalies. Clause 3 deals only with one aspect of the case. In my view there is a serious responsibility on the Government to take action, before the session closes, to deal adequately and firmly with the position created. We have had repeated representations in this House in regard to the necessity for making arrangements whereby those suffering from silicosis or miners' phthisis shall be adequately provided for. I wish to point out the way in which the Act is operating. The interpretation placed on Section 7 is such that the men are not receiving what the House desired that they should receive. If members will investigate Section 7 they will find the wording is that where a worker is suffering from any of the diseases embraced in the Third Schedule and thereby prevented from earning full wages in his occupation he shall be entitled to compensation. When that section was included in the Act I was under the impression that where a man could prove he had been affected by silicosis, and so was unable to earn full wages, he would be able to obtain compensation. I have here certain certificates placed in my hand by a married man who comes into the category the Act was intended to provide for. On the 1st June, 1926, this man was advised under the Miners' Phthisis Act as follows:—

Take notice that you are reported as having developed symptoms of miner's phthisis uncomplicated by tuberculosis, and that therefore employment on or about a mine may be detrimental to your future health.

That was signed by Mr. Troy, then Minister for Mines. This man during October found that he was suffering severely from shortness of breath and other disabilities.

He went to his medical adviser, who examined him and reported as follows:—

Nature of disease from which worker is suffering?—Miners' phthisis. To what degree is worker incapacitated in respect of such disease?—50 per cent. State briefly the worker's present symptoms?—Shortness of breath, cough, and giddiness.

He asked his doctor what he ought to do, and the doctor advised him that he would not be able to work again, and that the best thing for him was to come out of the mine. That was in accordance with the advice he had received from the Minister 15 months previously. This man then presented himself to the representative of the State Insurance Office at Kalgoorlie and submitted his doctor's certificate. In accordance with the regulations governing the State Insurance Office he was referred to Dr. Nelson, the examining doctor for that office. Dr. Nelson examined him and reported that he was suffering from early pulmonary silicosis and old age. The doctor added, "He says he will be 70 next January. He is incapacitated by silicosis to the extent of 10 per cent." This is the same doctor on whose certificate the advice was sent to that man by the Minister for Mines. As a result of that second certificate the man is informed by the State Insurance Office that he cannot claim, as he would have been disabled from working, owing to the other factors outside of silicosis. In accordance with the provisions of the Workers' Compensation Act, this man made an appeal. His appeal was brought before the board of doctors, consisting of Dr. Mitchell, Dr. Irwin, of Boulder, and Dr. Byrne. They examined him and practically endorsed the verdict of Dr. Nelson.

Hon. E. H. Gray: Four doctors against one.

Hon. H. SEDDON: But do not forget that the intention of Parliament was that these men were to be adequately provided for. Although I believe the Minister for Mines is anxious to sympathetically administer the Act, yet there is sufficient evidence to warrant us asking the Government why they have not brought down measures to remedy the existing state of affairs and to carry out that section inserted in the Act by Parliament. In my opinion this is an evasion of the intention of the House, which was that every one of those men should be provided for. Here is a man proved to be suffering from silicosis. We say in the Act that any

man suffering from silicosis and disabled from work shall receive compensation. I can quite understand the argument being raised that it would not be right for a man only slightly affected to receive full compensation. On the other hand, I contend that any degree of disability caused by silicosis should be recompensed, if only to the extent determined by the doctors. From that standpoint the fact that this man was disabled 10 per cent. morally entitles him to receive 10 per cent. of compensation. In discussing this question on previous occasions, Mr. Cornell and other members have pointed out how these measures have failed to grapple with the situation. The only way it can be dealt with is to consolidate the whole of the measures dealing with these men, and to shape the consolidated measure somewhat on the lines of the legislation in South Africa. A little while ago I asked in the House if it was the intention of the Government to bring down a measure to provide for the men deprived of the benefit of the Act. I asked what number of cases had been brought before the State Insurance Office, and I was told 36, and that of that number 16 had received compensation, while 14 had been rejected and six were under consideration. By the answer to another question asked more recently, we learned that of the 14 rejected, 10 had been found to come outside the scope of the Act and two had ceased work and therefore could not claim. That is one of the points I wish to stress. Unfortunately, those men go to a doctor, who decides that they are suffering from silicosis, and thereupon advises them to stop work. It is the very last thing such a man should do; because under the interpretation placed upon the Act the only chance that man has to establish his claim is to remain on his job till he drops. It was not the intention of the House that that state of affairs should be established, nor do I think the House wishes that it should be perpetuated. So I say that in bringing in this Bill, embracing minor amendments, the Government have ignored the most important phase of the question. I intend to elaborate it more extensively on the State Insurance Bill. I am speaking on it now because I feel that in the Workers' Compensation Act it should be provided that these men must be adequately dealt with and compensated. Mr. Cornell quoted certain figures. I wish to refer to two of those figures, submitted by the Minister for Mines,

who pointed out that in 1926 there were 459 men in the early stages of silicosis, and that in 1927 the number was 338. When we consider that only 36 claims were put in by men suffering from silicosis, it is seen how this section is operating; the majority of the men are stopping on their jobs until they can no longer remain there. We should not encourage that; indeed we should encourage them to come out while they still have a chance of saving their lives. The Government have made provision for them in a farming scheme. But not every man is adaptable to farming. Many of those men are getting old. Farming is outside the scope of their ordinary lives. In contemplating going on to farms they are undertaking a new form of employment. No other avenue of employment is open to them, and so they remain in the mines. I trust that the warmth with which I have spoken will not be regarded as a personal reflection on the Minister or on anyone else, because I feel sure that the Chief Secretary and other members of the Government realise the necessity for doing something. Still, I should like to know why an amendment has not been brought down even at this late hour of the session to deal with that particular section of the Act. In view of the number of men in the early stages of the disease, there should have been far more claims than have been made, and if those men are to be provided for and are to live the allotted span of life, we should encourage them to get out of the industry and make provision that will give them compensation when in the early stages, or adequate compensation when in the advanced stages. I wish now to refer to the appointment of the board. I am inclined to agree with the views expressed by Mr. Cornell and in Committee I shall move an amendment. When a board is appointed to deal with a medical question, I fail to see what standing laymen could have on the board. That in itself should condemn the amendment that is proposed to be made. I am in sympathy with Clause 4 altering the provision for hospital charges for treatment and maintenance. At the same time I should like to see steps taken to provide a safeguard against the imposition of certain members of the medical profession. The £100 provision seems to give a good deal of latitude. It is not in the serious cases of accident where objection arises. Where a man has met with serious injury he is entitled to receive the fullest medical and hospital

attention. It is in smaller cases where a man has received a minor injury that fault can be found from the standpoint of the patient. A man might have a finger crushed and he is examined every day by the doctor, and the bill mounts up to inordinate proportions. That is a state of affairs of which members generally disapprove. I should like to see a tariff or scale fixed to ensure that while men receive adequate attention, there will be no overloading of charges. I do not know whether anything in the shape of a taxing master prevails in the medical profession as in the legal profession, but it seems necessary to have some authority to tax medical charges.

Hon. E. H. Gray: It would be a difficult matter to deal with.

Hon. H. SEDDON: Yes, but I think the moral effect would be good.

Hon. J. Nicholson: Good for both the worker and the employer.

Hon. H. SEDDON: Yes. It would be an indication that the profession generally was opposed to anything in the nature of imposition. The medical profession enjoys an exceptionally high standing for attending to persons in straitened circumstances or in want, and for its honorary services has a record second to no other profession in the world. At the same time there have been instances of imposition and we should do our best to find a remedy.

Hon. C. F. Baxter: There have been not isolated but many instances.

Hon. H. SEDDON: Yes. I understand that the existence of this provision in workers' compensation insurance made all the difference between the companies being able to meet their obligations and making a heavy annual loss. I know that from insurance companies with whose operations I am familiar. I shall support the Bill, but I should like to hear from the Minister on the questions I have raised and shall move certain amendments in Committee.

HON. J. NICHOLSON (Metropolitan) [4.34]: This Bill is a comparatively short one but though short it is none the less important. It seeks to effect certain amendments that no doubt have appealed to the Government as being essential. The Chief Secretary, in referring to the amendment proposed in Clause 2, pointed out that the word "or" appearing in line 2 of Section 6 of the Act was agreed to at a conference when the Bill was previously before Parliament. I have a copy of the old Act be-

fore me and in it Section 6 begins, "If in any employment personal injury by accident arising out of and in the course of employment," etc. That was altered to read, "If in any employment personal injury by accident arising out of or in the course of employment" etc. That is the section dealing with accidents as distinguished from the section dealing with diseases. The proposed amendment, however, is presumably intended to bring into line paragraph (b) of Subsection 2 of Section 6, where, strange to say, the words are, "by accident arising out of and in the course of employment." It is an established fact that we borrowed the section, and the Act largely, from other places. The English Act, copied I believe by many of the States, uses the word "and," not "or." I intend to propose in Committee that we restore the original word in Subsection 1 of Section 6 by deleting "or" and inserting "and." That will render unnecessary the alteration suggested by the Chief Secretary in paragraph (b) of Subsection 2. The whole Act will then read in harmony.

Hon. H. Seddon: But what would be the effect on the scope of the Act?

Hon. J. NICHOLSON: I do not think the Act would be altered at all. We all know what was intended to be covered by the Act. It was intended that compensation should be paid to a man who suffered from injury arising out of and in the course of his employment.

Hon. A. Lovekin: Is not that rather a matter for Committee?

Hon. J. NICHOLSON: The Chief Secretary dealt with it, and my directing attention to it now may save time later on. Members will realise the importance of regarding the matter in the same light as it has been regarded in other countries and in other States. It will make the position clear for everyone, whereas by using the alternative, misunderstanding might possibly be created. Mr. Seddon and Mr. Cornell have dealt at length with Clause 3, which provides for the creation of the board. There is a good deal to be said in favour of a board consisting of three medical men as against a board composed of one medical practitioner who shall be chairman and two lay members as nominees of the worker and of the employer respectively. The only men who could effectively deal with the questions, particularly with respect to disease, are medical men. The ordinary layman would be almost useless in

most instances. If there was occasion to consult a layman, the board could get the benefit of his knowledge and experience as a witness and so overcome any difficulty in that direction. The views expressed by Mr. Seddon and Mr. Cornell, who are closely identified with the mining industry and the troubles that have arisen from diseases prevalent in the industry, should be carefully weighed by the Chief Secretary. The introduction of workers' compensation, and particularly of the provisions relating to diseases, has created a very serious position indeed. We know the difficulty that has been created in the mining industry, and how the Government have been seeking to overcome it by effecting a certain insurance scheme. What Mr. Seddon stated is correct: the introduction of measures like this and the proposing of amendments such as that contained in Clause 3 do not effectively cope with the situation, and do not render the degree of help needed by men suffering from the diseases in question. It is absolutely necessary, I contend, that the Government should meet the situation, not by the introduction of such an amendment as Clause 3 contains, nor by means of State insurance or anything of that nature, but by widening, if need be, the scope of the Miners' Phthisis Act and by establishing a fund, out of Consolidated Revenue or otherwise, and investing the amount for the benefit of all men suffering from those diseases, so that the cases of hardship of which we hear almost daily as arising because of the interpretation placed on existing legislation, may be relieved and the poor men concerned receive adequate compensation. I venture to say this is a national matter, and not one to be dealt with by the amendments now proposed. I hope something in that direction may result from the remarks of members intimately acquainted with the mining industry. Reference has already been made to the amendments suggested by Clause 4. It is quite true, as pointed out by the Chief Secretary, that there has been some litigation as to the meaning of certain words in the schedule which the Bill proposes to amend; but I am given to understand that an arrangement has practically been made whereby all the insurance companies undertake to allow a deduction of about 8s. or 10s. per day to meet the charges ordinarily made for hospital treatment and maintenance. The words proposed to be added place no

limit whatever on the amount. If the words are added, then obviously it will be necessary to insert some other words which will be consistent with present-day hospital charges, between 8s. and 10s. per day. The case would be met by the insertion of other words such as "not exceeding so much per day." If, however, an arrangement has been made, as I am informed, for the insurance companies themselves to allow a certain sum, the clause might well be entirely omitted. I do not know whether the Chief Secretary could make inquiry into the matter and ascertain whether the arrangement referred to is in vogue. In another place Clause 4 underwent amendment, the words "and incidental to" being added to paragraph (c) of the schedule. Those words have been inserted at the end of the clause, although they refer to an earlier part of the section. I feel sure that when the Chief Secretary weighs those words, he will realise that they are hardly proper words to be inserted, being so wide in their significance. The provision of the Act, as proposed to be amended by the Bill, will read as follows:—"In addition to the compensation payable under this section, there shall be payable a sum equal to the reasonable expenses incurred in respect of and incidental to the medical or surgical attendance." I gather from what I have read of the debate in another place that the intention was to cover by those words things in the nature of chemists's requisites, but the amendment will provide for something much greater. I feel sure that not a single insurance company would raise any question whatever as to ordinary chemists' requisites for a patient's recovery. If the words in question are to stand, some alteration is undoubtedly necessary.

Member: The doctor might order champagne.

Hon. J. NICHOLSON: Quite so. It is hard to say what the words might cover. If, for example, the £100 allowance had to be apportioned in a manner not provided for at all by the Bill, there might be difficulty in apportioning it among the persons entitled to payment; that is, if the section is widened as proposed by the Bill. There have been references to the charges made, particularly since the passing of the last Act dealing with this matter, for medical attendance. Undoubtedly the experience of companies discloses the fact that the fees

charged by some medical men have been grossly extravagant. I do not for a moment say, by all medical men, because there are numerous medical men who seek to maintain the high repute of their profession. I feel sure that the medical fraternity as a body will welcome any means whereby excessive charges can be checked. I intend to move an amendment with a view to meeting that aspect. Possibly I shall present some other amendments for consideration in Committee. Meantime I offer these explanations in the hope that my doing so may prove helpful to the Chief Secretary in considering the subject.

HON. J. EWING (South-West) [4.56]: The importance of this Bill is apparent to all hon. members. The necessity for bringing in such a measure is greatly to be regretted. In the course of previous dealings with this legislation some lapses may have occurred, and possibly these require amending now. Mr. Seddon said that under the existing law the employees were not getting what Parliament desired they should get. The hon. member, like yourself, Mr. President, has a close knowledge of the mining industry, and with you, Sir, is strongly interested to see that the men get what they are entitled to receive. Possibly the Minister will consider the advisableness of bringing in another amending Bill for consideration next session; obviously he cannot do it before this session closes. I was pleased to hear the speeches on the present Bill, and am very glad indeed to know that something is to be done for the men who are affected. This Chamber passed what was intended to be a fair Workers' Compensation Act. However, difficulties with regard to insurance are occurring daily. The importance of the subject was realised here, Mr. Holmes and other members moving two or three times to amend the Third Schedule of the previous Bill. I helped Mr. Holmes, as did other members, because we saw the difficulties that must arise in connection with that schedule. Those difficulties exist to-day, and the problem is to remove them. When the previous Bill was before the House, I suggested further consideration of the subject by the Government; but the consideration I had in mind does not seem to have been given. Clause 3 provides for the deletion of the medical referee from the Act, and proposes the creation of a board of three members, one of whom is to be a duly

qualified medical practitioner to be appointed by the Governor and to hold the chairmanship, one to be appointed by the worker, and one to be appointed by the employer. I am entirely opposed to a board so constituted, because the nature of the work and the decisions to be arrived at are entirely of a medical nature. Further, I would not allow any layman, whether representative of the worker or representative of the employer, to have any say whatever in such a matter.

Hon. E. H. Harris: They may select medical men as their representatives.

Hon. J. EWING: If any hon. member, particularly any goldfields member, moves to amend the clause so that there shall be a board of medical men, I shall support him. As it is now, with one medical man and two laymen comprising the board, it will be possible for the two laymen to decide a medical question against the opinion of the chairman, who is the sole medical representative on the board.

Hon. Sir Edward Wittenoom: Do you think doctors monopolise all the brains?

Hon. J. EWING: No. The hon. member does not understand the position, or he would not ask such a question. Medical men have special training enabling them to deal with medical matters, whereas laymen have not, yet on the proposed board the laymen would be able to decide upon purely medical matters.

Hon. J. J. Holmes: Surely the board will consist of three medical men!

Hon. J. EWING: Not at all. The Bill does not indicate that by any means.

Hon. H. Stewart: We can amend it so that all three shall be medical men.

Hon. J. EWING: I would support an amendment in that direction. Much criticism has been indulged in against doctors who, it is suggested, have been extracting heavy fees from the unfortunate patients. I have a considerable knowledge of medical men, and I do not know of one who would stoop to that sort of thing.

Hon. C. F. Baxter: There are records of such happenings.

Hon. E. H. Gray: Dozens and dozens of cases.

Hon. J. EWING: If that is so, something should be done to prevent that sort of thing occurring.

Hon. J. Nicholson: There are many medical men who would not stoop to do such things.

Member: And some who would stoop to anything.

Hon. J. EWING: In my opinion 95 per cent. of the doctors are human beings who have no desire to prey upon the workers.

Hon. E. H. Gray: There are more than 5 per cent. of the doctors who do prey upon the workers.

Hon. J. EWING: If that is so, then I can support what Mr. Seddon said when he suggested we should separate the sheep from the goats. But how can it be done? I do not know that £100 is too much to cover medical expenses where some of these cases are concerned. I have not a special knowledge of the gold mining industry, but I remember what happened when the present Act was being dealt with in 1924. I remember the fight that was put up to make the Bill effective. It has proved effective in some directions, but has not come up to expectations in other ways. If some hon. member will move to make the appeal board more satisfactory, I shall support him.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central—in reply) [5.3]: This is essentially a Bill for consideration in Committee. I rise, however, to endeavour to remove, if possible, the misconception that may have been created by Mr. Seddon's speech. Some hon. members have been misled by his remarks. I know it was not his intention to suggest that the State Insurance Office had been responsible for injustices.

Hon. H. Seddon: No.

The CHIEF SECRETARY: I know the hon. member was careful to qualify his remarks to make it clear that he did not make that suggestion, but that any injustices arose because of the state of the law.

Hon. H. Seddon: Exactly.

The CHIEF SECRETARY: The Government have given consideration to that point and are fully sympathetic. The question involved however, is: How can the Act be amended to meet the position? Let us take the instance of the man 70 years of age, to whom reference was made during the debate. Probably every hon. member knows that after men have been working for a few years in a mine they show traces of dust. They may suffer from silicosis to a small extent. The old man, for instance, showed traces to the extent of 10 per cent.

Hon. H. Seddon: It must have been very mild.

The CHIEF SECRETARY: The doctors certified that the old man was not incapable of working and he was able to continue. There have been instances of men who have not been able to receive compensation although they used every political influence they could bring to bear upon the Government, to secure compensation. I have one instance that I can call to mind. The matter was investigated and although the man had traces of silicosis he was incapacitated on account of heart disease, not on account of silicosis. I know some men, including some members of Parliament, who say they are suffering slightly from silicosis, but they are able to walk about and do their work satisfactorily. If an amendment is introduced to deal with the position, how can it be framed? Section 7 of the Workers' Compensation Act, 1912-24, says—

Where 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 . . . , and the disease is, or was due, to the nature of any employment in which the worker was employed at any time within 12 months previous to the date of the disablement, whether under one or more employers, the worker . . . 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

Doctors have been unable to certify that the incapacity was due to silicosis, and have pointed out that it was due to rheumatism, heart disease, or some other ailment. The doctors have informed miners that they have shown traces of silicosis but that they, the doctors, would not be justified in certifying them as silicosis cases. I would like hon. members to suggest how the Act can be amended to meet that position.

Hon. H. Seddon: Will you consider such an amendment to the Bill?

The CHIEF SECRETARY: I shall be glad if the hon. member will submit an amendment.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 6. Subsection 2, paragraph (b):

Hon. J. NICHOLSON: I move an amendment—

That in line 1 "or" be struck out, and the word "and" be inserted in lieu.

My object is to reverse the position set out in the clause. If the amendment be agreed to, paragraph (b) will remain intact.

The CHIEF SECRETARY: This point was fully discussed at the conference of managers when the Workers' Compensation Act Amendment Bill was under discussion. After a very lengthy discussion it was agreed that instead of the words reading "arising out of and in course of employment," they should read "arising out of or in course of employment." There is a big difference between the two phrases. In the one instance the worker has one barrel only, whereas in the other he has two. Mr. Nicholson seeks to limit the compensation to accidents that arise out of and in the course of a worker's employment. The paragraph in the amending Act was inserted as one of the conditions to the acceptance of the Bill. The amendment sought by means of the clause in the Bill is merely to give full effect to the decision of conference. It is really consequential on part of the section as it stands now.

Hon. J. EWING: I well remember the facts referred to by the Leader of the House. At the time this matter was discussed by the managers it was about 4.30 a.m. We thought the clause had been amended as suggested by the Chief Secretary and the clause in the Bill now will give full effect to what was decided at the conference.

Hon. J. NICHOLSON: It would be very difficult for members at such a conference to grasp exactly the full purport of such a clause. There cannot be any double-barrelled remedy such as the Chief Secretary suggested, because when the compensation was provided for in the Act it was always intended that the compensation should be on account of an accident which had arisen out of and in the course of a worker's employment. It was not intended that compensation should be awarded if the accident arose out of certain work but did not happen in the course of the man's employment. A whole line of cases has been decided on those words. The basis of the claims on which workers are entitled to compensation under the English Act is in accordance with the words that were previously in our Act, namely, "arising out of and in the

course of his employment." All that I am seeking to do is to restore "and" in place of "or," which was wrongly inserted. Also it is very important that there should be consistency with the Acts in force in other countries where similar legislation exists.

The CHIEF SECRETARY: We heard a lot the other night about the repudiation of contracts. A contract was made at that conference, and I think it should be upheld.

Hon. J. Nicholson: Not a contract at all.

The CHIEF SECRETARY: The amendment proposed in the Bill is to make the section consistent with that contract. What the effect is, I do not know.

Hon. A. Lovekin: Two barrels instead of one.

The CHIEF SECRETARY: There is some object in it. A double-barrelled amendment was agreed to by the conference, and I do not think any harm has been done in the meantime.

The CHAIRMAN: The clause proposes to delete "and" and insert "or." Now Mr. Nicholson proposes to take out "or" and restore "and," which evidently is already in the principal Act. Ought not the amendment be to delete the clause?

Hon. J. NICHOLSON: If you will read the whole of my amendment you will see that it deals with another subsection of the same section.

Hon. H. Stewart: Which other subsection?

Hon. J. NICHOLSON: The clause proposes to amend paragraph (b) of Subsection 2 of Section 6. My amendment proposes to strike out "or" in line 2 of subsection 1, and to insert "and" in lieu thereof. It will restore that subsection.

Hon. E. H. Harris: The subsection lost at the conference a couple of years ago.

Hon. J. NICHOLSON: Precisely. When an amendment of this sort was made at half-past four in the morning, the managers at that conference might not have fully understood the effect of the amendment.

Hon. E. H. Harris: We are at our best at that hour.

Hon. J. J. HOLMES: I will support the amendment. But what I really got up to say is that I cannot accept what the Minister put up to us, namely, that because the conference two years ago came to a deci-

sion, it must be adhered to by members of the House for all time. The most important conference we ever had was in regard to the Arbitration Act. Does the Minister suggest that because a conference helped to mould that Act, the Act must never be amended? In my opinion the amendment of that Act will be brought about by the abolition of the court.

Hon. A. LOVEKIN: Mr. Nicholson's amendment is quite clear. If we accept the amendment we give the employee only one barrel to fire, whereas if we follow the Government we give him two barrels to fire. If we do not have "and" we set up grounds for all sorts of interpretations, under some of which a man might not have been in the course of his employment at all when the accident happened. The accident must be incidental to and in the course of his employment. Moreover, "and" is required to bring the Act into uniformity with other similar measures.

Hon. H. SEDDON: Suppose a man is sent to work on a job and in the course of leaving his work, having finished the job, he is hit by something falling off the scaffold.

Hon. H. Stewart: It is all in the course of his employment. He is going from one part of the job to another.

Hon. H. SEDDON: It appears to me that is the explanation of the substitution of "and" for "or."

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

Ayes	..	..	..	..	17
Noes	..	..	..	..	8
					—
Majority for	..	..	..	..	9
					—

AYES.

Hon. C. F. Baxter	Hon. W. J. Mann
Hon. A. Burvill	Hon. J. Nicholson
Hon. W. T. Glasheen	Hon. G. Potter
Hon. V. Hamersley	Hon. H. A. Stephenson
Hon. J. J. Holmes	Hon. H. Stewart
Hon. G. A. Kempton	Hon. Sir E. Wittenoom
Hon. Sir W. Lathlain	Hon. H. J. Yelland
Hon. A. Lovekin	Hon. G. W. Miles
Hon. J. M. Macfarlane	(Teller.)

NOES.

Hon. J. R. Brown	Hon. J. W. Hickey
Hon. J. M. Drew	Hon. W. H. Kitson
Hon. E. H. Gray	Hon. H. Seddon
Hon. E. H. Harris	Hon. J. Ewing
	(Teller.)

Amendment thus passed.

Hon. J. NICHOLSON: I move an amendment—

That the words "in line ten of paragraph (b) of Subsection two" be struck out, and the words "where the same first appears in the second line of Subsection one" inserted in lieu.

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

Clause 3—Amendment of Section 7, Subsection 9:

Hon. H. SEDDON: I move an amendment—

That the words "board of three members, one to be the medical officer in charge of the laboratory at Kalgoorlie, who shall be chairman, one to be nominated by the worker, and the third member to be nominated by the employer" be struck out, and the words "consisting of the Principal Medical Officer or a deputy appointed by him, who shall be chairman, and two medical practitioners registered under the Medical Act, 1893, one to be nominated by the employer and the other by the worker" inserted in lieu.

The CHIEF SECRETARY: I should like to hear some explanation of the necessity for and practicability of the amendment.

Hon. H. SEDDON: Laymen on a board could not carry the same weight on medical matters as would the doctor who was chairman. If the laymen formed an opinion against the doctor—

Hon. E. H. HARRIS: The majority would rule.

Hon. H. SEDDON: It would be unsatisfactory. The board should consist of members equally qualified to deal with the cases.

The CHIEF SECRETARY: How could the amendment be given effect to in outlying places like Cue, Mount Magnet or Meekatharra where three medical men would not be available? It would certainly be difficult to get three medical men expeditiously.

Hon. A. LOVEKIN: I support the amendment. A case would first receive the attention of a medical man who would give a certificate. If the certificate were disputed, the matter would be carried to the board, and if two members of the board were laymen, they would be able to out-vote the medical officer. That would not be right.

Hon. E. H. GRAY: The two laymen would not be likely to agree.

Hon. H. STEWART: The Bill really proposes to substitute a board for a medical referee. The matter to be dealt with would be purely a medical matter, and if a board of

three medical men is not accepted, I shall oppose the clause. It would weaken the intention of the principal Act if two laymen were appointed. It would not be much more difficult to find three medical men than to find one medical referee.

Hon. H. SEDDON: My amendment will make the board precisely the same as the board provided for under the Miners' Phthisis Act, and what applies in the one case should certainly apply in the other.

Hon. E. H. HARRIS: I support the amendment. The Miners' Phthisis Act operates in the same districts as does the Workers' Compensation Act, and I have yet to learn that any difficulty has arisen.

The CHIEF SECRETARY: It is possible to have a board of three medical men under the Miners' Phthisis Act, because the men are taken to the board in large batches. If we insist on a board of three medical men under this measure, the provision must become inoperative.

Hon. E. H. HARRIS: Do you say that men are taken before the Miners' Phthisis Board in batches to appeal?

The CHIEF SECRETARY: I am giving you to understand so.

Hon. H. STEWART: The principal Act indicates that if a worker, immediately before disablement, was employed in any of the processes mentioned in the Third Schedule, a medical referee may be called in to decide the matter. The Chief Secretary indicated that this had to do only with diseased miners. I would point out that the Third Schedule deals with a number of things, such as workers engaged in any employment involving association with arsenic, wool combings, etc. The schedule has an extensive application. If the medical referee were not satisfactory, it would be futile to call in a layman.

Hon. J. J. HOLMES: This board will deal with medical certificates that have been issued. The proposal is that it should consist of a medical man as chairman, one representing the employers and another representing the employees. This, in effect, is the constitution of the Arbitration Court. Each assessor will vote for his own side, and a third man shall decide the issue.

Hon. A. LOVEKIN: If an employer disputes the certificate of the worker's own doctor, another doctor is brought in. As a rule, doctors do not disagree with one another, and if they did, why should the opinion of the

second doctor prevail over that of the first? There is reason in the proposal that if a worker receives a certificate from his own medical man and the employer disagrees with the opinion, the matter should be referred to three medical officers.

Hon. Sir Edward Wittenoom: What will all this cost?

Hon. A. LOVEKIN: Possibly two or three guineas for each member.

Hon. Sir William Lathlain: It is only in cases of appeal.

Hon. A. LOVEKIN: Yes.

Hon. Sir Edward Wittenoom: Everything would depend on how far the doctor would have to come to hear the appeal.

Hon. A. LOVEKIN: Doctors from Timbuctoo would not be chosen for the position. The Committee would be wise to pass the amendment.

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

Ayes	..	..	..	..	19
Noes	..	..	..	..	5
					—
Majority for	..	..	..	..	14
					—

AYES.

Hon. C. F. Baxter	Hon. J. M. Macfarlane
Hon. A. Burvill	Hon. W. J. Mann
Hon. J. Ewing	Hon. J. Nicholson
Hon. W. T. Glasheen	Hon. G. Potter
Hon. V. Hamersley	Hon. H. A. Stephenson
Hon. E. H. Harris	Hon. H. Stewart
Hon. J. J. Holmes	Hon. Sir E. Wittenoom
Hon. G. A. Kempton	Hon. H. J. Yelland
Hon. Sir W. Lathlain	Hon. H. Seddon
Hon. A. Lovekin	(Teller.)

NOES.

Hon. J. R. Brown	Hon. J. W. Hickey
Hon. J. M. Drew	Hon. W. H. Kitson
Hon. E. H. Gray	(Teller.)

Amendment thus passed; the clause, as amended, agreed to.

Clause 4—Amendment of First Schedule:

Hon. J. NICHOLSON: I move an amendment—

That a new subclause be added to stand as subclause 1 as follows:—“The following words are added at the end of paragraph (b) of the proviso of Section 1 of the First Schedule of the principal Act: ‘Provided that during such time as the worker may be in a hospital or other place for treatment, the value of such board and lodging shall not be added to his wages for the purpose of assessing compensation.’”

This is designed to make it clear that the value of the board and lodging shall not be added to the wages for the purpose of assessing compensation.

The CHIEF SECRETARY: It is impossible for me to follow this amendment, which was only placed in my hands half an hour ago. I do not know the effect of it, and intend to oppose it on that ground. I have not had an opportunity to study the amendment.

Hon. A. LOVEKIN: I agree that it is difficult to follow the effect of the amendment. The hon. member might gain his point by a shorter route than that which he proposes to take.

Hon. W. H. KITSON: It is difficult to grasp the effect of the amendment, but it seems an effort on Mr. Nicholson's part to legalise, so to speak, the attitude adopted by certain insurance companies in refusing to pay for the maintenance of an injured worker while in hospital.

Hon. E. H. Harris: Are all the companies adopting that attitude?

Hon. W. H. KITSON: A good many of them are. There have been numerous cases in which insurance companies have absolutely refused to pay for the board and lodging of the patient while in hospital; or, in other words, they have refused to pay the full hospital charges on the ground that those charges included his board and lodging. They argue that if the patient were not in hospital, he would have to pay for his board and lodging himself.

Hon. J. NICHOLSON: I understand that at present, notwithstanding the decision given in a certain case, the insurance companies wholly agree to the deduction of a certain fixed sum, something over 8s. per day, for hospital charges. Payment at that rate is actually being made by the employer out of the allowance. In order to make the position doubly secure, the extra words “and maintenance” have been inserted in the Bill.

Hon. E. H. Harris: How was the matter determined by the court?

Hon. J. NICHOLSON: The companies have actually agreed to an amount being allowed for maintenance.

Hon. E. H. Gray: But what was the decision of the court?

Hon. J. NICHOLSON: If I remember rightly, it was that the companies were not

liable. As regards the proviso to paragraph (b), the position is that provision is made earlier for the payment, in case of total or partial incapacity, of a weekly sum not exceeding 50 per cent. of the weekly earnings during the preceding 12 months, such weekly sum not in any case to exceed £3 10s. The proviso sets out that when a worker's remuneration consists of wages with board, or with board and lodging, his earnings shall, for the purposes of the Act, be deemed to be the amount of the wages with the addition of the value of such board, or board and lodging, to be assessed, but that such board, or board and lodging, shall not be assessed at a sum exceeding 30s. per week. Suppose one has a man in one's service at £2 per week and found: his wages would for the purposes of the Act be calculated at the rate of £2 per week plus the value to be placed upon the board and lodging, say 30s., or a total of £3 10s. per week. In the absence of the proviso the value of the board and lodging during the period of incapacitation, although the cost is actually being provided out of the compensation during that period, would be paid to the man twice over. That is not intended, and therefore the proviso is required. It refers only to the time during which the worker is in hospital.

Hon. A. Lovekin: If the paragraph in the Bill is struck out, will that meet the position?

Hon. J. NICHOLSON: Yes. Rather than add the proviso I am prepared to adopt the other course.

Hon. W. H. KITSON: I may be a little dense, but I certainly do not see how the worker is paid twice over for his board and lodging. I should be glad if Mr. Nicholson would explain.

Hon. J. NICHOLSON: If Subclause 1 of this clause is carried, then undoubtedly the worker will receive his maintenance, which will be provided out of the compensation. The worker is to receive his maintenance as well as hospital charges. Now, if he receives maintenance in hospital, charged for at a certain sum per day, surely he will be receiving maintenance twice over in the absence of the proviso, because the basis upon which compensation is assessed takes into consideration so much per week for board and lodging.

Hon. W. H. KITSON: Compensation is not based on the wages received while the

worker is in hospital, but on the wages he received prior to the accident. The question whether his maintenance is being provided while he is in hospital has nothing whatever to do with the amount he is entitled to receive on account of having suffered an accident. I cannot follow Mr. Nicholson's logic in moving the amendment, which I shall oppose.

Hon. J. J. HOLMES: The point is this. The Act provides that when a man receives board and lodging in addition to wages, that fact shall be taken into consideration in the fixing of his compensation, and the value of board and lodging is assessed at 30s. per week. Say the man is employed on a station at £3 10s. per week and gets, in addition, board and lodging, bringing the total remuneration up to £5 per week. If such a man is injured and receives treatment outside a hospital, he is entitled to be paid £2 10s. per week compensation; but if he is treated in hospital he is entitled to be paid half his wages only, because he is getting his board and lodging in the hospital. The amendment proposed by the clause is to the effect that even if he is in hospital getting his treatment and board and lodging, he is to recover full hospital fees and, in addition, half his wages and half the value of his board and lodging. On those terms some men would never come out of hospital.

Hon. W. H. Kitson: Why make a distinction between the man who works at so much per week and the man who works for so much plus board and lodging?

Hon. J. J. HOLMES: The employer should not be shot at with two barrels. It is quite enough to be shot at with one.

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

Ayes	..	..	..	..	16
Noes	..	..	..	..	7
					—
Majority for	..	..	..	..	9
					—

AYES.

Hon. C. F. Baxter	Hon. J. Nicholson
Hon. A. Burvill	Hon. G. Potter
Hon. J. Ewing	Hon. H. A. Stephenson
Hon. W. T. Glasheen	Hon. H. Stewart
Hon. V. Hamersley	Hon. Sir E. Wittenoom
Hon. J. J. Holmes	Hon. H. J. Yelland
Hon. A. Lovekin	Hon. Sir W. Lathlain
Hon. J. M. Macfarlane	(Teller.)
Hon. W. J. Mann	

NOES.

Hon. J. R. Brown	Hon. W. H. Kitson
Hon. J. M. Drew	Hon. H. Seddon
Hon. E. H. Gray	Hon. E. H. Harris
Hon. J. W. Hickey	(Teller.)

Amendment thus passed.

Progress reported.

Sitting suspended from 6.15 to 7.30 p.m.

BILL—DOG ACT AMENDMENT.

Second Reading.

HON. C. F. BAXTER (East) [7.36] in moving the second reading said: The Bill is a short but important one. Particularly is it important to those who suffer because of the defects of the present Dog Act. The Bill will afford some protection to stock owners who are suffering from the depredations of stray dogs who wander about at night uncontrolled and take toll of flocks. Under the recent amendments to the Vermin Act land owners have to pay heavy taxation in order to assist in coping with dingoes and vermin of various descriptions. The small sheep owner suffers from the depredations of dogs more than the large owners because the former are usually in occupation of holdings adjacent to townships. I have known of instances where 35 or 40 sheep have been killed in a night, whilst almost as many have been wounded and torn about by dogs to such an extent that they have had to be destroyed the next day. The owners of those sheep have but little redress. A sheep owner may shoot or poison a dog, and if it dies on the owner's property he will not be liable to damages. Should the dog die elsewhere, however, the sheep owner is liable to heavy damages. A few years ago legal proceedings resulted in the sheep owner having to pay heavy damages because the dog that was destroyed did not die on his holding, but elsewhere. Clause 2 repeals Section 5 of the principal Act and substitutes a new section setting out that it shall be unlawful for any person to keep an unregistered dog, and unless the registration is completed from year to year. Section 2 provides a loophole that is availed of by many people who wish to evade the liability of registration. Local authorities have not inspectors that can travel round every day of the week and when those inspectors dis-

cover dogs running about a property and draw the attention of owners to the fact, they are often told that the dogs have been there for a week only, or that the owner of the property where the dogs are discovered disowns them altogether. In any case, the owners are given 21 days in which to register the dogs and that interval serves to enable them to evade registration over an indefinite period. In order to obviate that possibility, the clause makes it unlawful for any person to keep an unregistered dog.

Hon. A. Lovekin: How can you interpret "keep a dog"?

Hon. C. F. BAXTER: If a dog is found on a person's property, that person must be regarded as keeping that dog.

Hon. A. Lovekin: I do not think any court would construe it that way.

Hon. C. F. BAXTER: At any rate, that is what the Bill means. Subclause 2 provides some latitude for the Royal Society for the Prevention of Cruelty to Animals. That organisation may have dogs for a considerable time during which efforts are made to find homes for the animals. In the circumstances it is necessary to safeguard the interests of the society.

Hon. A. Lovekin: Why should not that apply to other people as well as to the R.S.P.C.A.?

Hon. C. F. BAXTER: That would defeat the whole object of the Bill. How could we control the dog menace if we allowed anyone to keep unregistered dogs? Even so, the Bill is rather loose, in that the R.S.P.C.A. may appoint persons to take custody of dogs, and that certainly leaves a loophole. Clause 3 provides power for a local authority to refuse to register, or renew the registration of, a dog that is of a savage or destructive nature and is not under proper control. At present anyone can take a dog to be registered and the local authority must register it. Of course it is quite natural that an owner of a dog will not consider it a savage one. I have had personal experience on that point. I had a fine kelpie dog for which I would not have accepted £25. I would not have believed anyone had he told me that the dog was destroying my sheep. It was only when I caught him at it myself that I believed it. That dog was worth two men for working sheep, and I would have contested any action to destroy it, but I found out for my-

self that it was destroying sheep. Owners generally are apt to regard their dogs as being incapable of wrongdoing. There are many savage dogs, but the owners do not recognise the fault in them until damage has been done. It is necessary that the local authorities should be empowered to refuse to register any dog of a savage or destructive nature. From many towns dogs go out at night and destroy sheep and return to their homes in the morning, and the owners will not credit that the dogs have been absent or have perpetrated any mischief. A proviso to Clause 3 will permit of an appeal from the decision of the local authority to the nearest local court. That will afford the owner of the dog reasonable protection.

Hon. H. Stewart: For a valuable bulldog, for instance.

Hon. C. F. BAXTER: I regard the bulldog as the most peaceful of all dogs. Clause 4 will empower a local authority, for the protection of sheep owners, to make by-laws restricting the number of dogs that may be kept by any owner and requiring dogs to be kept chained or under efficient control from sunset to sunrise. Power is also given to impose a penalty not exceeding £10 for any breach of the by-laws. Many people keep a host of dogs that are not necessary, and a local authority should be able to prescribe a reasonable number for any owner to keep.

Hon. E. H. Gray: What about breeders?

Hon. C. F. BAXTER: The local authority would exercise discretion.

Hon. Sir William Lathlain: How will you manage about the blacks' dogs?

Hon. C. F. BAXTER: A black is limited to one dog. It is most important that owners should keep their dogs chained at night. That is when the damage is done. As a rule several dogs go out at night and cause no end of havoc among the flocks adjacent to the town. I have known them to travel distances of ten to 12 miles, cause tremendous destruction, and be back before daylight.

Hon. A. Burvill: That is the keynote of the Bill.

Hon. C. F. BAXTER: I regard Clause 5 as the keynote of the Bill. It seeks to add to Section 22 of the Act the words "and notwithstanding that such dog may die elsewhere than on the premises of such owner or occupier, if the dog was at large on such premises when the attempt was made to lawfully destroy the dog under this section."

That is important because it will enable a stockowner to shoot or poison destructive dogs without running the risk of being sued for heavy damages in addition to losing valuable sheep. Clause 6 provides for the license dating from July instead of January in order to accord with the financial year usually observed by the local authorities and taxation authorities.

Hon. A. Burvill: The landowners want the land tax and the dog licenses to commence on the same date.

Hon. C. F. BAXTER: The amendment will provide for that. I trust that the Bill will receive full consideration, and that a workable amending measure will be evolved to overcome the great losses now sustained through the depredations of dogs that are allowed to run at large. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. Cornell in the Chair; Hon. C. F. Baxter in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 5:

Hon. A. LOVEKIN: In the proposed new Subsection 1 it is made unlawful for any person to keep a dog unless it is registered, etc. To "keep" a dog denotes keeping it for a time as opposed to a few moments. I should like an interpretation of the word "keep." In the parent Act "keeping" covered a period of 21 days.

Hon. C. F. BAXTER: The provision of 21 days was struck out by the 1923 amendment and no period is specified now.

Hon. H. STEWART: In the proposed new Subsection 2 an exception is made so that the R.S.P.C.A. may hold dogs temporarily. The provision should be modified so that members of the society distributed throughout the State may not have their places created depots for the purpose. The intention of the amendment is to ensure that the section shall not apply to dogs in depots registered by the R.S.P.C.A., and held temporarily by them for the purpose of finding suitable homes for such animals. I move an amendment—

That in line 1 of Subclause (2), the word "to" be struck out, and the words "as regards dogs in depots registered by" be inserted in lieu.

Hon. C. F. BAXTER: Mr. Stewart's amendment puts the subclause in better order, and I agree that it should be made.

Amendment put and passed.

Hon. H. STEWART: I move an amendment—

That in Subclause (2) the words "as regards dogs in their custody from time to time" be struck out.

Amendment put and passed.

Hon. H. STEWART: I move an amendment—

That the following proviso be added to Subclause (2):—"Provided that this section shall not apply to any dogs held on a private holding."

This means that a private holding cannot set up as a defence that a dog was held there on behalf of the R.S.P.C.A.

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

Clause 3—agreed to.

Clause 4—Local authority may make by-laws for certain purposes:

Hon. A. LOVEKIN: I suggest we should vote against his clause. Under the Interpretation Act the Governor possesses power to make by-laws, which are laid on the Table of the House, and which may be disallowed. This clause allows a local authority to make any by-laws, however extreme or unjust, without the approval of the Governor or of Parliament. We should not give such great powers to any local authority.

Hon. C. F. BAXTER: I am afraid Mr. Lovekin has not properly considered this clause. It is desired that local authorities in the country should be permitted to make their own by-laws, and that others who do not desire to do so should not be obliged to make them.

Hon. A. LOVEKIN: The clause does not say which local authorities shall come within the purview of the Act. The Perth City Council might desire to make by-laws in this direction.

Hon. Sir William Lathlain: The Bill is for the protection of sheep.

Hon. A. LOVEKIN: That has nothing to do with the case. A local authority may restrict the number of dogs that may be kept by any man.

Hon. C. F. BAXTER: Does the hon. member think that the City Council would apply such by-laws to Perth?

Hon. J. J. HOLMES: Should not cattle owners also be considered? Cattle come into Wyndham in mobs of 500. Under the Commonwealth Trading Act these cattle cannot be killed until they are examined, and under the Trade Union rules only 12½ can be killed during the day. This means that many scores of beasts have to remain in the town for a matter of five days, during which time they are at the mercy of any stray dogs there may be in the vicinity. The clause should embrace not only sheep but cattle as well. I move an amendment—

That in line 4 the word "sheep" be struck out, and the words "live stock" be inserted in lieu.

Hon. C. F. BAXTER: I thank the hon. member for drawing attention to the matter and accept the amendment.

Amendment put and passed.

Hon. A. LOVEKIN: I move an amendment—

That the following proviso be added:—"Provided that any such by-laws shall be approved by the Governor, and shall be deemed to have been made by him."

This will bring the Bill within the terms of the Interpretation Act, which provides that by-laws shall be laid on the Table of the House. Parliament should have some check over the position.

The CHIEF SECRETARY: There is no need for the proviso. The matter is covered by the Interpretation Act, Section 36, Subsection 5, which provides that "regulation" includes "by-law."

Hon. A. LOVEKIN: The wording of this clause does not come within the purview of Section 36 in the absence of the proviso which I have moved.

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

Clause 5—Amendment of Section 22:

Hon. H. STEWART: The Prevention of Cruelty to Animals Act has made the position of many country residents uncertain in respect of the right to take measures for the destruction of stray dogs and vermin coming on to properties and molesting live stock. This is especially so under Section 4, which makes it an offence to administer

poison to any animal, except, of course, medicinally, or to expose any poisonous substance with the intent that it shall be taken or swallowed by any animal. The Society for the Prevention of Cruelty to Animals have created an impression in the agricultural areas that owners have not the right to lay baits, though that right is preserved as far as possible in the measure. Accordingly I move an amendment—

That the following be added to Clause 5:—
 “and by adding a new paragraph as follows: ‘Notwithstanding paragraph (j) of Subsection (1) of Section 4 of the Prevention of Cruelty to Animals Act, 1920, it shall be lawful for the occupier of agricultural or pastoral land on which live stock are depastured to lay poison on his own holding for the purpose of protecting stock in accordance with this section.’”

The depredations by dogs are exactly as stated by Mr. Baxter. Even trusted and valuable dogs are often found destroying sheep.

Hon. H. J. YELLAND: The only objection I have to the clause is that it does not restrict the laying of baits immediately beside roads along which travelling stock pass, driven by dogs. Eastern States laws prevent the laying of baits within a certain distance of a road. Dogs driving stock may stray off the road, and for that reason there should be a limitation. The prohibited distance might be 4 or 5 chains.

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

Clause 6—agreed to.

Title—agreed to.

Bill reported with amendments, and the report adopted.

Read a third time, and returned to the Assembly with amendments.

BILL—LEIGHTON-ROBB'S JETTY RAILWAY.

Second Reading.

Debate resumed from the previous day.

HON. H. A. STEPHENSON (Metropolitan-Suburban) [8.25]: At first sight this measure appears innocent and simple, consisting as it does of only three clauses; but examination shows it to be just the reverse

of simple and innocent. To pass it means committing the State to the expenditure of a huge sum of money. The schedule describes the line of railway as follows:—

Commencing at a point about 35 chains south of Leighton station on the Fremantle to Guildford railway, and proceeding generally in a south-easterly direction for about 1½ miles; thence in a generally southerly direction for about 2½ miles, and there terminating opposite the smelting works on the Fremantle-Owen's Anchorage railway. Length about four miles.

To cover that distance of four miles the railway has to cross the Swan River, though there is nothing in the Bill to indicate that. It has to cross by means of a bridge, and at present no bridge exists at the selected point of crossing. That circumstance brings the proposal within the scheme of the Engineer-in-Chief for the extension of the Fremantle harbour. In enacting the Bill we shall be committing the State to an expenditure of at least £1,200,000. Some members might think, at the first blush, that the building of four miles of railway would cost only about £12,000. However, this railway project is interwoven with the huge scheme of harbour extension. I have gone carefully through the report of the Engineer-in-Chief, which to me, as a layman, appears a most comprehensive document, dealing with the whole question fully. The Engineer-in-Chief gives his reasons for deciding to build the bridge at the particular spot selected. He refers to the effect which the deepening of the river for any considerable distance will have on waters higher up—for instance, Perth Water. I know that the deepening has produced an effect already. Since the bar was removed from the mouth of the river and the channel was deepened, on at least three occasions the water has banked up considerably in the high reaches near Perth, and also has overflowed its banks. Of that we had an instance not long ago. On two occasions the waters overflowed the Perth racecourse to a depth of 4 or 5 feet. I asked a retired master mariner what in his opinion was the cause. Some days after the rain had ceased, the water was still rising; and I could not understand this. The master mariner explained to me that the reason was to be found in the removal of the bar and the widening of the river, and that during the two or three days after the rain had ceased there had been heavy westerly and north-westerly winds. These had backed the water up, and had caused the river to

rise several feet. I understand that the more the river is deepened further up, the deeper will be the backwater under such conditions. I am not going to pit my opinion against that of experts on such a point, but the Engineer-in-Chief has referred to the possible effect of harbour extensions up-river and has furnished us with his reasons for recommending the erection of the bridge at the site indicated on the plans we have seen recently. In his report he says—

In considering both the site for the new bridge and harbour extension proposals, the points dealt with above have been taken fully into account, and the endeavour has also been made to meet the following essential conditions—

He referred to the point I have already made regarding the effect of up-river extensions on the water levels in the vicinity of Perth—

(a) That all proposals should be capable of extension to meet any possible future requirements.

(b) That the site of the bridge should suit future railway proposals and provide the most direct access by rail to the marshalling yards and thence to the wharves.

(c) That it should be convenient to road as well as rail traffic.

(c) That it should be above the harbour as extended, so that navigation of an opening span by other than river craft may be avoided.

I am not going to say that the judgment of the Engineer-in-Chief is right or wrong, for I am content to leave matters in the hands of experts. I would point out that the correspondence that passed between the Fremantle Harbour Trust Commissioners and the Chief Secretary discloses that the Commissioners recommended in 1923 that a combined road and railway bridge should be constructed across the river at the site of the present road bridge. I notice that the site for the bridge as recommended by Mr. Stileman is 1,000 feet higher up the river than the Harbour Trust Commissioners recommended in 1923. That gives a total distance of 5,700 odd feet beyond the present harbour. One phase that worries me is the fact that the present railway bridge and the road bridge between North Fremantle and Fremantle are in a bad state of repair. We do not know from one day to another when those bridges will collapse. I travel frequently across the road bridge and I often feel that the bridge may collapse before I get across. It has been shaky for years. We know what happened to the railway

bridge, when one span was washed away and we were fortunate that greater damage was not done. We must have an adequate bridge constructed and the sooner it is started, the better. As a layman, I will not interfere with the question of site. I will leave that to the experts. I feel I must support the second reading of the Bill, but I will listen carefully to the remarks of other members.

HON. J. J. HOLMES (North) [3.35]: I congratulate the Government upon attempting to solve a very difficult problem that has been facing us for a couple of decades. I refer not to the extension of the Fremantle harbour, but to proper means of communication between the principal port in the State, the city and the outlying country at the back. This has been a very difficult problem and it has extended over the past 20 years, at least. I know that the present member for Murray-Wellington (Hon. W. J. George), shortly after he was appointed Commissioner of Railways, and some of his officers used to go down to North Fremantle at night and sit in boats under the bridge in order to watch the effect of trains passing over. Recently the bridge collapsed. Had it not been for the presence of mind of a few people, a serious disaster might easily have occurred. The position is that the Government have gone out into the world and have secured the services of a highly qualified engineer. I believe he is supposed to be an expert in connection with harbours and rivers. He was the best man they could get hold of. Here we have the scheme he has furnished. What I am concerned about is the inconsistency of members of this House. Quite recently we had a railway Bill before us under which it was proposed that certain railways should be pulled up. That proposal was not advanced on account of the desires of the Government. We know that would not be so, because they are mostly goldfields representatives. The executive officers of the Railway Department recommended that the rails should be pulled up and used elsewhere. They considered the lines were not fit for traffic. Members of this Chamber took the bit in their teeth and threw the Bill out. They defied the advice of the Government's expert officers. We have engineers and navigators in this House content to criticise the actions of highly qualified men. Mr. Miles is likely to be appointed the commander of the good ship "Koolinda," because he discovered something about a certain buoy! His en-

engineering ability stands alone, because he engineered the construction of the most remarkable and unreasonable railway line in Western Australia. I refer to the Port Hedland-Marble Bar railway. That line is separate and apart from the rest of the railway system of this State; it requires a separate staff, separate engines, separate plant and separate rolling stock, all for the purpose of providing two trains a month!

Hon. G. W. Miles: What has that got to do with this Bill?

Hon. J. J. HOLMES: Mr. Miles disclosed his engineering ability on that occasion. Members of this House have seen fit to take the administrative work out of the hands of the proper executive officers supported by the Government. Recently we had the Training College episode. Practically every member of this House was prepared to attack the Government because they did not accept the advice of their executive officers. Now we find the Council faced with the position that they are fighting the Bill and the Government. What for? Simply because the Government are standing behind the recommendations of their highly paid and highly qualified executive officer! Where are we going to?

Hon. A. Burvill: What about the foundations of the bridge?

Hon. J. J. HOLMES: If there is one man in this House who, in view of his utterances in season and out of season, should support this Fremantle harbour scheme, it is Mr. Burvill. He spends nine-tenths of his time endeavouring to prove that there is too much harbour accommodation at Fremantle and that too great a proportion of our consignments are despatched there, whereas they should be taken to Albany or Esperance, and left there until proper shipping facilities can be provided. If there is one man who should give his whole-hearted support to the scheme, it is Mr. Burvill, because this proposal will limit the size of the Fremantle harbour within the river. That is a most important point. It really does limit the size of the inner harbour.

Hon. Sir William Lathlain: But the bridge could be taken away.

Hon. J. J. HOLMES: If we spend £1,500,000 on a bridge, it is not going to be taken away. Once the bridge is erected on the site proposed, then—

Hon. A. Lovekin: The size of Fremantle harbour will be limited accordingly.

Hon. J. J. HOLMES: Yes, so far as any extension up-river is concerned. There is another point. Mr. Miles says that some members of Parliament own land in the immediate vicinity. He raised the point. Let me deal with it. Fortunately or unfortunately, I own land on both sides of the river. If the highly technical and duly considered scheme of Mr. Miles is adopted, it will mean that my East Fremantle property will be taken. If Mr. Stileman's scheme is adopted, my North Fremantle property will be taken. No matter what happens, my property will be taken, for what I may miss on the swing boat, I will catch on the merry-go-round. It is about time that Mr. Miles woke up. I could not have stood before the public of Western Australia for so many years past if I had been prepared to sell my vote for some slight personal advantage.

Hon. G. W. Miles: You are not the only man who has land there.

Hon. J. J. HOLMES: I understand that the Minister for Works indicated that the only reason the Government desired the Bill to be put through immediately was that he wished to have the necessary authority before the 1st January, in order that he might avail himself of the opportunity to resume land at prices existing as at the 30th June last.

Hon. A. Burvill: What will happen when the foundations of the bridge give way?

Hon. J. J. HOLMES: If the Bill is passed and the Minister can give notice of resumption before the 1st January, he can acquire the land at prices on the basis I have mentioned, in accordance with the provisions of an Act we passed a little while ago. If that is not done, there will be opportunities for speculators in connection with properties adjacent to the site. Land may pass from owner to owner at ever-increasing figures and the State will have to pay. There are men in this country who are known as land sharks and they are at it already.

Hon. E. H. Gray: There is no doubt about that.

Hon. J. J. HOLMES: They are after me and my little bit of land. But the land is not for sale. It will be there until the Government resume it. The only objection that can be taken to this harbour scheme is that it limits the inner harbour for all time. But there are other matters to be considered. There is, for instance, the matter that concerned Sir John Forrest very many years ago, when first it was proposed to ultimately extend the harbour further up

the river, which would mean the isolating of North Fremantle. The proposal was to buy out the whole of the residential area of North Fremantle and convert it into a noxious trades area. However, that never eventuated. If the scheme suggested by Mr. Miles is adopted, we shall isolate North Fremantle and isolate the people there, whose only possessions are the lands that have been held by themselves and their forebears for nearly a hundred years. Are those people to receive no consideration whatever? We know that North Fremantle has become a depot for big works. Almost every session of Parliament for some years past we have had before us Bills closing certain streets in North Fremantle in order that those big undertakings might establish themselves there. If the scheme recommended by Mr. Stileman is adopted, North Fremantle will still be in direct communication with Fremantle. So far as I can understand, this proposal is not confined to the Fremantle harbour but is all part of Mr. Stileman's scheme to link up the whole of the railways with the respective ports. The line going down to Robb's Jetty and thence to Armadale will become part and parcel of the great transport system of the State. The question is, who is to decide this important point—the Engineer-in-Chief? He is the man for whom we searched the world. This is what the Minister for Works said about him when introducing the Bill—

The opinion upon which we are acting is the opinion of the man whom the Government selected owing to his high professional qualifications, and to obtain whom we searched almost every country in the world.

I have been taught that if the body is sick we send for a physician, whereas if the heart is sick we send for a woman. Here we sent out into the world and got a highly qualified professional man, and now members seem to think they know his job better than he does.

Hon. A. Lovekin: Forrest said exactly the same thing about O'Connor.

Hon. J. J. HOLMES: The Chief Secretary said he hoped the House would agree to the second reading, for the Bill involves no expenditure beyond £2,000.

Hon. A. Lovekin: But why rush the Bill?

Hon. J. J. HOLMES: I am not rushing the Bill. I am trying to find out whose duty it is to settle a problem of this kind; the men who think they know the job, or the

men who do know the job. The Minister for Works said—

Before the work of building the bridge is put in hand or the extension of the harbour is undertaken, we must come to Parliament for the necessary authority.

Hon. H. Stewart: When did he say that?

Hon. J. J. HOLMES: In moving the second reading.

Hon. H. Stewart: I am not allowed to quote what he said.

The PRESIDENT: I hope the hon. member is not quoting from "Hansard" a debate of the current session in another place.

Hon. J. J. HOLMES: Surely I can quote from the public utterances of a Minister!

The PRESIDENT: Yes, from his public utterances, but not from his utterances made in another place.

Hon. J. J. HOLMES: I am quoting the public utterances of a Minister. If we do not read the newspapers, we cannot know what he said. This is what he said—

Before the work of building the bridge is put in hand or the extension of the harbour is undertaken, we must come to Parliament for the necessary authority. And if, in the light of information then available, further consideration is necessary, then will be our opportunity.

The Minister said the only necessity for the Bill at the present juncture was to prevent the owners of land in the locality, now that the proposed route of the line was disclosed, raising the prices of their land.

Hon. A. Lovekin: I can tell the whole story. The Minister said that the carrying of the Bill would carry the acceptance of Mr. Stileman's scheme.

Hon. J. J. HOLMES: Is the hon. member quoting from "Hansard" of the current session? I do not know that I can say anything more, except that we have evidence that many people think they know the other fellow's job and can do it better than he can. I am prepared to stand by the Government in their desire to carry out the advice of their highly qualified executive officer. Members who have followed me through this session will know that I have voted with the Government for the taking up of those three unwanted railways. In defiance of the wishes of some members I did that because I dislike interfering with the expert advice of executive officers. I would have voted against the Government on the appointment of a schoolmaster at the Training College, because there they went in defiance of their executive officers. On this occasion I am not going to pose

as an expert and talk about the probable rise and fall of the river, but will simply say that we have a highly qualified man whose opinion we ought to respect, and we have a problem that has confronted us for the past 20 years during which no Government has had the courage to face it. We now have a Government prepared to tackle that problem, and I in turn am prepared to vote for the second reading.

HON. A. LOVEKIN (Metropolitan) [8.55]: I agree with what Mr. Holmes said in his concluding remarks. We certainly have an able engineer, and we have a difficult problem that has been outstanding for many years and which ought to be grappled with as soon as possible. But those are matters somewhat foreign to the issue before us. The Minister for Works, in moving the second reading of the Bill, said, "It is a small Bill but it carries with it a substantial expenditure." We see what the substantial expenditure is from Mr. Stileman's report. He estimates the cost of the bridge, of the railway from North Fremantle to Robb's Jetty and the connection into the present Fremantle yard, with the road approaches to the bridge on each side of the river and other contingent works at £1,200,000, while he estimates the harbour extension at another £2,000,000. The Minister also said that this Bill involved an expenditure of only £2,000. Mr. Holmes tells us the Minister wants to get the Bill through without delay in order that he may go into his resumptions before January next. It is only necessary to call attention to the Public Works Act of 1902 where it will be found the Minister has ample power to make those resumptions without this Bill, while he has ample authority to get £2,000 or more out of the Treasurer's Advance.

Hon. J. J. Holmes: I quoted what the Minister had said and asked the Chief Secretary if he would explain.

Hon. A. LOVEKIN: Oh! I do not wish to misrepresent the hon. member. At all events this is a very important matter. It is a curious thing that after nearly 40 years, history, within my own knowledge, is repeating itself, as I will show. This is a big question and one that ought to have our most careful and lengthy consideration. It is quite easy to make mistakes about such a matter. We have made mistakes before. The Premier said recently

that we required to be careful because there were scattered about the State many costly monuments to the blunders of engineers. Most of us know that. There are the naval base, the dock, the water-works.

Hon. E. H. Gray: The dock was a politician's mistake.

Hon. G. W. Miles: This bridge will be the same.

Hon. A. LOVEKIN: Then there are the drainage works all over the place. Mr. Holmes knows what we discovered at the Peel Estate, and we see it announced to-day by the Minister for Lands that while the estimated cost of the drainage there was £75,000, no less than £531,000 has already been spent upon it and another £100,000 will be required.

Hon. G. W. Miles: Then there is Herdsman's Lake.

Hon. A. LOVEKIN: Yes, there is Herdsman's Lake where the engineers, instead of draining a swamp into the sea, started to drain the sea into the swamp. Undoubtedly the Premier was quite right in saying that we have costly monuments scattered about the country showing the blunders of previous engineers. Mr. Stileman comes here with a great reputation, but I have yet to learn that he is an infallible king among engineers, and can do no wrong. He has not been here long enough to know everything there is to be known about the Swan River, especially at the Fremantle end. I said just now that history was repeating itself in my own lifetime. The Minister in moving the second reading said—"We are going to stand by the engineer. We have him, he is the man we want, and we stand by him. It is this scheme and nothing but this scheme." That is what the Minister said. I want to go back to the time before the Fremantle harbour was constructed. I was in Western Australia at that time and had a good deal to do with the agitation. I was one of the agitators who urged that the harbour should be constructed within the river and not down at Rockingham as proposed by Sir John Coode. Sir John Coode came here in 1877 and reported, and he came here again in 1887 and reported. On the second occasion he persisted that his first report was correct. When responsible government was granted there was quite a division amongst the community as to

where the harbour should be and the late Mr. Marmion led the agitation for the harbour at Owen's Anchorage, while other people urged the Swan River point of view. Mr. Holmes will probably remember that the contention became somewhat bitter. Sir John Forrest, when he came into power, set himself to decide what could be done to make a harbour at Fremantle. On the 12th February, 1891, he submitted a motion to the House in favour of Sir John Coode's scheme, and in doing so he read the following paragraph from Sir John Coode's report—

A reconsideration of this question, now that I have had an opportunity of personally examining the site and of studying the further data which have been provided, has tended to confirm the views expressed in my report of 1877, namely, that the conditions are so adverse that it is quite impracticable to treat the existing entrance to the Swan with a view to the formation and maintenance of a deepwater approach from the sea with any degree of success, and that any operations of this character, except to the limited extent to which I shall refer hereafter, will be attended with failure and disappointment.

On that report Sir John Forrest proposed to construct a harbour at Owen's Anchorage. A good deal of agitation arose at the time and the result was that a select committee was forced on the Government. Mr. Marmion, who espoused the Coode scheme, bitterly, in many instances, cross-examined the witnesses and got all the evidence possible. The outcome of the inquiry, however, showed that Sir John Coode was entirely wrong and that the proper scheme for a harbour was within the river. On the 9th March, 1892, Sir John Forrest came to the House, admitted that he had been wrong, and then espoused the cause of the harbour inside the river. That is quite analogous to what is happening to-day. Here we have the Minister standing for the Stileman scheme and nothing else, and time, I submit, will show that the scheme is not as sound as appears on the face of it. We should have further time to look into all the facts. I shall deal with some of the facts presently.

Hon. E. H. Gray: So you are condemning the scheme before you look into the facts?

Hon. A. LOVEKIN: No, I am not. Sir John Forrest, after advocating the Owen's

Anchorage scheme, was man enough to make this statement to the House in 1892—

Members will of course recollect that this is the second time this session that I have brought before this House proposals for improving the harbour at Fremantle. The first proposal that I made to the House was that we should provide harbour accommodation at Owen's Anchorage, and that proposal was discussed at some considerable length, but as members are aware, it did not meet with general acceptance in this House; nor I think did it meet with general acceptance from the community at large. I can say for myself that I am very pleased indeed now at the turn events have taken. I am very glad indeed that our proposal did not meet with the concurrence of hon. members, and also did not meet with the concurrence of the people of the country. I admit most freely that I was under an erroneous impression as to the cost of the works necessary to construct a breakwater at Fremantle.

Hon. G. W. Miles: He was a big man.

Hon. A. LOVEKIN: He owned up to having been under an erroneous impression. Now I suggest that when we look at the Stileman plan we are in exactly the same position as we were when Sir John Coode's report was considered. Sir John Coode was an engineer who came here with high credentials. He had built the Colombo breakwater and had had something to do with the construction of some of the large dams in Egypt. Yet that was the result of his proposals. We now have the Fremantle harbour inside the mouth of the river, and we know that so far it has been successful. I could say a good deal on this subject, but I desire to say only sufficient to justify the action I propose to take. When the Bill passes its second reading, I propose to ask the House to request the Assembly to appoint a select committee to act in conjunction with a select committee of this House and make further inquiries, as was done when Sir John Coode's report was under consideration.

Hon. C. F. Baxter: A select committee will be of no use. You will want a Royal Commission.

Hon. A. LOVEKIN: If we get a joint select committee it will not be possible to do anything this session, but the Government would necessarily convert it into a Royal Commission, as they have done with select committees on previous occasions.

Hon. C. F. Baxter: Why not say a Royal Commission straight out?

Hon. A. LOVEKIN: We know that that is what has happened in the past, so why quibble about it? There is much to be inquired into. Take the proposed site for the bridge. Everyone knows that right away up to Rocky Bay, not far below the bed of the river, is a series of caverns and cavities. That was known away back in 1892 and 1893, and it should have been known that that was no place to construct a dock, much less a bridge, without thorough investigation having first been made. We have no evidence whatever of an investigation having been made to test the holding ground for the proposed bridge. That question should be investigated, especially after our experience with the dock. To show how necessary it is to have experience and knowledge, let us consider for a moment what is suggested for the continuation of the harbour. It is proposed to use the stone from Rocky Bay with which to make the outer breakwater, but it would have no wind barrage to shelter steamers from north-west gales when entering or turning in the docks. To any layman it seems feasible that, when ships are entering a harbour they are at times exposed to heavy seas and gales, and must be protected from wind pressure or there will be trouble.

Hon. J. Nicholson: Did not a vessel break away from the north side during last winter?

Hon. A. LOVEKIN: That is unusual; it is essential to make vessels safe when they get into the harbour. I am not going to attempt to analyse the report, as I might do, because it is too late in the session to undertake that; I merely wish to mention a few points in support of my proposal. Mr. Stileman proposes to use the stone from Rocky Bay. When the Fremantle harbour works were originally being constructed similar stone was used. What happened to the stone used on that occasion is evidently not known to Mr. Stileman. If it is known to him, there is nothing in his report to show it. That stone is of a highly porous character, and when it was placed in the water it filled up like a sponge and became of almost the same specific gravity as is water itself. Cube for cube it was very nearly the weight of water. With seven-tenths of its bulk water, there was only three-tenths resistance to the waves, and the waves coming with force were able to lift the stone, knock it about and even pulverise it. It broke away in various places and the whole structure was in danger of

falling to pieces. Mr. C. Y. O'Connor, the engineer who was largely responsible for it, left Mr. Leslie in charge of the work and he, seeing what was happening and having temporary control, sent to the Darling Range and spent £56,000 of his vote on granite. He had the granite conveyed to Fremantle and put into the mole below water and the granite, not being porous, did not fill with water and so was able to resist the waves, whereas the limestone was not. That is a factor to be considered. There are many other factors that could be mentioned if I were attempting to analyse the report, but I do not wish to prolong the discussion tonight. I think I have said sufficient to show that there should be time for greater consideration than has been given to the scheme up to the present. So far we have had only a few days to consider it. Shipping men who have to work the harbour have a right to be heard, and apparently they have not been heard, because they are raising various objections to the proposals of the Engineer-in-Chief. When we are about to embark on such a gigantic scheme, a little time is neither here nor there, and I suggest that we put the Bill out for this session. That would mean depriving the Government of only £2,000, which they can get in a minute from the Treasurer's advance to carry out all that is contemplated in what the Minister said was a small Bill but one that will involve substantial expenditure in the long run because its acceptance involves the adoption of the Stileman scheme. Having regard to the interests of the State, should we as a House pass this Bill at the fag-end of the session with so little investigation on our part? The Engineer-in-Chief may have carried out much investigation, but this is not solely an engineering question. There are many factors which laymen are more fitted to deal with than engineers. I would not pit my opinion against that of an able engineer in matters in which he is skilled, but when it comes to a working proposition I would venture to do so. The Engineer-in-Chief has been here but a short time. So many difficulties and snags, as it were, lie ahead that I think the House would be very imprudent if it passed the Bill this session. Once we get our necks into this noose, as the Minister says, we are committed, and cannot possibly retract. The sum of £2,000 involved, for the mere resumption of land, is neither here nor there. The Government can resume land under the Pub-

lic Works Act, and can get the £2,000 out of the Treasurer's advance. No damage will be done. I think I have said enough to justify what I propose to do without taking up the time of the House any longer. I shall vote against the second reading of the Bill, and if it is carried, I shall ask in Committee, that it be referred to a joint select committee of both Houses, which would later on have to be converted into a Royal Commission.

HON. W. J. MANN (South-West) [9.17]: In some respects I agree with the previous speaker. The title of the Bill is a misnomer. It should be called the Leighton-Swan River Bridge-Robb's Jetty Bill. The great proportion of the expenditure involved will have to do with a bridge over the Swan, the railway deviation being quite a secondary consideration. There is no reference in the Bill to the Fremantle bridge. It is rather strange that the Bill does not refer to it. The Minister for Works is publicly reported to have said, "The Bill involves a highly important issue." That seems peculiar. We are asked to sanction a railway deviation when there is some bigger issue at the back of it. The Minister is also reported to have said, "In it we provide for the deviation of the railway which now serves Fremantle, and the site suggested for the new bridge over the Swan River." I presume he refers to the recommendation of the Engineer-in-Chief. The Minister further said, "The Bill carries with it the acceptance by the Government of the Engineer-in-Chief's report of the suggested improvements to the Fremantle harbour." It is not fair that members should be asked to accept the Bill on statements like that. The Engineer-in-Chief in his report says, "Wrapped up with that of the Swan River crossing are the following questions, all of which constitute what may be regarded as major problems, (a) the extension and direction of future harbour development, and (b) the route or routes by which future railways shall approach the harbour." He mentions other important problems. I have no wish to prevent Fremantle getting a new bridge. A structure of that kind is long overdue. I should like to assist in any move that would give Fremantle a bridge, provided we are not asked to commit ourselves to something else. I am not prepared to vote for the Bill, if that action is to be

construed into an acceptance of the whole of Mr. Stileman's report concerning the extension of the Fremantle harbour. It is not fair to ask members to vote for a railway deviation, which will suggest the endorsement of another scheme costing over two millions of money.

The Chief Secretary: I said Parliament would be consulted before the expenditure exceeded £2,000.

Hon. W. J. MANN: If I do vote for the Bill—I am not sure that I can do so—my action must be accepted as leaving me wholly free to vote as I choose upon any subsequent proceedings concerning the Fremantle harbour. I am sorry the Government have not had the whole scheme examined, and have not submitted it to Parliament for acceptance or rejection. If that had been done members could have voted freely with a full knowledge of what was to follow. The future at present is obscure. Upon the whole question of harbour extension and the supplementary work that will follow we are in doubt. For that reason I feel some diffidence in voting for the Bill.

HON. J. CORNELL (South) [9.22]: I have made up my mind that this Bill amounts to an act of confirmation of Mr. Stileman's recommendations for harbour extensions and the construction of a bridge at Fremantle. I have listened to various speakers with a good deal of attention and to their criticism of the Engineer-in-Chief. Their remarks brought home to me something that occurred to me in Canada. I was associated while there for a few weeks with a highly qualified engineer, who might, if he had chosen, have occupied the position Mr. Stileman holds to-day. One of the reasons he gave me for not applying for the position was that when such an official came to deal with matters which involved great technical skill he was bound to be the butt and battledore and shuttlecock of every politician. That is one of the chief reasons why he turned down the position. When I recall Mr. Stileman's high qualifications, I cannot help asking myself if laymen, such as members of Parliament, are justified in sitting in judgment upon him either as individuals or as members of a select committee or a Royal Commission. I have never posed as an authority on anything, except that at one time I was considered to be an expert in the keeping of

racing records, all of which I have long since forgotten. I have always endeavoured to exercise a certain amount of common sense during my public career. I am always prepared to accept the opinions of highly skilled technical men on questions concerning which they have had special training, and for which the country is paying well. In nine cases out of ten the opinions of those experts square with common sense views. If I want a tooth pulled out I go to a dentist. If I break a leg, I go to a doctor and not a plumber. If I want statistical information I go to the statistician. If we are not going to back up and accept the opinion of a man like Mr. Stileman, whose services we have paid so much to secure, we shall stultify his efforts and discourage him and affect his status in the technical world in which he holds so high a position. I shall never be qualified to express an opinion as to where the Fremantle bridge should go from a technical point of view, or to question, as Mr. Burvill does, whether there will be any bottom for the piles when they are driven. That is a matter for engineers and not for Parliamentarians.

Hon. J. J. Holmes: Some people were concerned as to whether or not the bottom would fall out of the harbour.

Hon. J. CORNELL: It would be a godsend if it did. I must accept Mr. Stileman's opinion on the question of harbours and bridges, but I cannot do so when it concerns railway matters. That is not his job. I was sorry that he was pushed into the job in connection with the Kalgarin railway.

Hon. H. Stewart: What about the Ejanding Northwards railway?

Hon. J. CORNELL: That is not his job. His work is in connection with engineering.

Hon. H. Stewart: Harbour engineering, I understand.

Hon. J. CORNELL: His job is to express an opinion on matters concerning which he is qualified to do so. You, Sir, Mr. Dodd, and I, as well as the Esperance people generally, are anxiously awaiting Mr. Stileman's report concerning the extension of the Esperance harbour. I venture to say that in his report Mr. Stileman will, if he looks ahead, prepare a scheme to provide for the requirements of that port 50 or 60 years hence. We shall not get that all at once. I am prepared to back Mr. Stileman

in his recommendation, and I believe that the residents of the Esperance district are also prepared to do so. I am going to vote for the second reading of this Bill with the full knowledge that in doing so I am assisting in the confirmation of Mr. Stileman's report on the bigger works that lie ahead. If the Bill passes the second reading, and Mr. Lovekin carries out his suggestion, I shall not be in a position to say anything. Nothing could be more ludicrous than that a party of laymen, sitting as a select committee or Royal Commission, should set about adjudicating upon a scheme propounded by an engineer so highly qualified and receiving such a large salary as Mr. Stileman receives. We have only to carry our minds back to a discussion that occurred this afternoon. Members, by their votes, considered it absurd that laymen should act on a medical board to determine whether a man had silicosis or not. In the case under review laymen may be asked to determine whether the Engineer-in-Chief's opinions are right or not. I shall vote for the second reading of the Bill.

HON. G. POTTER (West) [9.28]: This Bill recalls to my mind statements made by Sir George Buchanan at a reception given to him in the Fremantle town hall. He said that for many years he had been travelling the world as a consulting engineer and had been faced with a number of problems. These problems had always resolved themselves into three issues. The first was the engineering problem or difficulty. So far as engineering problems were concerned, a good engineer could always surmount them provided he had the second difficulty overcome for him, and that was the matter of finance. The engineer could deal with the technical side, and it was for the Government to find the money. Any Government, he added, possessing the confidence of the financial community either in London or in New York could easily obtain the necessary funds. Therefore, given finance and engineering skill, any engineering problem could be solved. However, he said there was one insurmountable difficulty which neither Government nor engineer could really cope with, and that was vested interests. When I came to Western Australia about 20 years ago, this question was a political football; and the ball has been kicked around the political arena ever since. It is high time we had a decision one way

or another. Mr. Holmes has well said that if a man is sick he sends for the physician. As regards this harbour scheme, we have the physician here now. He is a specialist in engineering, and he has made a report; and I do not feel myself qualified to state whether Mr. Stileman is right or whether he is wrong. I have assiduously read many reports made in the past on this subject—the reports of Mr. C. Y. O'Connor, Sir John Coode, Admiral Henderson, Sir George Buchanan, and other notabilities. In all those reports there is a little substratum that has always come to the surface—the fact that the engineers were asked to do a certain thing within a certain defined area. On the other hand, I understand that Mr. Stileman has been given an entirely free hand. He was told, "There is the port of Fremantle, and there is the hinterland of Western Australia; let us know what is best to be done." While the measure has received general support, there has appeared in the course of the debate a feeling that the Bill represents something for Fremantle, that it is something concerning Fremantle members and metropolitan members. I contend that the question concerns country members very much more than Fremantle and metropolitan members, because the object of the Bill is to provide an outlet for the produce of the primary industries of Western Australia. The Government would be lacking in their duty if they did not make provision for the shipment of that produce, and make provision some years ahead. Constructing a harbour is not like erecting a jerrybuilt house, which can be run up in a month or two. Harbour construction takes years. Indeed, we have been told that it will take two years to build the bridge alone. Therefore I really welcome the fact of the Government having come down to solid ground and made up their minds to do something for the Fremantle harbour. It would be quite right. Mr. President, if you called me to order at this point, seeing that the Fremantle harbour is not under discussion. However, the Bill presupposes the railway to be part of the complete scheme, and we cannot lose sight of what the enactment of the measure will render possible.

Hon. J. Cornell: It is the trial shot.

Hon. G. POTTER: Quite so. The Premier himself has stated publicly that the passing of the Bill does not necessarily mean the taking in hand of the Stileman project in its entirety. While the Stileman report contains a mass of detail, I suppose Mr.

Stileman himself, if he is here, as I hope he will be, to supervise the growth of a child of his own creation, will feel disposed to make some little alteration. Generally speaking, however, I do welcome the effort now being made to provide a suitable outlet for the growing primary industries of Western Australia; therefore I support the second reading of the Bill.

HON. SIR EDWARD WITTENOOM

(North) [9.35]: I was greatly interested in what fell from Mr. Lovekin, who apparently has an ancient knowledge of what has taken place. Unfortunately for myself, my knowledge is even older than the hon. member's, for I was in Parliament during 1883, 1885, and 1886, and can remember the time when Sir John Coode came to Western Australia. I joined Sir John Forrest's Government soon after the harbour was started. Sir John Forrest told me that Sir John Coode was wrongly informed regarding tides and other important factors, and that on this account more than on any other his idea was to go down to Rockingham, but, as Mr. Lovekin has said, vested interests were strong enough to prevent it—very luckily. I remember Sir John Forrest saying that Mr. O'Connor told him he had been reading all the reports on the matter, and that the information on which they were based was not correct, particularly that the details given concerning tides and wash were wrong. Mr. O'Connor added that if he were allowed to do the job, he could, he thought, make a success of it. He was allowed to try, and did make a success of it. As regards the bridge and railway, it is most difficult for me to believe that an engineer of Mr. Stileman's reputation could recommend a bridge in such a position that it would ruin the harbour for the rest of time. Surely that aspect must have come before Mr. Stileman. I do not agree with Mr. Miles as to its not being possible to remove a bridge. The Brooklyn bridge could be removed if necessary.

Hon. G. W. Miles: Yes, at a cost.

Hon. Sir EDWARD WITTENOOM: By the time the proposed bridge needs to be removed, the country will be able to afford the cost. Another point is that there is supposed to be no bottom at the point where the bridge is to be placed. That view is borne out to some extent by the failure of the dock. But surely those are not points that would be overlooked by Mr. Stileman. Still, there is a good deal in Mr. Lovekin's

contention, for the reason that if Sir John Coode could have been misinformed to such an extent that he arrived at erroneous conclusions, Mr. Stileman, if depending on current information, may possibly have made a mistake. Still, I can hardly believe that of so eminent an engineer. I feel sure that he would not risk his reputation by making those statements without having verified them. In the circumstances, therefore, I shall vote for the second reading of the Bill. The better the harbour we can make at Fremantle, the better it will be for our producers at all events. Another consideration that makes me vote for the Bill, and more than anything else, is the statement made by the Chief Secretary just now, that £2,000, and no more, will be spent without further Parliamentary sanction. In the circumstances I support the second reading. By the way, the late Mr. Frank Wilson, before he joined a Ministry, was one of the most ardent advocates of shipping being taken to Perth. When he agitated for that, I let the matter alone, as I did not want to see any ships in Perth

HON. V. HAMERSLEY (East) [9.40]: I do not wish to give a silent vote on this matter. Well do I remember being in this Chamber when the question of the Fremantle dock came up. On that occasion the same question was raised as is being raised now, whether the Fremantle harbour was an interest of Fremantle only. It was maintained then, as it is maintained to-day, that the question of Fremantle harbour extension is one that directly concerns the welfare of the primary producers, the wheat growers and other inland producers. On that occasion I placed reliance upon the faithful promise of the Government, and was partly concerned in obtaining a definite pronouncement that nothing would be done except with the full approval of the Admiralty and that the Admiralty themselves should send someone to report on the question. Further, I personally stipulated that the work should only be proceeded with if the Admiralty approved of it, and would take a hand in it. We were given an assurance to that effect; but somehow we saw afterwards that in spite of the promises which the Government had then made, the dock was proceeded with on an unsuitable site and caused the loss of an enormous sum of money. This

was due to the unfortunate selection of site, the foundations being afterwards ascertained to be useless. Even now it would be wise, particularly after Mr. Lovekin's remarks, to make careful inquiry into another aspect. The stone at first used in connection with the present harbour proved almost useless for the contemplated operations. That fact goes to show that a little more time and a little more consideration might well be given to these questions. As regards the saving to be effected by acquiring land to-day instead of a year hence, it is almost trifling when compared with the total amount involved. This question should not be rushed at the present juncture. I am speaking on behalf of those who will have to bear the cost of future blunders. It is wise to give a great deal more consideration to the question of Fremantle harbour extension. I was very much concerned to learn that an expenditure of probably one million pounds is to be made on a bridge to cross the river at such a point that the size of the harbour will certainly be reduced. I feel that further information should be obtained before we embark upon the railway, which I understand to be the preliminary to our deciding that the bridge site is the proper one, having regard to the future of Fremantle harbour. I feel that more time and more consideration should be given to the whole question. We have heard talk about laymen interfering with, and criticising the work of engineers. It is possible to go from one end of the country to the other and find any amount of room for criticism levelled at engineers. We have only to go to various harbours and listen to the complaints of those who have to use them. Captains of vessels frequently ask why engineers cannot consult those who will have to use harbours, before they construct them. I must take notice of what the Fremantle Harbour Trust Commissioners have stressed.

Hon. G. W. Miles: And the pilots too.

Hon. V. HAMERSLEY: Yes, the people who are concerned about harbour matters. Certainly the Harbour Trust Commissioners should be heard on this question. Captains of vessels who use Fremantle should have an opportunity of expressing their views before we embark upon the scheme proposed by the Engineer-in-Chief. I do not want to criticise Mr. Stileman, and I do not think we should employ engineers unless we are satisfied to accept their advice. At

the same time I think we should have more information from those whose operations may be hampered if a mistake is made in connection with this railway. I do not think it matters one iota what the difference in the value of land to be resumed may be in one or two years' time. I shall oppose the second reading of the Bill.

HON. J. EWING (South-West) [9.48]: If the Bill is agreed to, we shall authorise the construction of a railway line. I regret that there appears to be opposition to the procedure in this instance. For my part I shall require a straight-out guarantee from the Government that not more than £2,000 will be expended in connection with land resumptions and boring tests regarding the foundations of the bridge. If the Chief Secretary gives me that assurance and he tells me that no further expenditure will be incurred unless Parliament is consulted—

The Chief Secretary: That assurance has been given by the Premier.

HON. J. EWING: If that is so, I will support the second reading of the Bill.

Hon. G. W. Miles: Will you have that included in the Bill?

Hon. J. EWING: No. The Premier has given that assurance and the Chief Secretary has repeated it this evening, and I will have no hesitation in accepting those assurances, and shall vote for the Bill. There are many phases to be considered. If proper consideration has been given to them, reports of eminent engineers will reveal what they have thought of the problems. I have met Mr. Stileman only once, but I gained the impression that he was a very competent man. I am glad that the Government have secured his services. It goes without saying, however, that no man can be right in every particular. Sir John Coode, according to Mr. Lovekin and Sir Edward Wittenoom, made a mistake when he recommended the outer harbour scheme.

Hon. H. A. Stephenson: He was misled.

Hon. J. EWING: Later Sir John decided in favour of the inner harbour scheme. Then there was Sir George Buchanan, one of the most eminent engineers in the world. His decision was in opposition to that of the present Engineer-in-Chief. Mr. C. Y. O'Connor was certainly in favour of the inner harbour. No scheme for harbour extension outside the river has been proposed in such detail as on this occasion by Mr. Stileman. Experience is

a great thing. Probably the question of tidal effect has received investigation at Mr. Stileman's hands, but still further research cannot do any harm. I am pleased that the Minister has given us an assurance that for the present expenditure will be limited to £2,000 and that Parliament will be consulted before any further expenditure is incurred. There is no doubt that if the bridge is built on the site proposed, that will determine one and for all the question of an inner or outer harbour scheme. The bridge will fix it. I was pleased to hear Mr. Burvill's remarks regarding decentralisation, and I trust that the attention that has been promised to the Bunbury, Albany, Esperance and other harbours will be forthcoming. The expenditure under the Stileman scheme, which has been accepted by the Government, means something like £3,000,000. Someone suggested that before we were finished with it, it would mean more like £10,000,000. For my part I do not care if it is £10,000,000 or £20,000,000 so long as we have a harbour that will be a credit to the State and commensurate with the developmental policies of future Governments. We must keep in mind the possibility of vast development and the promise of tremendous progress ahead of the State. At the same time, we must not forget the requirements of harbours north and south of Fremantle. Let us provide for each harbour its particular trade, and do not let us neglect any one of those harbours. Looking through the Estimates I find that last year there was a total expenditure of £15,000 for dredging at Bunbury harbour. That, however, was insufficient. The Mitchell Government were equally responsible with the present Government for the delays that have taken place there. I hope the Government of the day will take advantage of Mr. Stileman's acknowledged ability. According to the remarks we have heard in this Chamber, Mr. Stileman must be an excellent man, and similar encomiums have been expressed by the Minister for Works and other members of the Legislative Assembly. In the circumstances, let us avail ourselves of his ability and when he has handled the Fremantle proposition, let him also devote his attention to Bunbury and the harbours at other centres.

Hon. J. J. Holmes: We had another superman, but did not know until it was too late.

Hon. J. EWING: I believe Mr. Stileman is a first-class man and his work during the next 12 or 18 months will prove that. I trust, however, that he will give attention to the other harbours and to the requirements of the hinterland. I am glad I spoke, because of the assurance I received from the Minister regarding the expenditure that is to be incurred. I shall support the second reading of the Bill.

HON. H. STEWART (South-East) [9.55]: To my mind the question involved is not the principle of decentralisation but, from the reports that have been placed before us, it relates to the necessity for making adequate provision for the handling of the traffic at Fremantle. We are faced with the position that further facilities are necessary within a certain period. Much as I desire to see the port of Albany receiving all the produce that should come to it from its geographical zone, I think I am right in saying that we do not require additional facilities at Albany at present, but rather that Albany's proportion of traffic should be diverted to that port in the interests of the economical running of our railway system. It has been stated that vested interests have been concerned in the postponement of work at Fremantle. No doubt vested interests have been responsible, together with the operations of the Navigation Act, for diverting trade from Albany to Fremantle. If we agree to the Bill, the authorisation will carry more than that concerning the construction of the railway. It will practically indicate that the programme of harbour development may follow as a necessary corollary. In referring to the pronouncement of Sir George Buchanan, Mr. Potter pointed out that any engineering work could be carried out provided the necessary financial provisions were made. The one test of good engineering is that any specific objective shall be carried out at the lowest ultimate cost. It seems to me that some hon. members are faced with a difficulty in that they have not only the advice of the Engineer-in-Chief, but they have reports of a number of other highly trained engineers, in connection with the Fremantle harbour. Consequently we get different opinions expressed in the light of the greater or lesser knowledge furnished by these reports. I want to point to one difference between the report and recommendations of,

say, a consulting engineer, and of the present Engineer-in-Chief. The Engineer-in-Chief is in the position that was once occupied by the late Mr. C. Y. O'Connor, of whose work I have never heard anything but eulogy. The point in common between those two men is that Mr. O'Connor was a man of high repute and so, too, is Mr. Stileman; and, like Mr. O'Connor, Mr. Stileman is in the position of chief, and is able to carry out his recommendations and stand or fall by them. That is a very different position from that of a consulting engineer, who comes along and gives advice, but does not carry out the work. It is a far greater responsibility to have to put up recommendations and then see them through to their final completion. I think the House, when considering this matter, is justified in assuming that all members have read Mr. Stileman's report. I am not going to eulogise that report, as the Premier and the Minister for Works have done. Had the report shown less effort towards gaining all available information from expert officers such as the Surveyor General, the Commissioner of the Wheat Belt, the Statistician and others, we would not have the confidence in it that we undoubtedly have. We are entitled to expect from the Engineer-in-Chief that he should leave no source of information uninvestigated, and that when he had completed his investigations he would carefully think out what was best to be done, and put in a clear way understandable by a layman the reasons why he arrived at certain conclusions. He has given his broad general finding, and we are entitled from his professional repute to expect that before anything is done in respect to this matter any further information that might come to hand will have his fullest consideration, and that as he gets out his detailed plans his mind will be kept open and he will be fully receptive to anything calculated to modify his plans. Thus his methods will reflect the highest credit on himself and will achieve the best results at the lowest ultimate cost, and the work will be carried out in a way that will stamp him as a man of very high professional attainments. We cannot but come to the conclusion that whatever the final development may be within the limits of this report, every step will have the fullest consideration and the work will be carried out with the highest efficiency associated with modern harbour engineering.

HON. W. H. KITSON (West) [10.7]: I desire briefly to support the second reading. We all recognise that in view of the development that has taken place in this State during recent years, harbour extension at Fremantle is long overdue. I think we can accept the statement made both by representatives of the Government and by the Engineer-in-Chief regarding the requirements of Fremantle harbour during the next 10 or 15 years. I do not propose to criticise the scheme, either from an engineering or any other point of view. I merely take up this line of thought in regard to it: the Government went to a great deal of trouble to secure the best engineer available; that engineer has given over 12 months' consideration to this scheme, and in view of the comprehensive nature of his report, the least we can do is to say that, having respect to the reputation of the Engineer-in-Chief, we as laymen should be prepared to accept that report. We have the assurance of the Minister for Works that the passing of the Bill will not necessarily commit us to any huge expenditure, that the £2,000 involved in the Bill will be used for certain preliminary purposes.

Hon. J. Nicholson: The Bill is not limited to £2,000.

Hon. W. H. KITSON: But we have the assurance of the Minister for Works that before any great expenditure is incurred, the matter will be again placed before Parliament. I am prepared to accept that assurance. Certain criticism has been levelled at the scheme by people who are closely interested in it. No doubt proper weight will be given to that criticism, and if between the passing of the Bill and the carrying out of the first portion of the work it is found necessary to alter the scheme in some of its details, that will be done. I am pleased indeed that the Government are prepared to embark on a scheme of this kind that will give Fremantle an opportunity to cater for the shipping requirements of the country during the next 10 years when we expect so much extra development will take place. I trust the Bill will be carried and that before many years have passed the scheme will be completed and will prove of benefit to the country and a credit to the Engineer-in-Chief and the officers responsible for its construction.

HON. E. H. GRAY (West) [10.11]: In supporting the second reading, I desire to express my thanks to members for their reception of the Bill. As a Fremantle representative I am deeply interested in the question of harbour extension, and while it is late in the session to have to consider so big a question, the matter is so urgent that I should be disappointed if the House did not give the Government the sanction they have requested. Mr. Lovekin's argument that the Government have the necessary power to resume the land they require may be true, but a scheme of such magnitude should have the sanction of both Houses of Parliament and it is not fair that the Government should have to begin operations without the approval of this House.

Hon. Sir William Lathlain: Did they get the sanction of the House to embark on State insurance?

Hon. E. H. GRAY: The hon. member criticised the Government for doing things without permission, but when they ask for permission some members make that an occasion to criticise them. I say nothing about the general scheme proposed by Mr. Stileman because I do not understand engineering, but my impression is that the scheme as submitted will be modified. Mr. Lovekin told us the history leading up to the construction of the present harbour and said that when the opinion of Sir John Coode was made known there were two bitter rival factions. That is not so on this occasion. Full publicity has been given to the scheme. One of the most representative meetings of public men and shipping and business interests was held in the town hall, Fremantle, to hear Mr. Stileman's explanation of the scheme, and I think the scheme has been generally approved. It is true that the Harbour Trust officials and the pilots have taken exception to various features of it, notably to the width of the top end extension—

Hon. G. W. Miles: And to the outer harbour.

Hon. E. H. GRAY: Yes, and also to the depth. No doubt those objections will receive careful consideration. When the preliminary testings and surveys have been completed, it is possible that the site for the new bridge may have to be altered.

Hon. J. Nicholson: You cannot alter it once the bridge is constructed.

Hon. E. H. GRAY: I do not agree that the passing of the Bill will mean the adoption of the scheme. As I have indicated, I think it will be found necessary to modify the scheme considerably. One wonders why Rocky Bay was not included in the harbour extension, but it must be admitted that Mr. Stileman has had access to all the reports and records of the archives of the Government and the reports of "Hansard," and no doubt he has made full use of them. A scheme like this presents a great opportunity for an engineer. It falls to the lot of few engineers to have the opportunity that Mr. Stileman has got, and I believe that if he is given a free hand he will prove his worth. The land that will be resumed is available at a very cheap price, comparatively speaking, but if action is not taken at once the value may well double in the next 12 months.

Hon. Sir William Lathlain: How can it double? What about the value returned for taxation purposes?

Hon. E. H. GRAY: Land values are already rising and, seeing that the Robb's Jetty railway will pass through the cheapest land of Fremantle, there is no doubt that values will rise. I hope the second reading will be carried.

Question put and a division called for.

Hon. G. W. Miles: Is not the Minister going to reply to the debate?

Hon. E. H. Gray: I thought he intended to do so.

The Chief Secretary: I wanted to reply to the debate.

The PRESIDENT: It is too late now.

Division resulted as follows:—

Ayes	..	..	14
Noes	..	..	6
Majority for	..	..	8

AYES.

Hon. J. Cornell	Hon. J. M. Macfarlane
Hon. J. M. Drew	Hon. G. Potter
Hon. J. Ewing	Hon. H. Seddon
Hon. E. H. Harris	Hon. H. Stewart
Hon. J. W. Hickey	Hon. H. J. Yelland
Hon. J. J. Holmes	Hon. E. H. Gray
Hon. G. A. Kempton	(Teller.)
Hon. W. H. Kilson	

NOES.

Hon. V. Hamersley	Hon. J. Nicholson
Hon. Sir W. Lathlain	Hon. A. Burvill
Hon. A. Lovekin	(Teller.)
Hon. G. W. Miles	

Question thus passed.

Bill read a second time.

To refer to a Joint Select Committee.

HON. A. LOVEKIN (Metropolitan)
[10.20]: I move—

That a joint select committee consisting of three members be appointed to inquire into the Leighton-Robb's Jetty Railway Bill, and that a message be sent to the Legislative Assembly asking their concurrence therein and requesting them to nominate three members to serve on such committee, the committee to report this day week.

I need not go further at present in the matter until the Assembly say yea or nay to the proposal. I take it this House is not going to pass the Bill at such a late stage in the session. The scheme is not supported except by one man. I have every confidence in that one man, but I have already given evidence to-night that other great men have failed. Every engineer we have had in the State has failed, although we have backed him every time. As the Premier has declared in another place, there are monuments representing millions demonstrating their incapacity. This is a big scheme. Let us go slowly with it. The Bill itself is neither here nor there. There are many matters to which Mr. Stileman's attention ought to be directed. If he is the man I take him to be, and he is represented to be, he will not be above learning and getting information, so that he can carry out the job, make a success of it, and bring honour to himself hereafter. I deprecate any attempt to rush the Bill through. To do so would probably bring disaster to the State and to the reputation of the Engineer-in-Chief upon whom so much trust is now being placed.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [10.24]: This is a remarkable motion on a matter of this kind.

Hon. A. Lovekin: The Minister understands what it means?

The CHIEF SECRETARY: Yes. the hon. member indicated some time ago that a joint select committee should be appointed and subsequently be turned into a Royal Commission to investigate the matter. Suppose a Commission were appointed, in what way would it investigate this question? It would call for evidence, advertise in the newspapers asking persons to attend here if they were willing to give evidence on the question, and hundreds of people would

come to Parliament House to avail themselves of the opportunity to express an opinion.

Hon. A. Lovekin: How did they manage it in the case of Sir John Coode?

The CHIEF SECRETARY: Who in Western Australia or in the other States is qualified to sit in judgment on Mr. Stileman's scheme? Suppose someone was brought from New South Wales or Victoria and he differed from Mr. Stileman, of what value would that opinion be? What opportunity would such a person have of making the investigations that were made by Mr. Stileman, whose inquiries, with the assistance of departmental officials, covered a whole year? The Engineer-in-Chief has had the resources of the different departments at his command. He has also had the assistance of the engineer in charge of railways, Mr. Cresswell, a man of great skill in the engineering world, and of the Surveyor General, and other officers too numerous to mention. He has spent the last 12 months in making every possible inquiry and securing every possible data. It is now proposed to appoint in the first place a joint select committee, and afterwards a Royal Commission to go into this matter and report, I suppose, in 12 months time.

Hon. A. Lovekin: It was a great success in the case of Sir John Coode's scheme.

The CHIEF SECRETARY: The inquiry could not be completed in less than 12 months time. If Mr. Stileman's judgment is not accepted, it will be necessary, from the viewpoint of those who will be responsible for the appointment of the joint select committee, to test every portion of the data secured by Mr. Stileman during the past 12 months.

Hon. A. Lovekin: What was done in the old days?

The CHIEF SECRETARY: At no time has so much inquiry been made relative to the Fremantle harbour as during the last 12 months. The up-river scheme has been referred to as the proposition of the late Mr. C. Y. O'Connor. Mr. Palmer, who succeeded him, delivered a lecture in London and stated on that occasion that the up-the-river scheme had never been proposed by Mr. C. Y. O'Connor.

Hon. G. W. Miles: By whom was it proposed?

The CHIEF SECRETARY: He knew Mr. O'Connor intimately, and stated that it was not that expert's opinion that the harbour should be constructed up-river.

Hon. A. Lovekin: He gave evidence before the committee.

The CHIEF SECRETARY: I have information which I intended to supply to hon. members, but I was away when the debate closed suddenly, and unfortunately am not able to supply it now. I ask members not to adopt Mr. Lovekin's suggestion. The session is about to close. I do not think another place would agree to the proposal.

Hon. A. Lovekin: Is that a good reason for rushing the Bill through?

The CHIEF SECRETARY: No sound reasons have been advanced for the taking of this step. The hon. member has not set out what procedure would be adopted by the joint select committee. No doubt they would take evidence, no end of evidence, but that would not carry us any further.

Hon. A. Lovekin: Would that not be helpful to the engineers?

The CHIEF SECRETARY: Engineers would be notified to come here from every part of Australia and probably New Zealand. There would be nothing but chaos. It has been stated for some years that one of our Engineers-in-Chief was responsible for the failure of the Fremantle dock. I was under that impression, and many members of the Scaddan Government, were under a similar impression. Mr. Angwin was told by Mr. Thompson, the then Engineer-in-Chief, that not only had he never recommended it, but that he had condemned it. Mr. Angwin brought the files down to Cabinet and convinced us that what he said was correct. Mr. Thompson had not been consulted, and he had put in a report of a condemnatory character.

Hon. A. Lovekin: Who was responsible for the failure?

The CHIEF SECRETARY: Some of the other officials, with the backing of the Government.

Hon. J. J. Holmes: I do not think there was ever any boring done there.

The CHIEF SECRETARY: Boring was not possible there. In this case, however, we have accepted the advice of the Engineer-in-Chief. There has been no interference with him. Not a member of Cabinet, except Mr. McCallum, knew what the report of the Engineer-in-Chief was before it was laid on the table at Cabinet. Mr. McCallum himself had no knowledge of the lines on which the Engineer-in-Chief intended to go. It would not be wise, indeed it would not get

us anywhere, to refer the Bill to a joint select committee to be converted into a Royal Commission.

HON. A. BURVILL (South-East) [10.31]: I voted against the second reading of the Bill, but I am certainly not going to vote in favour of the appointment of a select committee or a Royal Commission. One of the reasons why I voted against the Bill was that the recommendations and findings of the Engineer-in-Chief on the subject were not complete, in that the site for the foundations of the bridge had not been investigated.

The Chief Secretary: We propose to investigate them at a cost of £2,000.

Hon. A. BURVILL: That is so. We have the Minister's assurance that nothing will be done except to investigate the site of the foundations and to resume the necessary lands.

The Chief Secretary: I gave that assurance on Thursday night last.

Hon. A. BURVILL: I am well aware of that. If Mr. Lovekin's motion is lost, I shall move, in Committee, an amendment which will clear the matter up completely and to which, I believe, the Minister will agree. My intention is to move the addition of the following words to Clause 2:—"Provided that no expenditure other than that necessary for testing for foundations of the proposed bridge over the Swan River, and the resumption of the land necessary for the construction of the railway, shall be undertaken before Parliament is further consulted." That amendment would, I consider, meet the case far better than would the carrying of Mr. Lovekin's motion.

Hon. J. Nicholson: A certain amount should be stated.

Hon. A. BURVILL: I do not know that it would be wise to limit the Engineer-in-Chief in that respect. It will suffice if his activities are limited as suggested in the amendment I have foreshadowed.

HON. J. NICHOLSON (Metropolitan) [10.34]: Having regard to the whole position, it might be wise to adopt Mr. Lovekin's suggestion.

Member: A good way of killing the Bill.

Hon. J. NICHOLSON: I have no desire to kill the Bill, and I do not regard the interjection as fair. Every member recognises that this is a measure of great im-

portance and great interest to the whole of Western Australia. We know the importance of having Fremantle adequately connected up with other portions of the State. That is necessary for the whole life of the country. But before we commit ourselves as a Parliament to the expenditure of sums of great magnitude—which this Bill practically means—we ought to consider the matter from various standpoints. In the course of the second reading debate it was suggested that we ought to be satisfied with the opinion expressed by our professional adviser.

Hon. J. Ewing: What about the Minister's assurance? Does not that count for anything?

Hon. J. NICHOLSON: I will deal with that afterwards. I join in all the eulogies which have been uttered regarding the Engineer-in-Chief. I have not a moment's doubt as to his capabilities. Any remarks made here as to inviting the opinions of other persons should not be regarded as casting even the slightest reflection upon our Engineer-in-Chief. They do not. Still, we have to bear in mind the fact that we are custodians of the people's money. Their interests are at stake, and we are their managers. As such we have grave responsibilities devolving upon us.

Hon. J. Cornell: And to-morrow we shall authorise the expenditure of about four and a-half million of loan funds in about ten minutes.

Hon. J. NICHOLSON: Though we have every confidence in the Engineer-in-Chief, yet when we are practically asked, as this Bill asks us, to commit the country to a work involving the expenditure of millions, we are entitled, laymen though we be, to say that before finally committing ourselves to the authorisation of all these works we ought, as a body, to inquire into every phase of the subject, so as to satisfy ourselves whether or not we should commit the State to the huge expenditure proposed. That, I consider, is the point we have to bear in mind. If a joint select committee were appointed, its members would be enabled to obtain from men of skill assistance in drawing up their recommendations. It will be for the members of the Committee to discover who are the most competent men available to guide them in their deliberations. If the experts who are cited as witnesses bear out the recommendations of our

Engineer-in-Chief, it will reflect greater glory upon him and will enable us to undertake his scheme with greater assurance than is possible at present. Well may we hesitate before committing the country to this huge task. There is no limitation whatever in the Bill. I say this without even for a moment doubting the Chief Secretary's assurance. The hon. gentleman gives it with perfect honesty, and so far as he is concerned personally, we can rely upon his word.

Hon. W. H. Kitson: What about the Premier?

Hon. J. NICHOLSON: I would rely upon the Premier too.

Hon. W. H. Kitson: What about the Minister for Works?

Hon. J. NICHOLSON: I do not doubt his word either. Parliaments come and go and Ministers likewise.

Hon. A. Burvill: Acts of Parliament stay.

Hon. J. NICHOLSON: We might find ourselves confronted by a new Minister who would take the Bill as a mandate and go ahead with the construction of these works.

Hon. J. Cornell: It might be like the Esperance-northwards railway, which took a long time.

Hon. J. NICHOLSON: We had an instance to-night of where it was suggested a medical man—

The PRESIDENT: I think the hon. member might confine himself to the question whether the Bill is to be referred to a joint select committee.

Hon. J. NICHOLSON: I suggest that that course be adopted in the interests of the country and to safeguard the future interests of the State. No one desires to prevent the carrying out of the work because we all admit it is absolutely essential. Once we agree to the Bill, however, we commit ourselves to the whole scheme. I hope the fullest investigation will be made before we proceed any further with the Bill.

HON. J. J. HOLMES (North) [10.42]: The proposal is that six politicians, three from this Chamber and three from another place, will sit in judgment upon our highly qualified Engineer-in-Chief whose services have been secured after a search in various countries throughout the world.

Hon. J. Cornell: It is like six "Tommies" sitting in judgment on the Commander-in-Chief.

Hon. J. J. HOLMES: The mover of the amendment, in his second reading speech, proved conclusively that Sir John Forrest, the greatest statesman and greatest politician we have ever had in this State, fought his Engineer-in-Chief, Mr. C. Y. O'Connor, for an outer harbour scheme. In the end he had to submit to the decision of the Engineer-in-Chief and the harbour was constructed within the river.

Hon. A. Lovekin: Yes, I read that to you.

Hon. J. J. HOLMES: Now he wants the same proposition and he desires to introduce politicians into this matter to teach the Engineer-in-Chief what shall be done.

Hon. A. Lovekin: You were a politician who sat in judgment on an engineering scheme.

Hon. J. J. HOLMES: No.

Hon. A. Lovekin: If you had had your way you would have saved the State £500,000.

Hon. J. J. HOLMES: In that instance we were reporting on what had been done, and were able to say what should have been done. We proved that the trouble had arisen because sufficient information had not been obtained at first.

Hon. H. Stewart: Because politicians had set aside the recommendation of the departmental officer.

Hon. J. J. HOLMES: From what I know of Mr. Stileman, he will not turn a hair before he has all the data before him. The man he sends out to collect the data has to put it in black and white over his signature. If it should be incorrect data, the responsibility will be sheeted home.

Hon. A. Lovekin: I should think that would be done in any case.

Hon. J. J. HOLMES: We have already delayed this proposition too long. The amendment is merely another means for sidetracking it for another period.

Hon. A. Lovekin: Why should we want to sidetrack it?

Hon. J. J. HOLMES: In his second reading speech Mr. Stewart got right down to the point. It is one matter to bring a highly qualified man in at the front door one day and to let him out through the back door the next day—we have had that experience—and quite another matter to bring in a man like Mr. Stileman who is now in the permanent employment of the State, who not only puts up a scheme but knows he has to carry it through to completion. That is the man that it is proposed to supersede temporarily by holding

up a scheme for six months in order that six politicians may put up a report on evidence secured from the man in the street, or from men in subordinate positions who do not know anything about the job.

Hon. A. Lovekin: What is the good of saying we want to hold up the job?

Hon. J. J. HOLMES: We had the evidence of Mr. Lovekin himself when he quoted our greatest statesman and politician as recommending an outer harbour scheme, whereas the Engineer-in-Chief, with his expert knowledge, stood for an inner harbour scheme and gained the day. On that occasion the politician had to give way.

Hon. J. Cornell: Hear, hear!

Hon. J. J. HOLMES: I have lived long enough in this State to know that the actions of politicians practically crucified one of the best engineers we ever had in Western Australia. Had it not been for the actions of politicians we might have had him with us now. For that reason, if for no other, I want to see that our present engineer is not placed in such a position. I do not want to see meted out to him the same treatment by politicians as was the experience of the late C. Y. O'Connor.

HON. A. LOVEKIN (Metropolitan—in reply) [10.47]: Mr. Holmes says that we should be prepared to stake everything on one throw of the dice. According to the Engineer-in-Chief's report, nothing is finalised. Yet we are to be prepared to stake everything upon his judgment which is to be formed in the future. Mr. Holmes suggested that I wanted to hold up the job. I do not want to do anything of the sort. I want to see the country advance. The Minister has said that the Government will not spend a single penny until Parliament has accorded its approval. That will be next session.

Hon. J. Cornell: It would be better to reject the Bill than to have a stickyneck expedition on the Engineer-in-Chief.

Hon. A. LOVEKIN: Sir John Coode was a most eminent man in his day, quite as eminent as Mr. Stileman is to-day, yet he did not object to a select committee. Mr. C. Y. O'Connor was a big man who was always prepared to learn. There are some men so ignorant that they are never prepared to learn.

Hon. J. J. Holmes: Did Sir John Coode go before a select committee?

Hon. A. LOVEKIN: He made a report and his report was traversed by the committee. It was backed up by Mr. Marmion who was a great counsel for the Owen's Anchorage scheme. Mr. O'Connor came along and satisfied everyone that he was right and that Sir John Coode was wrong. We are in the same position to-day. Mr. Stileman has come here and to-day it is all Mr. Stileman. If this matter is referred to a select committee as the result of our investigations it may be somebody else who is in the ascendancy. Certainly if we were spending our own money we would not be content to operate in this way. We would not be prepared to stake all on one throw of the dice merely on the strength of this report, one-tenth only of which is final. Are we going to put our necks into the noose and embark on the expenditure of millions? I want the same prudence shown that we should show if we were spending our own money. Probably Mr. Stileman is the best man we could have, but I do not care who he may be, it is a mistake to let him rush ahead without the fullest knowledge of this State, and I am sure that no man can get a full knowledge of even Perth and Fremantle in 12 months. I am asking for inquiry, knowledge and information before we embark on this project. I have said that history repeats itself. I do not want a full repetition of what happened in 1891. When Sir John Coode's scheme was put up in the House by Sir John Forrest there was a public outcry and public meetings were held all over the place and Sir John Coode was attacked right and left. I do not want to see that happen again.

Hon. J. J. Holmes: They burnt Governor Broome in effigy.

Hon. A. LOVEKIN: That was seven years later. I do not want to see public meetings called to protest against this scheme, and Mr. Stileman brought into it. I would much prefer to see a calm dispassionate committee go into this question in the interests of the State. The view that some members seem to take is that it means nothing to them even if it proves to be a failure, as so many other projects have proved. If this House is of any value at all to the community, when we get these big schemes, we should say, "Let us hasten

slowly." That is all I am attempting to secure. The Chief Secretary asks what can such a committee do? It can decide as a jury decides, and make a recommendation. If the recommendations of other committees that have sat here had been accepted, we should not have lost millions of pounds in engineering blunders. I have done the best I can to secure a full inquiry before we commit ourselves to this scheme.

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

Ayes	7
Noes	14

Majority against	..	7
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AYES.

Hon. V. Hamersley	Hon. J. Nicholson
Hon. E. H. Harris	Hon. H. Seddon
Hon. Sir W. Lathlain	Hon. G. W. Miles
Hon. A. Lovekin	(Teller.)

NOES.

Hon. A. Burvill	Hon. G. A. Kempton
Hon. J. Cornell	Hon. W. H. Kitson
Hon. J. M. Drew	Hon. J. M. Macfarlane
Hon. J. Ewing	Hon. H. A. Stephenson
Hon. E. H. Gray	Hon. H. Stewart
Hon. J. W. Hickey	Hon. H. J. Yelland
Hon. J. J. Holmes	Hon. G. Potter
	(Teller.)

Question thus negatived.

In Committee.

Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Authority to construct:

Hon. A. BURVILL: I move an amendment—

That the following words be added at the end of the clause:—"Provided that no expenditure other than that necessary for testing the foundation of the proposed bridge over the Swan River and the resumption of the land necessary to the construction of the railway shall be undertaken before further consulting Parliament."

Hon. A. Lovekin: But that will hold up the scheme.

Hon. A. BURVILL: I do not think the Minister will have any objection to this amendment, for he has assured us that this is what it is proposed to do. The principal reason for the amendment is that Mr. Stileman cannot finalise his scheme until the foundations for the bridge have been tested.

The CHAIRMAN: The subject matter of the Bill is to authorise the construction of a railway from Leighton to Robb's Jetty with a branch to Fremantle. The subject matter of the amendment is to test the foundations of a bridge over the Swan River.

Hon. G. W. Miles: We cannot construct a railway without having a bridge over the river.

The CHAIRMAN: The amendment is not relevant to the subject matter of the Bill, as is required by Standing Order 191.

Hon. J. NICHOLSON: The clause gives power to construct a railway with all necessary, proper and usual works and conveniences. That involves the construction of a bridge. Apart from that, I suggest it would be better to insert words at the beginning of the clause to authorise the Government to expend a sum not exceeding a certain amount.

Hon. A. Lovekin: Could we put an amount in the Bill?

Hon. J. NICHOLSON: We can suggest it.

Hon. A. Lovekin: What about imposing charges and burdens on the people?

Hon. J. NICHOLSON: It would not be creating a charge on the people. This is a mere authorisation for the particular work.

Hon. A. Lovekin: Where is the money to come from?

Hon. J. NICHOLSON: The authorisation is being given to construct, and that carries an implied power to expend the money necessary to construct.

The CHAIRMAN: The Bill is to authorise the construction of a railway, but not to authorise the expenditure of money on it.

Hon. J. Nicholson: Perhaps we can amend the Title.

The CHAIRMAN: I rule the amendment out of order.

Hon. G. W. MILES: As the Minister did not have an opportunity to reply to the second reading debate, perhaps he could tell us what the height of the proposed bridge will be.

The CHIEF SECRETARY: I shall read an extract from Mr. Stileman's remarks on the discussion—

Nobody, least of all the Harbour Trust Commissioners, is in favour of a bridge across Blackwall Reach, which would not suit the future Brookton-Armadale railway, and would

leave the two sides of the harbour with totally inadequate means of intercommunication. On the site selected, the borings available do not suggest that any considerable difficulty will be met in obtaining suitable foundations for bridge-piers for a bridge of moderate spans. On previously suggested sites in the Blackwall Reach, borings on the other hand show depths of mud, in some cases, in excess of 100 feet. The clearance under the proposed bridge will depend on the length of span eventually decided upon. It will, however, be in excess of that existing to-day and adequate for river traffic.

Clause put and passed.

Clause 3—Deviation:

Hon. A. LOVEKIN: How does the Chief Secretary read Clause 3 in conjunction with the schedule? The clause provides for a deviation of ten chains on either side, but in the schedule I cannot find what "either side" means. The schedule states—

Leighton-Robb's Jetty Railway—Description of line of railway: Commencing at a point about 35 chains south of Leighton station on the Fremantle to Guildford railway, and proceeding generally in a south-easterly direction for about $1\frac{1}{2}$ miles; thence in a generally southerly direction for about $2\frac{1}{2}$ miles and there terminating opposite the smelting works on the Fremantle-Owen's Anchorage railway. Length about 4 miles.

Branch to Fremantle—Description of line of railway: Commencing at a point on the proposed Leighton-Robb's Jetty railway near the proposed new alignment of the south side of the Swan River, and proceeding in a generally south-westerly direction for about 50 chains, and there terminating near the overhead road bridge on the Fremantle to Guildford railway. Length about 50 chains.

The CHIEF SECRETARY: Mr. Lovekin should read the balance of the schedule as follows:—

All as more particularly delineated and coloured red on map marked P.W.D., W.A. 25453 deposited pursuant to the Public Works Act, 1902.

Clause put and passed.

Schedule, Title—agreed to.

Bill reported without amendment and the report adopted.

Third Reading.

Bill read a third time and *passed*.

BILL—LOAN, £4,940,000.

Received from the Assembly and read a first time.

BILL—AUDIT ACT AMENDMENT.

Assembly's Further Message.

Message from the Assembly received and read notifying that it had agreed to the recommendations of the conference managers.

BILL—EMPLOYMENT BROKERS' ACT AMENDMENT.

Assembly's Message.

Message from the Assembly received and read notifying that it had disagreed to the amendments made by the Council.

House adjourned at 11.10 p.m.

Legislative Assembly,

Thursday, 8th December, 1927.

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

QUESTION—RAVENSTHORPE SMELTERS.

Mr. CORBOY asked the Minister for Mines: 1, Is he aware that copper ore delivered to the ore receiver at Ravensthorpe for treatment is still lying at Kundip and Hopetoun, although delivered from three to four years ago? 2, What is the intention of the Government as regards the treatment or disposal of such ore?