Votes—*Lithographic, £6,521*; *London Agency, £4,847*; *Printing, £39,740*—agreed to.

Progress reported.

ASSENT TO BILL.

Message received notifying assent to the Supply Bill, £492,225.

House adjourned at 12·5 a.m. (*Saturday*).

Legislative Council,

Tuesday, 19th November, 1912.

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

ASSENT TO SUPPLY BILL.

Message received notifying assent to the Supply Bill, £492,225.

MOTION — ABORIGINES' RESERVES.

On motion by Hon. J. D. CONNOLLY (North-East) resolved: That the motion relating to reserves for aborigines passed by this House on the 14th inst. be transmitted by Message to the Legislative Assembly for their concurrence.

BILL — SHEARERS' ACCOMMODATION.

Read a third time and *passed*.

BILL—FREMANTLE HARBOUR TRUST AMENDMENT.

Report of Committee adopted.

HIGH SCHOOL ACT AMENDMENT BILL—SELECT COMMITTEE.

Consideration of Report.

Debate resumed from 14th November on motion by Hon. A. Sanderson for the adoption of the report of the select committee and the amendment of Hon. W. Kingsmill to add a new clause—(3.) That neither the Class "A" Reserve, situated in Harvest-terrace, nor any other lands should be vested in the governors of the High School without the definite approval of Parliament, and that a clause to this effect should be added to the present Bill.

The COLONIAL SECRETARY (Hon. J. M. Drew): I am not prepared to support the motion for the adoption of the report of the select committee, neither can I support the amendment moved by Mr. Kingsmill. The select committee were apparently under the impression that it is the duty of the Government to join with the High School governors in preparing some scheme for the future government and carrying on of the High School.

Hon. W. Kingsmill: It is the duty of the governors.

The COLONIAL SECRETARY: That seems to be what the report states. A majority of the members of the select committee have come to the conclusion that it is necessary that both the High School governors and the Government should confer with a view to preparing a scheme for the future carrying on of the High School. Well I can tell members clearly and definitely that the Government have no such intention and that they do not propose to join with the High School governors, or anyone else, in the preparation of any such scheme. The Bill as sub-

mitted to this House very clearly represents the object of the Government and that object is to bring about a cessation of the annual subsidy. The reason for that action has been made abundantly clear. The time is past when it is necessary to subsidise any secondary school in Western Australia, at any rate that is the conclusion the Government have come to and, as an outcome of that conclusion they have introduced this Bill. Of course we have given three years' notice of the stoppage of the grant. That was done with a view to enabling the Governors of the High School to make satisfactory financial arrangements for the carrying on of the institution in future. If members disagree with the course adopted by the Government, if they disapprove of the intentions of the Government as defined in this Bill, they are hostile to the measure and should vote against it. It is a very extraordinary thing that, although some members of this House apparently complain that the Government are not sufficiently generous to the High School authorities, not a solitary member of the board of governors of the High School has come forward and complained of a lack of generous treatment on the part of the Government. The chairman of the board of governors of the High School was questioned by Mr. Cullen and replied as follows, as shown in questions 109 to 115 of the evidence—

109. Have the governors met on the matter since the Bill was made public? —Yes, several times.

110. I assume their attitude to it is that it is a reasonable first step towards a new regime?—That is the attitude of the governors as a board.

111. You accept the statement of the Premier in the Assembly and the Colonial Secretary in the Council that the Government recognise your right to have this new site vested in the governors for the purpose of a High School?—We do.

112. And you are quite content to accept their public announcement that you will be given power to sell the old property, and devote the proceeds to build on the new?—We are.

113. You are not anxious that in the present Bill Parliament should go further and legislate about the new regime, beyond giving this first step?—No.

114. You are not anxious for that? —No.

115. That is to say, the governors would like further time to consider the matter?—Exactly.

It will be seen from that that the governors of the High School, who are the other parties concerned, are perfectly satisfied with the arrangements made with the Government of the day and they have implicit faith and confidence in the Government. The position in reference to the land has already been clearly explained. One block on which the school has been built is already vested in the governors, but the block near the Observatory has not been vested in them. This block was set apart about 12 years ago by Sir John Forrest and it was classed as an "A" reserve for the purposes of a High School. It may have been an unwise thing for Sir John Forrest to do but he did it and surely the Government should redeem the promise made by a previous Government, and more than a promise because the land was dedicated by definite action. This land was set aside for the purpose of a high school and that purpose cannot be changed without the authority of Parliament.

Hon. W. Kingsmill: Why not arrange for an exchange?

The COLONIAL SECRETARY: I am coming to that presently. If this land be vested in the High School governors and if in the future it be not used for the purpose to which it has been dedicated, it will certainly revert to the Government. The High School governors will simply have use of the land, that is all. They can mortgage it for the purpose of building on the block but cannot sell it and put the money in their own pockets. They have simply the use of the ground and if they fail to carry out the object of the trust the whole of the land and buildings, less of course whatever mortgage may be on it, will revert to the Crown.

Hon. J. D. Connolly: Cannot the mortgagee take control of the land from them?

The COLONIAL SECRETARY: No.

Hon. W. Kingsmill: Is it the intention of the Government to vest that land in the High School governors?

The COLONIAL SECRETARY: The Government are seriously considering the advisability of doing so. That was the intention of the Government. If this Bill is thrown out the whole thing will go into the melting pot again and goodness knows how it will come out. I will certainly strongly recommend anyone who is friendly disposed towards the High School to support the Bill and trust to the Government to do the right thing.

Hon. C. Sommers: I understand the governors will have power to sell the land to obtain funds for building on a new site?

The COLONIAL SECRETARY: Yes. If this Bill is passed the Government are prepared to go into the question of effecting an exchange. They will enter into negotiations with the governors of the High School and if an exchange is decided upon it will be submitted to Parliament for endorsement. That is as far as the Government are prepared to go. They will certainly not burden themselves with the preparation of a scheme for carrying on the school.

Hon. W. Kingsmill: It is not suggested that they should.

The COLONIAL SECRETARY: I hope the House will pass the Bill as it stands.

Hon. Sir J. W. HACKETT (South-West): I would like to say a few words on this matter. I did not gather from the remarks of the Colonial Secretary whether the Government have considered what would happen in case the Bill is thrown out; I mean what attitude will the Government assume towards the High School and towards the whole question. I do not know whether the Colonial Secretary can make any statement on that, as we are in the dark altogether.

The Colonial Secretary: That matter has not been dealt with.

Hon. Sir J. W. HACKETT: I am one of those who think that the Government have excellent motives for displaying a strong sense of generosity in regard to this matter. They feel that the High School has been a credit to the State that it has done great work in the past and that it has a tradition, if nothing else, to hand down which many of the schools and head masters would give much to possess. But, unfortunately, they have not been given credit for that generosity by some members. I believe that the motion for the select committee was meant in all honesty and sincerity to see if a better way out of the difficulty of keeping the High School alive could not be discovered than was proposed by the Bill. I am perfectly satisfied that Mr. Sanderson in moving his motion was animated by the best of desires to give the High School another chance and trusted that something might be found out from the brains of the select committee and the brains of the witnesses they summoned before them to spare this State the discredit of striking a mortal blow at the oldest educational institution of the higher type which it possesses. I would like to say a word about the endowment. Hon. members may have read something not exceedingly flattering to myself in the columns of the select committee's report. It will be remembered what it was. Sir John Forrest was supposed to be prepared to bring in a Bill to give the school a yearly endowment of £2,000. Sir John Forrest had been a good friend to the school; he had increased the endowment from £500 to £1,000, and he had paid off a debt of £2,000 which had been incurred by the governors. My good friend, Mr. Faulkner, wrote to Sir John Forrest to point out to him the condition of the school buildings, and he goes on in his evidence to say—

> Sir John Forrest asked me to go and see him, and I wrote him a letter about the condition of the school in 1897. He acted on that letter, and told me that he was prepared to bring in a Bill giving the school a yearly endowment of £2,000. Next morning there appeared in the *West Australian* an article which stated that the school did not want more than £1,000 per annum.

I accept the responsibility for that statement: it was eminently justified.

> Sir John Forrest wrote to me to come along to see him. I went, and he said, "What am I to do? I promised you £2,000 per annum, but your chairman says that you only want £1,000." I said, "Take no notice of him." But Sir John Forrest, in that peculiar way he has, said, "Humph, humph, humph. Take no notice of him! That is all very well, but he is your chairman, the chairman of your board, so how can I go against him, when he tells me that you do not want £2,000?" I am sorry to say, but the truth must be told, my reply was, "He is an ass."

That is not Sir John Forrest nor Mr. Faulkner, but the humble individual who is now addressing this Chamber. It is neither Shakesperian nor classical, and it is not what one would expect from the lips of the chief headmaster of the State: but that is not the point. What I want to draw attention to is my reply in justification, which contains the whole pith of the matter. Mr. Faulkner goes on—

> I admit that I saw Sir Winthrop Hackett just afterwards, and that I said, "Why did you write that article?" and he replied, "If we had the £2,000 to-day the whole thing would be taken away next session."

I added that such an endowment would kill the school instantly. Mr. Faulkner and I looked at this question from different points of view. I believe in endowments, but there are two kinds, one being hard cash and the second, and the best you can find, the character and the merits and the success of a sterling headmaster. I believe that as much harm can be done by excessive as by insufficient endowments. Excessive endowments bring about their own end. They conduce, so to speak, to the committing of suicide. In this State there are three denominational schools, important ones, all of which depend for their support on money from their particular supporters, who belong to the particular denomination. The root of the whole matter is want of money and money cannot be got except for purely primary education and for undenominational university purposes. We except denominations whose pride and interests are bound up with one of their own schools; therefore I am altogether against the idea of an excessive supply of money being put into the hands of the headmaster to be spent according to his wishes. So much for Mr. Faulkner's remarks. I introduced them to show the view I take of educational endowments. What I want to point out is that the select committee is really offering us very much worse terms. It appears as if we are getting off well if the school is to be maintained, but now I am authorised to vote with the Government on this matter by my governors, and only one of these is opposed to giving the school a chance. I have been authorised either to use my own discretion which was indicated at the meeting, or to act on the resolved views of the majority of the board of governors, that is to vote with the Colonial Secretary. I want to point out it is for this reason as much as any other that I believe we shall get better terms from the Government than if the Bill is thrown out and the matter has to come up again next year. The committee only offer to allow us twelve months to formulate a scheme; the Government give us three years. What is even more fatal against the chance of the Bill passing at a later date is this: We come up with a scheme, we spend a considerable portion of the next twelve months in deliberating, hatching and producing this egg, then look at the five-barred or even ten-barred gates we would have to get past. In the first place the scheme has to be satisfactory to the governors. Naturally it will have to pass over the headmaster's body before they get to the next gate; the next thing is that the Government have to be satisfied, and the next step is the Legislative Assembly, and the two parties there or a majority of the two parties, will have to be satisfied, and then again it has to come to the most serious obstacle of all and that is the Legislative Council. How is it to be supposed that we can put together a measure unless it emanates from the Government or from the select committee, and that is what I was in full hopes would take place, more so as Mr. Sanderson said that it would, and Mr. Connolly also.

Hon. J. D. Connolly: Why did you not come forward and give evidence if you were anxious that we should submit some scheme?

Hon. Sir J. W. HACKETT: For the the reason that I have no scheme.

Hon. J. D. Connolly: And you expect us to do it.

Hon. Sir J. W. HACKETT: You and Mr. Sanderson, and I forget the third, all said that there would be no difficulty in doing so, and I think the words will be found in *Hansard*.

Hon. A. Sanderson: Who said so?

Hon. Sir J. W. HACKETT: You and Mr. Kingsmill who was the third. In the meantime we are placed in this position when we have to deal with the school itself. Suppose we get it into a workable form, we shall have to go into the question of its constitution, and its finances, and one of the most difficult of all questions, the pensionary rights, and that I venture to say would be the fatal and final block. I am only justifying my action in apparently voting against the school and with the Government, whereas I am doing the reverse. The only chance we have of doing good work is to have two or three years more of our present existence, and therefore I shall support the Colonial Secretary.

Hon. F. DAVIS (Metropolitan-Suburban): Having signed the minority report of the select committee, it seems to me that I should make an explanation as to why I differed from the majority of the committee. We were appointed to deal with this question, and as the report states, the committee recommended that the High School be asked to draw up a scheme, I presume for Parliament to consider. To me it seemed there was no necessity for that. The Bill before the House was to definitely deal with the question of the abolition of the subsidy given to the High School each year. That was really the only thing aimed at, and for the select committee to go beyond that it seems to me was going beyond the idea which had been outlined. I understood the reason for the select committee was that they might gather information, and not so much as to outline a scheme for the guidance of the Government, because to all intents and purposes, this is a direction to the Government as to the line of policy they should follow in dealing with the High School. It seems to me the committee were not justified in seeking to lay down the line of policy for the Government to adopt. It has been stated that the school has old associations which it was contended made it a power in educational circles. If the school has that moving force behind it I fail to see why there should be any pledge in regard to its future, if the subsidy is to be taken away entirely in three years. These schools, it has been pointed out, have motive power behind them which enables them to live, and it is generally supposed, in the case of the High School, that its old association supplied the motive power in its case. If that force exists the High School will continue even when the subsidy is taken away. If it cannot exist, I fail to see why the Government should continue to subsidise it when the real reason for its being, is taken away. It seems to me that the Government are only doing what is right in seeking to withdraw the subsidy from the school. The abolition of the subsidy has been threatened for many years, for the past ten years in fact. So that the High School has not by any means had this sprung upon it, nor has it been suddenly announced that the subsidy is to be taken away; in fact, so far as I can judge by the evidence given by the chairman of governors they would prefer that they should be allowed to formulate their own scheme without any direction from the Government or Parliament. I gathered from the chairman that they had not moved in the formulation of any scheme because the subsidy was being given to them, and whilst that subsidy was being continued they were not justified in putting forward any new scheme.

Hon. A. Sanderson: They were asked to bring forward a scheme in 1905.

Hon. F. DAVIS: That is so, but a threatened man lives long. There was never anything definite brought forward until this Bill was introduced into Parlia-

ment. The governors thought it would be waste of time to draw up a scheme until they were faced with the loss of the subsidy, and I am of opinion that if any scheme is drawn up it should be on their own initiative and not by direction of the Government. The Government have decided to do away with the subsidy, and, that being so, it is for the High School governors to take any action they think fit. I fail to see why the committee should burden this House with any scheme for the conduct or reconstruction of the school. That is the reason I differ from the recommendation of the committee.

Hon. Sir E. H. WITTENOOM (North): I have listened with a great deal of interest to the debate in connection with the High School, and I take much interest in the school itself because any education I have had was received from a similar institution. I am also aware of the good that this school did in days gone by. So far as the Bill is concerned, I think the Government have made out a very good case for carrying it. In the first place they give the High School three years' notice during which the subsidy will be continued. Then I understand from the Colonial Secretary that they also intend to dedicate to the High School the land in Harvest Terrace, even to the extent of allowing the governors to mortgage it, which is doing as much as they fairly can. The Colonial Secretary added that in the event of the Bill being carried the Government would be willing to consider an exchange of land on fair terms. So far as I could understand from the remarks of Mr. Kingsmill, I think that perhaps it would be wise to make an exchange and conserve that piece of ground for some more imposing edifice than a school; however, that is by the way. Taking the whole matter into consideration, I think the Government have made out a good case for the Bill, and I intend to support it.

The PRESIDENT: Before any other hon. member speaks, I had better point out that the debate is on the adoption of the report of the committee, and an amendment has been moved by Mr. Kingsmill to add a new clause, to stand as Clause 3—"That neither the class "A" reserve, situated in Harvest-terrace, nor any other lands, should be vested in the governors of the High School without the definite approval of Parliament, and that a clause to this effect should be added to the present Bill." I take it the amendment is before the House.

Hon. C. SOMMERS (Metropolitan); I do not approve of the report, and I would much sooner see the Bill carried. The Colonial Secretary in speaking made it quite clear that it is the intention of the Government to allow the governors to dispose of the site which the High School now occupies and utilise the proceeds for building elsewhere, and also to allow them to mortgage the other site in Harvest-terrace in order to raise more funds for its improvement, or alternatively the Government will exchange that piece of land for some other one. I think the Bill, therefore, covers all the ground. The Government have made out a very good case indeed, and I propose to support the Bill.

Hon. J. D. CONNOLLY (North-East): Naturally as one of the minority of the select committee I am supporting our own amendment. Let me say at the outset I fear there is some misunderstanding in regard to this matter. The last two speakers and others previous to them emphasised the fact that they are supporting the Bill. Now I am heartily supporting the Bill which the Government introduced, but with certain conditions. I certainly will fight as hard as I can to prevent the measure being defeated. It is quite contrary to my wishes that the Bill should not pass, but what we want is not only the portion of a Bill which the Government have introduced but a complete scheme. Mr. Cullen for reasons best known to himself when speaking classed Mr. Kingsmill and myself as being hostile to the school. Mr. Sanderson stated what is a fact, that we are not hostile nor have we any particular interest in the school. We are anxious to deal fairly with the school from every aspect, but Mr. Cullen implied, in fact said that he knew something more than that. That is a most extraordinary attitude for any

member of a select committee to adopt towards those associated with him on the committee. It is a most unjust attitude, and I am surprised that the hon. member, who has had considerable Parliamentary experience, should break the rules of parliamentary etiquette in that fashion. I am not hostile to the school at all. But I was a member of a select committee appointed to report on the Bill as it was brought before the House, and my objection to it was that it was a skeleton measure; it was not suitable as a measure to support the High School, nor was it a measure which gave any satisfaction to the public or anyone else concerned. It simply repealed two clauses, taking away the subsidy of the £1,000 per annum after three years which the school has enjoyed for fifteen years, and also removing the restrictions as to fees. It left the rest of the machinery stand as it has done for the last 36 years. That was a most unsatisfactory way of dealing with the matter, whether regarded from the point of view of the High School or from the point of view of the general public. It has been mentioned that the committee visited the institution, and I stated in speaking on the second reading that I have the highest opinion of the head master, Mr. Faulkner. After visiting the school my opinion of him was raised rather than otherwise. We found that the master and the staff were put into what was an old hospital some nineteen years ago and they have been compelled to carry on the school as best they could in those surroundings. Masters who could obtain the results that have been obtained in that school under the trying conditions under which they had to work are men of exceptional qualities, because, as was pointed out by Mr. Sanderson, the aid they received from the Government was infinitesimal. I need not say more about that, because Mr. Sanderson has explained clearly what the action or inaction of the governors has been for the last nineteen years. It has already been mentioned that there was every justification for the establishment and maintenance of that school at a time when the State lacked other facilities for secondary education, but the time arrived six or seven years ago when it was thought unnecessary to subsidise the High School, and a little later on the Government established their own High School. The report shows that the governors of the school have not done anything to help the establishment, and all the time they have had a subsidy of a £1,000 a year. This Bill seeks to take away that subsidy, and we have no objection to that. On the other hand, the Government propose to vest £25,000 worth of land in the governors, and we are told by the Colonial Secretary that the High School will receive that land. Mr. Kingsmill and I say that before this is done a Bill should be brought down, as I think Parliament has every right to demand, saying what the control and management of the school is to be. Although we are taking away that £1,000 a year at the end of 1915, we should not give the school £25,000 worth of land until such a Bill has been brought down. The Colonial Secretary, in speaking to-day, said that the time is past when it is necessary for the Government to subsidise any high school; I quite agree with that remark, but as a member of Parliament I say that although the school is not entitled to any future subsidy I am prepared to consider its rights for past services. But the Colonial Secretary, whilst saying that the time is past when the Government should subsidise any high school, says in the next breath that the Government are going to take away the £1,000 at the end of three years and give the High School £25,000 worth of land instead.

The Colonial Secretary: The school has had this land for several years.

Hon. J. D. CONNOLLY: It is of no use the Colonial Secretary talking like that, when it is laid down in evidence that they have not had the land.

Hon. J. F. Cullen: Oh no.

Hon. J. D. CONNOLLY: I say it is; it is laid down in evidence that the block on which the school is situated is vested

in the governors, but they have no power to mortgage or sell it.

The Colonial Secretary: They have power to mortgage or sell the High School block.

Hon. A. Sanderson: With the consent of the Government.

Hon. J. D. CONNOLLY: Of course they can with the consent of the Government; I can do lots of things with the consent of the Governor in Council, but I have not got that consent, and the High School does not happen to have the consent of the Governor in Council to sell or mortgage the block on which the school stands. I say that the position is that the land is vested only; and there it ends at present. The six acres opposite Parliament House was some ten or twelve years ago reserved for a high school. It was never vested in the governors of the High School, and their application that it should be so vested I know was refused on two occasions by previous Governments; and if the Colonial Secretary says the present Government are going to vest it in the governors of the High School I want to say this on behalf of the late Government that they do so on their own responsibility. I make this statement as a member of the former Government; because I do not want it to be said afterwards that the gentlemen now on the Treasury benches were forced to do it or that they did it because it was promised by a former Government. It was not given or promised by the late Government. It was made a Class "A" reserve for high school purposes when there was no State secondary school, and later on it was thought advisable not to give it to the governors of the High School because the State had established its own secondary school.

Hon. W. Kingsmill: And they never made use of it.

Hon. J. D. CONNOLLY: I admit that if the governors of the High School had applied say, seven years ago they would probably have had it vested in them.

The COLONIAL SECRETARY: Then they must have had a right to it.

Hon. J. D. CONNOLLY: Then, again, we have the extraordinary attitude of the governors of the High School for 19 years. I cannot understand it. Sir Winthrop Hackett says he has fear of an institution which is over-subsidised. It may be that was the ruination of the present High School, that the governors thought they had plenty of subsidy and need not exert themselves; but it appeared to the select committee that they never made any attempt to help the High School. Had an application been made they could have had the land on which the school stands vested in them, and they could have had permission, as they had a right to, at the same time to mortgage it and build so as to give the High School a chance: but they never elected to do that; and so the position remains to-day. I say, speaking in the interests of the High School, that if they carried on in that way for nineteen years, for the whole of which time they received £1,000 a year and £500 a year for the previous 17 years, now when we take away the £1,000 a year, what guarantee have we that they will do any better in the future with £1,000 a year less? Is it not foolish to expect that, having done nothing in the past, they will do more when they get £1,000 a year less subsidy to work on?

Hon. J. F. Cullen: This is a friend of the High School who is speaking!

Hon. J. D. CONNOLLY: I do not claim to be a friend of the High School, but I claim to be fair, as hon. members will give me every credit. We are told on the one hand by Sir Winthrop Hackett that the committee ought to have brought forward a scheme for the future government of the school, and, on the other hand, by Mr. Davis that the committee went too far, that it was none of their functions, and that it was dictating to the Government what they should do. My reply to Sir Winthrop Hackett is that he, as a governor of the High School for very many years, and the other governors to my knowledge were requested on at least two occasions, if not three, during the last six years, to formulate a scheme for the future government of the High School, as it was intended to repeal

the Act and take away the £1,000 a year. This was in 1909 when Mr. Nanson was Minister for Education, and it happened previous to that. But nothing was done. The hon. member could have given evidence to the committee and showed how to formulate a scheme if he was anxious. He thought that we should do what the governors of the High School for six years did not think necessary, namely, to formulate a scheme. Whose duty was it, the governors' or the committee's?

Hon. Sir J. W. Hackett: You would require another select committee to ascertain the reasons for not taking action.

Hon. J. D. CONNOLLY: The hon. member had every opportunity to give evidence and say what were the reasons, but he did not elect to do so. Probably the chairman of the board of governors prides himself on the little information he gave to the committee. If it was an example of the way the governors helped to formulate a scheme for the government of the High School I do not see how it could be expected of this select select committee to formulate a scheme. The committee was appointed to go into a Bill of two clauses which took away the £1,000 a year from the High School and took off the restriction as to fees. The committee was appointed not to formulate any scheme for the future government of the High School, but to go into the question of whether or not Parliament should approve of taking £1,000 a year from the High School. The committee say that the £1,000 a year should be taken from the High School, but that it is not desirable that the school should be given property worth £25,000 without the consent of Parliament, until some definite scheme is arrived at between the Government and the governors for the future carrying-on and control of the school. That is what Mr. Cullen agrees to, and all the amendment seeks is to give effect to that and to force on a scheme, which no Government has been able to extract from the governors of the High School for six years, being brought down within twelve months, and to say that the Government shall not vest this particular reserve opposite Parliament House in the governors of the High School until Parliament has an opportunity of saying whether it agrees to the arrangement under which the High School is to be carried on in the future. Mr. Davis speaks of dictating to the Government. Mr. Drew tells us that the Government are going to vest this land in the governors of the High School and to give them power to mortgage it and sell it. I say "sell it"; because if the governors of the High School have power to mortgage it it follows that they must have power to sell, because no one will lend money on mortgage unless there is also power to sell. The Minister tells us that the time has arrived when there should be no subsidised high school because the Government have their own high school; and all we say to that is—"Yes; but if you are going to endow a school for its past services, then Parliament should have a voice in the matter." I have no objection to treating the school in a reasonable and even in a liberal way, because I recognise that it has done very good service. The headmaster and the other masters have obtained very good results under very trying conditions. Not only for the sake of the school, but for the sake of the masters, if there is any closing of the school, the masters ought to be considered for their services in the past. So ought also the whole school system.

Hon. Sir J. W. Hackett: And the governors.

Hon. J. D. CONNOLLY: I cannot say that for the governors. I may be doing them an injustice, but I am only speaking as it appeared to us from the evidence taken before the committee and from what we have seen. I am sorry if we have done an injustice to the governors, but if we have, I must lay the blame on Sir Winthrop Hackett, because he had the opportunity of putting the committee right or of sending other governors to give evidence. He heard the evidence given and did not choose to do so. I intend to support the amendment moved by Mr. Kingsmill; and whether it is carried or not, I intend to support the Bill. If the Government say that there should be no high school subsidy, why do they object to this amendment coming into the Bill? While I agree that there

may be something due to the High School, I am quite at one with Mr. Kingsmill in saying that I would be no party to giving them land opposite Parliament House. It is far too good for a high school. There are lots of other ways in which justice can be done to the High School; and if a site is to be found, there are plenty of others to be found instead of giving the block opposite Parliament House. The majority of members feel that this class "A" reserve should not be given for high school purposes; and by supporting the amendment, all we say is that before anything is done the question shall be put to Parliament directly whether the block should be given, or whether another site or money grant is to be given. I support the report with Mr. Kingsmill's and my own addendum added.

Hon. J. F. CULLEN (on amendment): Mr. Sommers has put the whole case in a very few words and admirably stated; but before I come to that, I want to refer to a remark by Mr. Connolly in which I think he hardly treated me fairly. He quotes Clause 2 of the report of the committee as practically committing me to Clause 3 which Mr. Kingsmill has proposed as an amendment. I was particularly at pains to explain that, while it was a report of the committee it was a compromise report, and the hon. member knows I did my utmost to get Clause 2 left out; but in a select committee, as in Parliament, all the settlements are more or less matters of compromise.

Hon. W. Kingsmill: This is not. If a compromise, why a minority report? The two things are not consistent.

Hon. J. F. CULLEN: The hon. member is illogical as well as incorrect. It is quite possible for a minority to bring in an additional report and still to have consented in general terms to the general report. That is what these gentlemen did.

Hon. W. Kingsmill: It was not as a compromise.

Hon. J. F. CULLEN: Decidedly as a compromise. The committee agreed by way of compromise to the general report, and these two gentlemen brought up an additional clause to which their fellow members could not agree.

Hon. J. D. Connolly: You were well aware of the clause we were going to add before you signed the first.

Hon. J. F. CULLEN: That has nothing to do with it. You can add a clause about the man in the moon, because the committee is not responsible for a minority report. Mr. Connolly was absolutely aware that I did my best to get Clause 2 left out, and now he says that because I agree to Clause 2 I ought to agree to Clause 3. I urge the House to reject Mr. Kingsmill's amendment mainly because its intention, as set forth in the whole attitude of those gentlemen in the examination of witnesses, is hostile to the High School. If any hon. member wants confirmation of that he has only to take Mr. Connolly's remarks this afternoon. Mr. Connolly has himself plainly stated that he does not claim to be a friend of the school, but he claims to be fair. A fair enemy, I presume. He does not want to admit he is against the High School, but he will get there just the same. I warn the House, having watched the attitude of my two fellow members, having read their questions which consisted of repeated invitations to witnesses to play into their hands, it is their intention to try to get this school ended as a City school. Mr. Kingsmill has no objection to it going out to the sanitary site—out of the City; no objection whatever; because there are other ways of killing a dog besides hanging him. Mr. Connolly is not disguised. He wants the High School killed as a City school. That is the plain truth. Now I invite the House to reject Mr. Kingsmill's amendment, because it is hostile to the High School.

Hon. W. Kingsmill: Nothing of the sort.

Hon. J. F. CULLEN: And it is against the honour of the Government and of Parliament with regard to the agreement solemnly made with the High School. I am quite satisfied with the way in which Mr. Sommers has put this case, and still more satisfied with the direct and open statements of the Colonial Secretary here, and of the Premier in another place. The Government's intentions towards this High School, I think, are perfectly fair and

perfectly consistent. In the first instance I would have been better pleased if the whole matter had been dealt with in one Bill, but I am quite satisfied to leave the matter in their hands, and I urge the House to reject Mr. Kingsmill's amendment.

Hon. E. McLARTY (South-West): It appears to me this land vested in the High School has become of considerable value; because otherwise there would be no objection to its remaining in the hands of the governors of the school. But because it has become of considerable value and is in a very commanding position, there seems to be a desire on the part of some hon. members that the rights of the High School should be taken away, or at least made specifically subservient to the will of Parliament. I profess to be a warm friend and supporter of the High School. I have had four sons educated there, and was always well satisfied with the treatment they received. I think if that land was vested in, or even promised to, the High School governors in days gone by when it was of little value, they have a right to the same privileges now. I see no reason at all for supporting the amendment, and I shall certainly not do so.

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

Ayes	8
Noes	12
Majority against ..	4

AYES.

Hon. J. D. Connolly	Hon. B. C. O'Brien
Hon. D. G. Gawler	Hon. W. Patrick
Hon. W. Kingsmill	Hon. H. P. Colebatch
Hon. R. J. Lynn	(*Teller*).
Hon. C. McKenzie	

NOES.

Hon. R. G. Ardagh	Hon. E. McLarty
Hon. J. Cornell	Hon. C. A. Piesse
Hon. J. F. Cullen	Hon. C. Sommers
Hon. F. Davis	Hon. Sir E. H. Wittenoom
Hon. J. E. Dodd	Hon. A. Sanderson
Hon. J. M. Drew	(*Teller*).
Hon. Sir J. W. Hackett	

Amendment thus negatived.

Question (adoption of report) put and a division taken with the following result:—

Ayes	9
Noes	10
Majority against ..	1

AYES.

Hon. H. P. Colebatch	Hon. C. McKenzie
Hon. J. D. Connolly	Hon. B. C. O'Brien
Hon. D. G. Gawler	Hon. A. Sanderson
Hon. W. Kingsmill	Hon. W. Patrick
Hon. R. J. Lynn	(*Teller*).

NOES.

Hon. J. Cornell	Hon. C. A. Piesse
Hon. F. Davis	Hon. C. Sommers
Hon. J. E. Dodd	Hon. Sir E. H. Wittenoom
Hon. J. M. Drew	Hon. R. G. Ardagh
Hon. Sir J. W. Hackett	(*Teller*).
Hon. E. McLarty	

Question thus negatived.

BILL—HIGH SCHOOL ACT AMENDMENT.

In Committee.

Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Subsidy to cease from 30th June, 1915:

Hon. J. D. CONNOLLY: The Colonial Secretary would do well to report progress. The Committee stage of the Bill was not on the Notice Paper, and it was a fair assumption that many absent members had not dreamt that it would be considered this afternoon. After all it was only an abstract report which had been before the House, and he, like others, had not expected that the Committee stage would be taken to-day and, in consequence, he had not prepared anything.

The COLONIAL SECRETARY: A motion that progress should be reported would not be acceptable. The Bill had been before the House for several weeks, its purport was well understood, and if members were absent it could not be helped; they should be in their places. It had been generally accepted that the Committee stage would be taken this after-

noon. The Bill was on the Notice Paper, and it was known that on the conclusion of the debate on the question of the adoption of the select committee's report we would go into Committee on the Bill.

Hon. R. J. LYNN moved—

That progress be reported.

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

Ayes	.. .. ..	5
Noes	.. .. ..	15
Majority against	..	10

AYES.

Hon. J. D. Connolly	Hon. Sir E. H. Wittenoom
Hon. R. J. Lynn	Hon. H. P. Colebatch
Hon. W. Patrick	*(Teller).*

NOES.

Hon. R. G. Ardagh	Hon. J. W. Kirwan
Hon. J. Cornell	Hon. C. McKenzie
Hon. J. F. Cullen	Hon. E. McLarty
Hon. F. Davis	Hon. C. A. Piesse
Hon. J. E. Dodd	Hon. A. Sanderson
Hon. J. M. Drew	Hon. C. Sommers
Hon. D. G. Gawler	Hon. B. C. O'Brien
Hon. Sir J. W. Hackett	*(Teller).*

Motion thus negatived.

Hon. A. SANDERSON: As the subsidy would cease on the 30th June, 1915, he trusted the governors would set to work at once to consider their scheme. He was not going to move an amendment, although he though of doing so at one time.

Hon. W. Patrick: What was your amendment?

Hon. A. SANDERSON: The amendment would have been to strike out all the words of the clause from the third line. He realised the responsibility thrust on the Government to fulfil their pledge given in both Houses, and to the governors to bring forward their scheme. Sir Winthrop Hackett knew that he (Hon. A. Sanderson) had no desire to injure the High School. It was the Government whom he looked to to carry out their pledge with the High School and the governors should do their part.

The Colonial Secretary: The Government were carrying out the pledge of a previous Government.

Hon. A. SANDERSON: It was to be hoped that the governors—and he trusted this was no reflection on them—would be more expeditious than they were in 1909 in bringing forward their scheme.

Hon. J. D. CONNOLLY: The Colonial Secretary had said the Government intended to carry out the promise of a previous Government. What was that promise that a previous Government had made and that this Government intended to fulfil?

The COLONIAL SECRETARY: Sir John Forrest in 1905 set aside the land opposite Parliament House for a high school. The value of the land at that time was about £500. Sir John Forrest went beyond that and promised that the land should be given for a high school, and that Parliament would have to be consulted before it could be set aside. It was wrong to say that the Government should not redeem the promise of a previous Government. It might have been unwise for Sir John Forrest to dedicate such a valuable block of land for the purpose of a high school, but a contract having been made with the governors that they should have this land, that contract should be carried out. It was said that the Government were making a present of the land to the High School. It was not a present. The Government were simply carrying out a promise made by a previous Government.

Hon. J. D. CONNOLLY: The Government were in no way bound to give the class "A" reserve 3421 to the present governors of the High School.

Hon. J. F. Cullen: That was only the hon. member's opinion.

Hon. J. D. CONNOLLY: It was not his opinion; it was a fact. The land was reserved by Sir John Forrest twelve years ago, and the Colonial Secretary had no knowledge of the values of land in this particular part of the City, or he would not say that the land at the time was only worth £500. With a knowledge of land values in this part of the City, he (Hon. J. D. Connolly) said that the land at the time it was dedicated was almost as valuable, if not as valuable.

as it was to-day. He challenged contradiction on that statement. The land in Havelock-street and Harvest-terrace was as valuable to-day as it was ten years ago.

Hon. Sir J. W. Hackett: Is that a fact, or is it your opinion?

Hon. J. D. CONNOLLY: It was a fact, and if the hon. member made inquiries he would find out that it was so. There were portions of the State, and of any State in fact, where land attained a certain value and would not attain a greater value. He referred to residential blocks. At the time the land was reserved for a high school there was no secondary school in this State. The Government had since established a secondary school and they were now subsidising the High School against their own secondary school. In order to force the High School to do something, he moved an amendment—

That the word "fifteen," in line six, be struck out and "thirteen" inserted in lieu.

That would limit the time that the subsidy would run until the 30th June, 1913, and it would force the governors of the High School to bring forward some scheme in connection with the school.

Amendment put and negatived.

Hon. J. D. CONNOLLY: There was another anomaly. The Act of 1897 increased the subsidy from £500 a year to £1,000 a year. The clause amended the section of the 1897 Act, but the Act of 1876, which gave a subsidy of £500 to the High School would still stand. At the end of three years the High School could go on drawing £500 a year as subsidy under the Act of 1876.

The COLONIAL SECRETARY: The position was quite clear. Under the 1876 Act the subsidy was £500 a year, but in 1897 that subsidy was increased to £1,000. The clause stated that the annual payment of £1,000 a year under the provisions of the principal Act as amended by the amending Act, should cease, so that the whole ground was covered.

Hon. H. P. COLEBATCH: The clause really represented part of an agreement between the Government and the governors and another part of the agreement related to the handing over of certain lands and privileges. The Colonial Secretary had said the handing over of the reserve on Harvest-terrace was in fulfilment of an obligation entered into by a previous Government. He would be the last to vote against the fulfilment of such an obligation whether right or wrong. When the land was set aside for High School purposes, assuming that this particular school was meant, was it in recognition that the land at present occupied was unsuitable because of its size, or for any other reason, and that it might be necessary to substitute the larger and more valuable block? Had both of those blocks been pledged by previous Governments to the High School?

The COLONIAL SECRETARY: Certainly. The school was vested in the governors and then it was decided to give them the land on Harvest-terrace, evidently for the purpose of endowment. The Government could come to no other conclusion though there was very little on the file.

Hon. D. G. GAWLER: The point raised by Mr. Connolly was dealt with under the Interpretation Act which provided that where an Act repealed an Act which had itself repealed a former Act, the repeal of the first-mentioned Act did not revive the first enactment.

Clause put and passed.

Clause 3—Amendment of Section 3:

Hon. J. D. CONNOLLY moved an amendment—

That after "amended" in line 1 the words "as from the 30th day of June, one thousand nine hundred and fifteen" be inserted.

The amendment was necessary; otherwise the governors, even while receiving the £1,000 a year for three years, could charge any fees they liked. Any member who objected to the amendment would be acting unfairly to the taxpayer. So long as the school received £1,000 a year the fees should be restricted.

The COLONIAL SECRETARY: The amendment would have his opposition. The matter had been carefully considered by the Government and the provision had been deliberately inserted to enable the governors to charge whatever fees they liked from the passing of the Bill, so that

they could get on their financial legs. The amendment would mean that the governors would be hampered during the next three years and the result might be that they would be unable to carry on. The governors should be able to charge what fees they liked until the expiration of the notice. There was any amount of competition so that unduly high fees would not be fixed.

Hon. J. CORNELL: The amendment would have his support. For 15 years the High School had received £1,000 a year and if the subsidy was justifiable for another three years the Government would not be warranted in allowing the governors of the school to charge what fees they liked. If after all these years the High School was not established and was not in a position to continue, it was time it closed its doors. Other institutions had reached the same degree of efficiency without assistance from the Government, and so long as the school received any subsidy, the fees should be limited.

Hon. E. McLARTY: The public would be protected apart from the amendment because if the fees were raised parents who had sons attending the school could send them to other schools. In three years the school would probably be able to live without a subsidy but in the meantime the governors should be able to fix remunerative fees. We were told that wages must go up in the mining and timber industries because the cost of living had increased. He presumed that the cost of the upkeep of the High School had also increased.

Hon. J. D. CONNOLLY: The argument of Mr. McLarty was all right for a wealthy man. For 15 years the school had received £1,000 a year provided the fees did not exceed £12 a year. The people who had benefited could have afforded to pay twice the amount. The school was limited to 30 boarders and to a total of 100 pupils and he would not like a boy of his to be a boarder. It was easy to fill the school and newcomers would have little chance of getting their boys in the school; yet it was proposed to give the governors £1,000 of the State's money in order that they might pick and choose any boys they liked, because they could fix the fees at whatever sum they liked. The fees could be largely increased on the present rates and still the school could be filled. He would be no party to voting £1,000 a year for three years to a school unless the fees were restricted.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. D. G. GAWLER: In the view he took of the clause, his sympathies were with Mr. Connolly. The very object for which the fees were kept down at the beginning was because of the grant of the subsidy. He had been of the opinion right through, though he had every respect for the High School and everyone connected with it, that it had been very liberally treated. It had received altogether nearly £50,000, while only about £30,000 was distributed between the schools of the various denominations some years back when they were relieved of Government assistance. The High School received £25,000 in subsidies, the site on which its buildings stood was valued at £12,000, and the site in Harvest-terrace was worth £8,000, making a total amount of about £45,000. No one would grudge the High School what it had received, but now we should be logical and say that, as soon as the subsidy ceased, they should have the power to charge what fees they liked.

Hon. J. F. CULLEN: Was this amendment really worth Mr. Connolly's while? The hon. member had proposed it, not stopping to consider that the loss sacrificed in fees represented at least £500 a year, and the subsidy at first did not cover that sacrifice. Now the hon. member insisted upon his pound of flesh. The Government and the governors of the school had arrived at the basis of the Bill, and was it well for hon. members to take the matter out of their hands without knowing the facts, and say that they would upset the arrangements that had been made?

The COLONIAL SECRETARY: It was one of the complaints of the select committee that the Government and the governors of the High School had not evolved a scheme for the future carry-

ing on of this institution. The Government had done so, and this was one of the principal portions of the scheme, that it was absolutely necessary that the school should have full power to charge what fees were considered reasonable to make it a financial success. The Government came to the conclusion that this was one of the concessions that should be granted. They pointed out that this restriction had crippled the financial resources of the school, and viewing it as a reasonable request, having regard to the proposal to stop the subsidy, the Government agreed that they would make it one of the conditions to permit them to charge what fees they liked. Mr. Connolly declared that he was a friend of the High School, but his attitude was certainly not a friendly one.

Hon. J. D. Connolly: I put the State before the High School.

The COLONIAL SECRETARY: This institution had been in existence since 1876, and the Committee would now make a mistake if they interfered with the contract which had been made with the Government and the governors.

Hon. J. D. CONNOLLY: As there was a doubt whether his amendment was really in order, he would ask leave to withdraw it.

Amendment by leave withdrawn.

Hon. J. D. CONNOLLY moved an amendment—

That the following words be added to the end of the clause:—"Provided that this section shall not take effect until the 30th June, 1915."

This amendment would be quite in order, and would have the same effect as he intended the other should have. It was not a question of being fair or unfair to the High School. He represented a certain section of the community, but his first duty was to the State. He desired to see that the taxpayer got value for his money, and if we gave away a certain subsidy under certain conditions, and while the House had agreed that the subsidy should be continued, the restrictions which were imposed should remain. He had frequently spoken about what the High School had received, but now he had got the correct figures, and he had found that they had received a subsidy for 36 years, and not 19 years as he had previously said. The school was established in 1876, and they received £750 in the first year, £600 in the second year, and in the succeeding years for 21 years £500. That gave them £11,850 up to 1897; then from 1897 to June of this year they received £15,000, and a special grant of £2,000, which made £28,850 up to date. We now proposed to give them £1,000 a year for three years, which would bring the total to £31,850.

The Colonial Secretary: Has not the State received value?

Hon. J. D. CONNOLLY: That was not the point. He was prepared to agree that the State had received value for the money, but it was proposed to continue the subsidy at the same rate for another three years, and members were told by the Colonial Secretary that the Government intended to give the school £25,000 worth of property as a parting gift. All that the amendment asked was that we should continue for the next three years the same restriction as to fees as had operated during the last 36 years. Was it a fair thing to the State to give £1,000 a year for the next three years and allow the governors to charge what fees they liked? The Government had now established their own secondary school and children could go there free. If it was right to subsidise a school, that school should be within as easy reach of the poor man's child during the next three years as it had been for the last 36 years. If the Bill was passed in its present form the Government would be continuing the subsidy for three years and would have no control over the fees charged or over the curriculum.

Hon. Sir E. H. WITTENOOM: Was it really worth while going into such a small matter as this? The school in the past had been limited to a fee of £12 a year, and the Bill proposed to remove that limitation. The Government were going to withdraw the subsidy to the school because, there being other efficient secondary schools, the subsidy was no longer neces-

sary. If there were those other efficient schools the parents would not send their children to the High School at higher fees when they could send them to the others at lower fees. If the governors of the school charged fees that were too high they would be working against their own interests. The Government secondary school was free, and that being so, people would not send their children to the High School at a high fee. The matter was too small a one for the Committee to worry about. The school was in the closing stages of its existence as a State-assisted establishment, and surely Parliament could afford to be generous towards it.

Hon. J. E. DODD (Honorary Minister): The attitude taken up by Mr. Connolly all through was astounding. The Government had taken the stand that the subsidising of schools must cease, and for that they were being criticised. It was an astonishing thing that Mr. Connolly had been a member of the Government for six years without having the courage to tackle this problem and yet he now attacked the Government for proposing to remove the subsidy. State aid should not be given to any private school whatever, and that was the reason he was agreeing with the Government. In this matter they were trying to be just and generous to the State and to the school, but they found their actions were being misinterpreted and possibly on some future occasion those actions would be quoted against them as if they were seeking to give the High School a better deal than it deserved. The subsidy was being taken from the High School, and surely it should be given an opportunity of finding its legs and bringing forward that definite scheme of which so much had been heard.

Hon. H. P. COLEBATCH: In the past £12 a year had been fixed as the maximum charge for day boarders, and the privilege of sending children to school at that fee had been enjoyed by parents who either could or could not afford more. If they could afford more they had been enjoying the privilege at the expense of the taxpayers and the fees should be raised, but if there were parents who could not afford to pay more than £12 a year for their children, what was going to happen to them when Parliament decided that the school was still to have £1,000 a year for the next three years but was to be allowed to raise the fees to such an extent that it would become one for the rich few? Was there sufficient room at the Modern School to absorb another 50 or 100 children? He was at a loss to understand what the High School was or what it was going to be in the future, whether it was to be a sort of saloon Government school as compared with the steerage Government school; but if the Modern School was not in a position to provide secondary education for the children of parents who could not afford to pay more than £12 to the High School, was there not a danger that in seeking to be just to the High School we would be exceedingly unjust to those parents?

The COLONIAL SECRETARY: If there was not sufficient room in the Modern School to cope with an exit of pupils from the High School, it would be the duty of the Government to supply that accommodation as speedily as possible. As to the condition of the High School in future, Mr. Colebatch would be able to come to a conclusion if he would peruse the Acts in existence. The Government would have the same control as they had had in the past with the exception of the limitation as to fees, and it was right that they should have that control by reason of the fact that the site in Harvest-terrace would be vested in the governors. Care must be taken that the land was devoted to the purposes for which it was given.

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

Ayes	7
Noes	14
Majority against ..	7

AYES.

Hon. H. P. Colebatch	Hon. R. J. Lynn
Hon. J. D. Connolly	Hon. M. L. Moss
Hon. J. Cornell	Hon. W. Patrick
Hon. D. G. Gawler	*(Teller).*

NOES.

Hon. R. G. Ardagh	Hon. B. C. O'Brien
Hon. J. F. Cullen	Hon. C. A. Piesse
Hon. F. Davis	Hon. A. Sanderson
Hon. J. E. Dodd	Hon. C. Sommers
Hon. J. M. Drew	Hon. Sir E. H. Wittenoom
Hon. Sir J. W. Hackett	Hon. C. McKenzie (*Teller*).
Hon. A. G. Jenkins	
Hon. E. McLarty	

Amendment thus negatived.

Clause put and passed.

Title—agreed to.

Bill reported without amendment, and the report adopted.

BILL—WORKERS' COMPENSATION.

Second Reading.

Debate resumed from the 13th November.

Hon. D. G. GAWLER (Metropolitan-Suburban): In approaching this Bill it is necessary to refer shortly, as Mr. Moss in his interesting speech did, to the original relationships existing between master and servant, in order to show how the present Bill has come about and has altered these relationships. As most hon. members will know, just supplementing the remarks of Mr. Moss, on the common law originally the duty was cast on the master to take fitting care that his servants were not injured either by his personal neglect or by want of proper superintendence or control. Of course for personal neglect he was always liable, and he was also liable to see that proper superintendence and control were exercised. Superintendence and control involved various things, for instance, the selection of suitable plants and the selection of suitable servants; they also involved a proper system of control and the observance of statutory regulations. Of course, the employer need not necessarily personally superintend his work. It was obvious that in many cases as trade increased it was impossible for the employer to personally superintend his work, but if he did not he was bound to delegate his power to competent subordinates, and that was another duty cast on him. But if he did, he was not liable, until the Employers' Liability Act came about, for the negligence of his subordinates. We must also remember that there were open to the master at that time certain defences. He could plead that his servants were guilty of contributory negligence, or that they voluntarily entered into the contract; he could also plead the doctrine of common employment. Those were the conditions before the coming into force of the Employers' Liability Act, but when that Act came into force it made material alterations in the law. It considerably Act came into force it made material alterations in the law. It considerably amended the doctrine of common employment. It also amended the question of the personal liability of the employer. If he chose competent subordinates, under the common law he was not liable for the negligence of those subordinates, but under the Employers' Liability Act the position was different, and he became liable for the negligence of his subordinates in certain cases.

Hon. J. E. Dodd (Honorary Minister): Very limited.

Hon. D. G. GAWLER: They were limited, but it amended the doctrine of common employment. But under the Employers' Liability Act there was still the defence open to him that the Act of the servant causing the accident was a wilful act, or that the servant acted outside the scope of his authority, or that the injury was avoidable, or that the injured person was a trespasser. Also there was the defence that there was contributory negligence, or that the work had been voluntarily undertaken. As hon. members no doubt recollected, the Employers' Liability Act provided that the employer should be liable for the action of his servants in certain circumstances. He was liable to pay compensation for injury because of defect in ways, works, or machinery, want of superintendence of the work, negligence of the servants to whom he had delegated his powers to give orders, defective by-laws and regulations, and, in connection with railways, negligent management of signals, points, etcetera. His liability to pay damages was limited according to a scale. Under that

Act in England, though it is not so here, it was open for a workman to contract himself out of his rights, but a provision against his doing that here is to be found in our Act of 1894. Then on top of this Act we have a further measure affecting the relationship between masters and servants, that is, the Workers' Compensation Act. As Mr. Moss has pointed out, this Act is wholly based on the relationship between master and servant. When once that relationship exists then the Act comes into force, and at one fell swoop every defence I have mentioned, practically every refuge of the employer, is swept away. If the relationship of master and servant once exists under the Act and anything happens to the worker, under that Act the master is liable; no defence can be raised; it is simply a case of the master presenting every workman in his employ with a free policy of insurance and paying the premium.

Hon. J. E. Dodd (Honorary Minister): There is serious and wilful misconduct.

Hon. D. G. GAWLER: That is the last shred that is left, but even that is nearly all taken away by the Bill. I never could understand on what principle such a state of things could be based. It is not as if it was alleged that this should only apply to the case of dangerous trades, where it might be suggested it is a risk of the master's business and the worker has a right to look to the master for recompense for any accident involved in the exercise of his trade; but there is not even this to fall back on in the present Bill. The principle on which the Bill rests is that any accident is to be considered as a risk of the employer's business. But surely it is not a risk of the employer's business in the sense of bad debts, or failure of harvest, or drought in the case of a pastoral industry. An accident is certainly not a risk the master takes himself; it is solely a risk that the worker takes; and how it can be called an ordinary business risk for the employer I cannot see. This Bill does not merely involve dangerous trades; it involves every possible trade. I would point out to hon. members also that when wages are fixed by arbitration courts and similar tribunals in other States the dangers to which a man is exposed in his calling are taken into consideration. In nearly every arbitration case—I read of two yesterday before Mr. Justice Higgins—one of the elements in fixing wages is the class of work a man undertakes and the dangers and risks attached to it. If that is so, if a man is paid accordingly, if that is the consideration when wages are fixed, it is a further contention that the employer should not have the whole burden and that the worker himself should contribute towards the insurance premium which the employer has now to pay. There are really three heads under which a Bill such as this may be viewed. It may be made, as in this Bill, to apply to every single trade whether dangerous or not, it may be made to apply only to dangerous trades, and it may be made to apply, a little wider than that again, to employment which is the business of the employer himself. If hon. members will look at the Bill, they will see it does not matter whether the employment where the worker is injured is the employer's business or not. It certainly does not matter whether it is dangerous or not, nor whether it is the employer's business or not. Take an instance of a man called in to mend a roof. As long as he is not a casual labourer the householder is responsible to pay him compensation. Surely there is a vast difference in that.

Hon. J. E. Dodd (Honorary Minister): How can you tell he is not a casual worker?

Hon. D. G. GAWLER: He is not a casual worker in that case. There are numbers of instances I could cite in which an accident can occur to a man who is doing something which is not his employer's business, and the employer is still liable under this Bill whether it is his business or not.

Hon. J. E. Dodd (Honorary Minister): I do not think so.

Hon. D. G. GAWLER: I think I can assure the hon. member that such is the case under the Bill. However that is more a matter for Committee. I would

also point out that this Bill includes every trade, business, or employment whatsoever, and every contract of service. An illustration may bring this home to hon. members. It includes, for instance, as far as I read the Bill, the case of a bank clerk going across the road to deliver exchanges to another bank, where he runs the same risk as every foot passenger in the street, but if he is run over the employer has to pay compensation. That surely must appeal to hon. members as hardly logical. There may be some contention that a man who is engaged in a dangerous calling may be in a different position to the bank clerk, but if the bank clerk is injured he is liable to get compensation; though he runs no more risk than the ordinary passenger in the street. One could multiply instances. We have another element introduced in the Bill which I am not going to touch on at any length, but it is one that seems to me to need a great deal of support in defence; that is the question of diseases. Broadly putting it, we find that if a disease happens to a worker he can make his employer responsible even though he may only have gone to the employer the day before, and the employer has to seek all over the country for another employer with whom the man may have worked in the past 12 months, in whose employ the man may have contracted the disease. Under this provision in regard to diseases the Bill may become retrospective, because if it passed to-morrow, it will be absolutely necessary—and this is one of the difficulties I take it—for every employer to have his employees examined straight away.

Hon. M. L. Moss: You can take it that if the employer does not do it, the insurance company will see to it.

Hon. D. G. GAWLER: The employer will take care, I take it, to reject those who may show any signs of having disease on them, and if he does that he gives these men a prima facie case for a claim, so that this practically makes the law retrospective. I am only referring to the important points, but what I think is also a startling innovation in the Bill is the provision relating to tributers. The whole foundation of the measure is one of relationship between master and servant. As hon. members will see, the definition of worker relates to a contract of service. A contract of service is one in which one person undertakes to serve another and to carry out his orders, but that relationship cannot by any chance be said to exist between the tributer and the employer. I do not know the exact mining attributes and qualifications of tributers, but I venture to say there is no such relationship between tributers and those who let mines to them. As pointed out the other night, if we once extend the principle to tributers we might as well extend it to all sorts of things; to a man who takes out a license for a patent or a man who takes a house or a horse.

Hon. J. E. Dodd (Honorary Minister): Can you tell me the difference between tributing and underground contracts?

Hon. D. G. GAWLER: I am not, perhaps, capable of discussing these matters from the mining point of view, especially against such an authority as my hon. friend. But I would like him to justify the insertion of tributers in the Bill, because it seems to me from what I can gather there is no control exercised in cases of tribute. And it is one of the main foundations of the Bill, that the master shall be able, as far as he can, to avoid accident, to avoid running the risk of having to pay compensation; and this I think does not enter into the relation in respect of tributers. If the master has no control over the tributers this liability should not rest in him.

Hon. J. E. Dodd (Honorary Minister): He has control over the gold they win.

Hon. D. G. GAWLER: But he has no control over their actions in going up and down the mine. If he attempted to interfere they would laugh at him and say, "We are our own masters."

Hon. J. E. Dodd (Honorary Minister): The various mining Acts exercise that control.

Hon. D. G. GAWLER: I would like now to deal shortly with the more im-

portant points of the Bill, namely, the workers to whom the Bill applies, the trades to which it applies, the causes disabling a worker from recovering, its application to sub-contracting, the effect of an employer's bankruptcy on a worker's right to compensation, the date from which compensation is payable, and the rate of compensation. These are a few of the more important points in the Bill. As to the workers, in my reading of the Bill it applies to every worker with the exception of certain stated therein, that is to say, the casual hand, the members of the police force, outworkers, and members of a family. Any clerk, apparently anyone engaged in clerical labour, who does not earn more than £350, is included. Why should it not apply to every worker, why restrict its limit to clerks? It seems unfair that a clerk who earns more than £350 should not get the benefit of the Bill, while any other worker might earn £351 or more and still get the benefits of the Bill. As regards the trades or businesses, it seems to me the Bill refers to every business there is. It includes domestic servants, and in fact all trades and callings. It includes employments and trades whether or not there is the slightest element of danger in them. I would like to point out there is no distinction between dangerous and non-dangerous occupations, and it may be interesting to hon. member's if I draw attention to the report of the select committee which sat in 1910 on practically the same Bill. On that committee were two members of the Labour party, and the committee presented a unanimous report against the Bill being extended to any trades in which there is not some appreciable element of danger. This Bill flies directly in the face of that report. I was much interested in reading the whole of the evidence given before that select committee on that particular point.

Hon. J. E. Dodd (Honorary Minister): Certain evidence was not wanted by that select committee. I can tell you about it when I reply.

Hon. D. G. GAWLER: I hope the hon. member will, because here we have the report placed on the Table for hon. members' perusal. The report is unanimous, and it would certainly be interesting to hear sidelights upon it. The English Act is precisely the same as this except that it limits the amount to be earned by the clerk to £250. The New Zealand Act is similar, except that it excludes all workers, not clerks only, receiving more than £5 a week. That should be the case in this Bill. The Act of New South Wales does not include casual labour, but only manual labour, and it excludes clerical work. The South Australian Act excludes workers earning over £5 per week, out-workers, members of a family, seamen, and agricultural and other similar trades not using steam, and clerks and domestic servants. I think that is the latest Bill. I believe it was passed by Mr. Verran's Government.

Hon. J. E. Dodd (Honorary Minister): No, it was passed by the Liberal Government of 1911.

Hon. D. G. GAWLER: However, that is the latest measure we have in the Commonwealth, and it is far and away more restricted than is ours. It excluded a large number of people who, to my mind, should be excluded. As regards the trades, etcetera, the English Act practically extends to all trades, the New Zealand Act to dangerous trades set out in the schedule and to certain trades when part of the employer's business, while the New South Wales Act applies to certain trades when part of the employer's business, but otherwise only to those proclaimed as dangerous. In this respect New South Wales and New Zealand are on the same footing. The Queensland Act is somewhat similar, and includes all occupations forming part of the employer's business, and certain other hazardous work. Dealing with serious and wilful misconduct, under the Bill the worker is only deprived when death or serious or permanent disablement does not occur. That, to the minds of many, is a very grave amendment to the existing Act. I feel a certain amount of sympathy for retaining the present position, because to a large extent I feel with the dependents, who are, after all, the unfortunate ones in cases where a man is killed by the result of his own wilful misconduct. I would like to draw attention to the provisions

in the other States. In Queensland, New South Wales, and South Australia, serious and wilful misconduct disentitles under all circumstances, while in New South Wales either serious or wilful misconduct is a bar. Obviously this is a very much wider disqualification, for not only is he barred by serious and wilful misconduct, but he is barred also by serious or wilful misconduct. Then we come to the question of workers seeking to recover damages under common law or under the Employers' Liability Act. Under the existing measure where he fails to recover, and compensation is assessed under the Workers' Compensation Act, the costs shall be deducted by the court. Obviously that provision was made with the intention of precluding men from bringing speculative actions in cases where they thought they would have higher damages and would not suffer in costs. It is for that reason the provision was put in that the court should deduct it in order to prevent men from bringing speculative actions. I might point out that it is discretionary in England and in South Australia for the court to deduct those costs. In New Zealand it is mandatory, the same as in our present measure, and in New South Wales and Queensland it is mandatory unless good cause is shown to the contrary. In every single State they are, to my mind, in advance of us here, because in each instance it is either mandatory or mandatory unless good cause is shown. I think our law should remain as it is in this regard, or at the most we should add the qualification, "unless good cause is shown to the contrary." As regards sub-contracting, under the provisions of our Bill the principal is liable in cases of the schedule of occupations, even although they do not form part of his business. It is not so in England or in Queensland, while in New Zealand and New South Wales, even though the injury occurs outside the business, it must involve a contract of a certain value. In the case of bankruptcy we have a provision which is very wide. Not only does a worker get first charge on any insurance money, but he is given a preferential claim such as exists under our Bankruptcy Act in respect to wages. It seems to me that is putting the worker in an unfair and an unnecessarily advantageous position. Under the provisions in England and South Australia such priority is only given where there is no insurance money to recover from, while in New Zealand and Queensland there is no priority given at all. There is another important point, namely, the question of the commencement of payment. Under the Bill this commences from the date of injury. In England, South Australia, and New Zealand the incapacity must last for one week or no compensation is paid. In Queensland the period is made three days. In New South Wales it is two weeks. Again, under our Bill, however trivial the injury may be, not only does the worker get paid for any time, but he is paid right from the commencement. In Queensland if the injury lasts more than three days, compensation is payable from the commencement, and while under our Bill an injury can be most trivial, neither in England nor in any of the States, except Queensland, is any compensation payable for the first week unless the injury lasts for more than two weeks. My own idea is that if the injury lasts more than two weeks it should be payable from the commencement, but if it does not last more than two weeks no payment should be made for the first week. Referring again to the report of the select committee, I might mention that it was included in their recommendations that there should be no payment for the first week.

Hon. J. E. Dodd (Honorary Minister): Do not you think all accidents would last a week?

Hon. M. L. Moss: Then there would be no harm done.

Hon. D. G. GAWLER: I think we should give a fair amount of time to find out cases of malingering. Some malingerers might last more than a week, but it is a reasonable time. We all admit that there are malingerers and non-malingerers, and one does not want to treat the non-malingerers unfairly. One week is a fair time to give to ascertain whether a man is malingering. I would like before concluding to touch upon another aspect of this Bill, and that is the amount pay-

able by way of compensation. I have compared the provisions of this Bill with the English Act and the law in the other States. Under the present Act in Western Australia in case of death it is three years' earnings, or £200, with a limit of £400. This Bill increases the amount to £400, with a limit of £600. In the case of incapacity, the present figures are £2 weekly with a limit not exceeding £300, while the Bill increases these figures to £2 10s. and £400. In England the figures in case of death are £150, with a limit of £300, and for incapacity £1 weekly and no limit. In England I admit the figures are low.

Hon. C. A. Piesse: For what period is that?

Hon. D. G. GAWLER: For the period of incapacity he gets the weekly payment, but there is no limit to the sum which he can receive under these weekly amounts in England. There is no limit as to time for which he can be paid these weekly payments.

Hon. M. L. Moss: It is not to exceed £300.

Hon. D. G. GAWLER: That is in the case of incapacity.

Hon. J. E. Dodd (Honorary Minister): It is limited to £300.

Hon. D. G. GAWLER: In New South Wales the figures for death are £200, with a limit of £400, and for incapacity £1 weekly with a limit of £200. In New Zealand the total for death is £200 with a limit of £500, and for incapacity for not longer than six years a limit of £500.

Hon. J. Cornell: £2 10s. a week?

Hon. J. E. Dodd (Honorary Minister): It is £100 in England.

Hon. D. G. GAWLER: That is for incapacity?

Hon. J. E. Dodd (Honorary Minister): Yes.

Hon. D. G. GAWLER: In South Australia the total for death is £200 with a limit of £300, and for incapacity £1 weekly with a limit of £300. In Queensland in the case of death the amount is £200, with a limit of £400, and incapacity £1 weekly with a limit of £400. In every single case this Bill far and away exceeds those figures.

Hon. J. E. Dodd (Honorary Minister): What did you say the figures for New Zealand were?

Hon. D. G. GAWLER: At death £200 and a limit of £500, and for incapacity not longer than six years a limit of £500.

Hon. J. E. Dodd (Honorary Minister): It is £2 10s. a week.

Hon. D. G. GAWLER: Yes. I point out further that these figures exceed the figures of any other State and I think that it is up to the Government to justify the very large extension of these figures over the other States, though I will not make that apply to the English figures?

Hon. J. E. Dodd (Honorary Minister): Wages are higher in Western Australia.

Hon. D. G. GAWLER: I am not aware that they are higher than in any other State of the Commonwealth. Are they so much higher than in South Australia as to make that tremendous difference between the figures? I think the Government should justify themselves for making the figures in their schedule so much higher than in the other States. There is an innovation in the Bill in that the schedule stipulates so much for the loss of a leg or an arm, or a hand and so on. I believe that is the law in New Zealand. When this subject was last before the House it seemed to me to be a plan worthy of adoption because it would simplify the claims and the settlement of actions. On coming to peruse the matter carefully however, I can see dangers ahead. Take a man who is employed in an occupation where his eye-sight is of great value: he may be able to obtain other employment at nearly the same wages, and yet he is to get a large amount of compensation. Take also a man who loses a right hand or a right foot; this is surely of more value than a left hand or a left foot, and it seems that the wisdom of placing the two on the same basis is open to considerable doubt.

Hon. J. E. Dodd (Honorary Minister): He might be a left-hander.

Hon. D. G. GAWLER: Not in all cases. It is a point worthy of consideration when dealing with the schedule. I do not want to touch further on the Bill

because much of what I have said is in the nature of Committee work. In comparing this Bill with the Acts of other States I have done it with a view to anticipating the Committee stage and showing members on what footing this Bill stands as compared with the other States. After all comparative legislation is a matter of great interest, especially in a matter of this kind. I do not propose to say anything more. I cannot find myself in accord with the absolute principle of this Bill, for the reasons I have given, because to my mind the solution of the whole thing is as was mentioned by Mr. Moss, namely, national insurance. I cannot see why the employer should be asked to pay the insurance premium for the worker. The employee should contribute something.

Hon. J. E. Dodd (Honorary Minister): Was it not State insurance the hon. member mentioned?

Hon. D. G. GAWLER: Yes. Insurance where the workman helps himself.

Hon. J. E. Dodd (Honorary Minister): The hon. member said he desired it to go hand in hand with State insurance to break the insurance companies' monopoly.

Hon. D. G. GAWLER: The hon. member may have one reason, and I may have another. I say this sort of thing, and all legislation of this kind is apt to sap the independence of the worker. If he contributes something towards insurance in case of injury or death, it would have a better moral effect on the worker, and it would be a fair thing to the employer. I cannot see why the employer should take the whole of the burden. The principle however, is on the statute-book, and I am bound to support the principle of the Bill, but I shall endeavour to amend it largely in the direction I have foreshadowed.

Hon. J. CORNELL (South): I desire to support the second reading of this Bill, and in doing so I would say that I do not intend to indulge in any high falutin' or heroics on the principle of workmen's compensation. I would like however to say that I have followed Mr. Gawler very closely in the various analyses of different Bills which he has made. I have not gone so far as he has. To a certain extent the Labour party have been the founders of the principle of compensation, and this is their measure now before the House, and as a consequence I have chosen to make comparisons between this Bill and the Acts in two other countries of which it cannot be said that the Labour party were in power, but who comprised only a very small number, that is in the United Kingdom and New Zealand. The principle of workmen's compensation has been accepted in Great Britain since 1897. The Bill was amended in 1900 and was further amended in 1906. The principle has been accepted for many years. It was adopted in this country in 1902 with certain modifications, and though the Act has been amended in those countries and not through the instrumentality of the Labour party, but through the humanitarian feelings of the Parliamentarians in those countries, in this country only one minor amendment has been made, and that was the amendment relative to lumpers and stevedores. If the principle is sound, it is logical that it should be applied not only to hazardous occupations but generally. Why was the principle adopted? It was not to put a premium on life. I do not think this Chamber or any other legislative body should do that, but in the economic world it has been recognised by all shades of thinkers that the average worker employed in any industry does not receive adequate compensation to enable him to put by for a rainy day.

Hon. M. L. Moss: Do the grocer and butcher get adequate compensation?

Hon. J. CORNELL: I intend to address myself to the Chair and to take no notice of interjections.

Hon. J. F. Cullen: Especially if they are awkward.

Hon. J. CORNELL: Then I would not expect them from the hon. member's corner of the House. It has been said that the principle should not be extended. Mr. Moss has said that the extension of this principle will increase the cost of living. If the people of England and New Zealand have accepted the principle of com-

pensation to the extent which it is desired this country should accept it, and if it has increased the cost of living and put a charge on people, the people of Great Britain and New Zealand have shouldered the responsibility and I think the people of Western Australia will do the same.

Hon. M. L. Moss: This Bill goes much further.

Hon. J. CORNELL: I will deal with that later on. It cannot be said that this question has not been prominently before the people. On the hustings I made it a prominent part of my programme. It was one of the issues of the last election, and the people of this State returned 34 members to another place pledged to this principle. The Government are endeavouring to give effect to the principle. It remains for this Chamber to say whether or not that will be carried out. I have gone closely through the Bill, and I find it is drafted on similar lines to the English Act which was amended in 1906, and the New Zealand Act of 1911. In fact most of it has been copied from the English Act. It has been claimed that this Bill takes in almost all workers. I will admit that. But the present Bill I hold is totally inadequate. It is set out that its scope extends to anyone employed on or in or about any railway, waterworks, tramway, electric lighting work, factory, mine, quarry, or engineering or building work, and it is provided that it may be extended to, on, or about any employment declared by proclamation to be dangerous or injurious to health. In spite of the fact that the extension could be brought about by proclamation, it has never been done, and instead of this Government bringing it about by proclamation, they are endeavouring to bring it about by legislation. In dealing with the interpretation, Mr. Moss said that the wording of the definition of "worker" was somewhat curious. I ask hon. members to take a copy of the Bill, and they will find that down to the eleventh line on page 3 the definition is identical with the words in the English Act.

Hon. Sir E. H. Wittenoom: It is very involved.

Hon. J. CORNELL: I do not know whether Sir Edward Wittenoom sets himself up as a higher authority than the Imperial Parliament.

Hon. Sir E. H. Wittenoom: I only take the common-sense view.

Hon. J. CORNELL: I know the hon. member, when he desires to do certain things, wants to know where a Bill comes from, and if it has not come from somewhere, and he finds it is curiously worded, he wants to apply the common-sense view to it. There is an innovation in the definition of workers to this extent, that the English Act provides for £250, and this Bill provides for £350 per annum. The only debatable point in the definition in my opinion is as to whether the injured person will get too much money. If the amount is too high the matter can be dealt with in Committee, and probably a reduction effected. The point Mr. Gawler raised with regard to bringing in clerks is easily replied to. If a clerk was sent from one bank to another to do any business, and he was run over by crossing the street, it was contended that it would be wrong to pay him compensation. If a man is working on a mine, and he is sent from one mine to another, and while proceeding, is injured, he will get compensation, therefor why should not a clerk receive compensation. The only difference in bringing clerks and workers within the scope of this Bill is that I do not think the premiums will be so high in regard to occupations which are not dangerous. There is another point which Mr. Moss raised, and that is that the payment of compensation should not extend to dependents outside the British dominions. Let us analyse that. Take mining companies; although mining companies in this or any other State might profess to be patriotic their chief objects are percentage and profit. If we prepare a Bill so as to only extend its operations to British dominions, so that dependents in foreign countries cannot participate, we immediately offer an inducement to mining companies to employ foreigners, for the simple reason that the company's liability will be immediately reduced. Be it said to the credit of the

English Act that that in no way deals in the direction Mr. Moss has suggested. We will come to the question of tributers. Hon. members are desirous of hearing a little about them. Mr. Moss said the Bill would confer a great hardship on the mining companies. I would like to know whether any hon. member has worked on a tribute, or whether any hon. member has seen a tribute agreement. The mining companies, so far as tributers are concerned, stand to lose nothing, and they stand to get the big end of the stick if the tributer gets anything. The tribute agreement is drawn up. There are certain given areas in which the miner shall work. All his conditions are set out by the mining companies. The tributer does not frame the agreement. The tributer goes to the mine and the mining company will prepare the agreement, and if it suits the tributer he will sign it, if not, the company will get someone else who will. Under an agreement tributers have to pay the insurance rate, or, if not in all agreements, in ninety-five cases out of one hundred, and even then it is problematical whether he can claim compensation. An old prospector, Mr. Mullany, who is a member of another place, has told me that as a tributer he himself had to get a tribute drawn out in his name and pay the insurance premium so as to ensure if anything happened to the remaining members of the party they could draw their insurance, but if anything happened to Mr. Mullany he drew nothing. It has been said that it will confer a hardship on the mining companies if they have to pay. All this Bill will do will be to ensure that the tributers get compensation. One of the clauses of the agreement will be that the tributers will have to pay insurance premiums. It has been pointed out by hon. members that tributers are independent contractors. I would like to know if they really think tributers are independent contractors. They contract to do a certain thing, and it has been pointed out by the Honorary Minister, and hon. members have been asked to define the difference between a man who takes a contract underground and a tributer. Let us see what they do in New Zealand. Section 56 of the New Zealand Act says—

> Notwithstanding anything in this Act or any other Act, when a contract to perform any work in a gold mine or coal mine is let directly to one or more contractors who do not either sublet the contract or employ wages men, or who though employing wages men actually perform any part of the work themselves, those contractors shall for the purposes of this Act be deemed to be working under a contract of service with an employer.

I claim this Bill does not ask us to go further than the New Zealand Act.

Hon. Sir E. H. Wittenoom: It is not a tributer, it is an underground contractor who is referred to.

Hon. J. CORNELL: What is a tributer then?

Hon. H. P. Colebatch: Not a contractor.

Hon. J. F. CORNELL: Hon. members have said he is a contractor and they have used the argument that he is an independent contractor. I ask, what is a tributer but a contractor. He contracts from a mining company to take a certain part of a mine; he contracts to work it as a mine manager or as the agreement may direct, he contracts to give a certain percentage of the gold won in payment to the person he contracts with.

Hon. W. Kingsmill: He might better be called a lessee.

Hon. J. F. CORNELL: That might be a distinction without honour. If we said the tributer was a lessor we might be near it, because very often at the finish he has less than when he started. I have endeavoured to point out the position, and the Honorary Minister will reply as to the position in which the tributers are placed. Clause 9 deals with the principal, and the contractor and subcontractors, who are to be deemed employers. This is substantially similar to the English and the New Zealand Acts. Is it not necessary that some precaution should be taken by way of compensation that when a principal contracts, he cannot contract out of the liability. It prac-

tically amounts to this, that a man who does his work honestly and is prepared to meet his liabilities and obligations cannot compete with a man who would sub-let and dodge the responsibility of his workmen getting compensation in the event of an accident. In Clause 10 provision is made in regard to the bankruptcy of an employer. This clause is substantially word for word with a similar section in the New Zealand Act, and it is pointed out by hon. members that the employers' liability in England, if he has not insured, is £100. That is also a matter which can be dealt with in Committee. If I were in business and had a number of men working for me and one was injured, and I became bankrupt, should not the man have a claim for compensation just as much as a man might have a claim for wages. I say this is a fair provision, and is not an innovation. I have come to the conclusion that in legislation there is very little which is new. We come now to Clause 12, which deals with industrial diseases. I would have liked the two hon. members who spoke before me to have dealt with the question of industrial diseases, but they evaded it and waited for goldfields members to deal with it, and in consequence of that, those who spoke later will have the benefit of what little the goldfields members know of the diseases and their causes, and they will not have a chance to reply to the criticisms. There is nothing new in regard to the provision dealing with industrial diseases. A similar provision has been in operation in England since 1906 and in New Zealand since 1908. The clause in this Bill is almost word for word with the section in the English Act and also that in the New Zealand Act. It might be asked whether there is need for the Bill to be extended in this direction. The point at issue is that the man who works in an industry and contracts a disease that can be directly traced to that industry is just as much entitled to compensation as the man who is stricken down at a moment's notice. We claim that miners' phthisis and other diseases peculiar to the mining industry are associated with the mining industry, and that almost as many die or are likely to die from these diseases peculiar to the industry as die by accident. It is pointed out that these diseases are on the increase. In England they have provided that the Workers' Compensation Act shall extend to a disease very peculiar to the mining industry there and known as ankylostomiasis. That disease is found in England, Germany, and other parts of the continent and is equally as peculiar to the mining industry in those countries as miners' phthisis or fibrosis is to the mining industry in this State. When we find that the British Parliament is prepared to legislate and provide for that disease, is it not fair that the provisions of the Workers' Compensation Act should be extended to sufferers from industrial diseases in this State where we call ourselves an enlightened and democratic community?

Hon. C. A. Piesse: What about the diseases resulting from handling wool, such as anthrax.

Hon. J. CORNELL: I will deal with that later. Dr. Anderson, a resident of nine years on the goldfields, when examined before the Royal Commission on Miners' Lung Diseases, gave some very interesting evidence which was substantiated by other doctors on the goldfields. I quote Dr. Anderson because he was recognised as one of the leading doctors on the goldfields and was not what is known up there as a horse doctor. He was asked—

2083. Do you think silicosis is on the increase on these fields?—I do, more particularly amongst miners.

2084. Amongst any particular class of miner?—Any underground workers.

2100. Apart from miners, do you recognise in the general community any pulmonary conditions due to dust?—No.

2108. Do you approve of the exclusion of tubercular subjects from mining?—Assuredly.

2114. Then a mine containing a tubercular patient requires to be fumigated just as much as a house?—More so.

2115. There is a suggestion that silicosis should be embraced as an accident under the Workers' Compensation Act, and that cases of silicosis should be excluded from the mines and compensated. At what stage would you exclude these men?—If I find any trace of silicosis I advise my patients to leave mining altogether.

2116. You would not encourage a man who had contracted that to continue working in a mine until he had qualified for compensation?—No, I would advise him to quit at once.

2125. You would give him compensation at a stage when he had really become unfit for work?—Yes. At time of heart failure.

2128. You would not be in favour of excluding any cases of fibrosis unless they became unfit for work, and then you would give them compensation?—Yes; they would become unfit for work when the heart would begin to dilate. If I found a man suffering from fibrosis, my advice to him would be to get out of the mine.

2144. You think, on the whole, that the mines are bad for young men?—I think any man is a fool to work in a mine from the point of view of health.

2147. Do they look anæmic?—Yes, and they age rapidly, as a rule. Of course you will find men who have worked in mines for thirty or forty years, strong and well, but you will find such men in every occupation. The majority of them, however, go under. This is a young mining community, in a way; cases of fibrosis and silicosis are beginning to be noticed now, where three or four years ago they were not noticed at all because they had not developed. The same thing applies to tuberculosis. I remember when the Commission on Ventilation and Sanitation sat here seven years ago, the medical witnesses said that they had not known cases of tuberculosis to have developed on the fields. I do not think you will find any medical man who will tell you that now.

2149. From your observation, do you think that the men are more liable to it now?—Yes.

2150. And that young men are being more affected than was the case seven years ago?—Yes.

2156. You practically mean that you would be in favour of the appointment of a full-time medical inspector of mines?—I think it would be a good thing to appoint such a man. But nine medical men out of ten would not care about such work. You might, however, find a man like Dr. Summons, who worked scientifically some months at Bendigo, and who afterwards wrote a report which was worth reading. Dr. Cumpston came here and examined about twenty men in an hour and found out what was wrong with those men's lungs in practically three minutes. His opinion it not worth having.

I quote that because later on reference may be made to what Dr. Cumpston said. There we have the opinion of a medical man that when these cases are found the sufferers should be paid compensation. The point presents itself whether men should or should not be excluded from the mines when they have been found to be suffering from tuberculosis. The Honorary Minister, officials of unions on the goldfields, and I have always advocated the adoption of that course. When it is found that these men are suffering in this way they should not be allowed to work underground, and before the Royal Commission the Honorary Minister and other union officials went so far, and I go so far now, as to say that when men are submitted to medical examination and it is decided that they should not be allowed to go underground the Government of the day should provide some means of livelihood for them. It has been asked whether the industry should bear the burden. I am of opinion that the industry should. Why should the industry not bear the burden? We know that the worker cannot bear it. It has been suggested by Mr. Gawler that national

insurance is the only way out of the difficulty, but men are dying every month on the goldfields and what is to be done for those men until such time as a scheme of insurance is evolved?

Hon. Sir E. H. Wittenoom: What has been done hitherto?

Hon. J. CORNELL: Nothing, and that is why I ask this Chamber to do something. If I thought to-morrow that I was going to be a victim of miner's complaint, after what I have seen of it I would prefer to end my life at once. I say the sufferers from that disease are just as much entitled to be paid that compensation as any other worker who meets with an accident. Stress has been laid upon a scheme of national insurance and reference has been made to the national insurance scheme in Great Britain. I have yet to learn that the establishment of national insurance has led to the withdrawal of the Workers' Compensation Act. The national insurance in Great Britain extends solely to sickness and unemployment; it does not extend to compensation for accidents. We know that in 1870 Bismarck introduced in Germany his scheme of compulsory insurance to be extended to all, and perhaps it would be well for me to tell the House the opinion of the Progressive party in Germany as to that scheme. The present leader of the Socialistic party (August Bebel)—and it is no small party in Germany—when asked for an opinion of the national insurance scheme, said that it was a splendid thing under sympathetic administration; it had never been sympathetically administered in Germany, but when the day came when the Social Democrats of Germany sat on the Treasury benches, there would be no need for national insurance. In season and out of season the German socialists have opposed the scheme of national insurance. Is the national insurance a success in Great Britain? Have hon. members studied the reception it has had, the criticism that has been offered, and the opinion of workers and some leading thinkers of Great Britain in regard to the scheme? I venture to say that the national insurance scheme will be one of the nails in the coffin of the present Liberal Government in England when they seek re-election.

Hon. J. F. Cullen: From their enemies, not from their friends.

Hon. J. CORNELL: I have yet to learn that they have many friends. It has been said that in the event of this proposal being accepted the insurance premiums would become much higher. We are fully alive to the position that as a business proposition they must necessarily become higher, and the question arises who is going to pay them? Who pays them now? Some hon. members, who run businesses of their own, may think that they pay them. I do not think they do. If a man is in business and he has to pay heavy insurance charges he passes them on to his customers and they pay. It may be said that in a primary industry such as the gold-mining industry this charge cannot be passed on, but I say that gold mining is a gamble, and so far as the people working in it are concerned it would be much better if we had no gold mining at all. I say that when an industry is sapping the vitality and manhood of our people and causing such agonising deaths as the mining industry is doing, it would be a thousand times better if we did not have it at all: but the industry is here and the question has to be faced whether some assistance is to be given to these men. After all, as I have said, mining is only a gamble. Gold has very little commercial value; we could get along without it; in fact, I manage to get along with very little of it. If a mining industry can pay dividends, then I say part of the profits should go towards providing for the men who meet with accidents and sickness.

Hon. J. F. Cullen: And if it cannot?

Hon. J. CORNELL: If Mr. Cullen puts a thousand pounds into a mine and he cannot see an inch into the ground he is liable for the risks of the men he employs on it; because, after all, the fact that he puts his money into the ground, unless he is prepared to work it himself, makes him liable to insure the men he employs. It is a gamble. If he employs men to take that gamble he should compensate the dependants if anything happens to the workmen. Now, when we come to

the pastoralists, I have not met many broken-down squatters. The risks are very small in the pastoral and agricultural industries; accidents are not very frequent in these industries, and consequently the premiums will not be very high. I take it that the premium that will be paid will be passed on by the farmer or the pastoralist, as to-day all his charges are passed on, to the consumer.

Hon. T. H. Wilding: How can he do that?

Hon. J. CORNELL: There is no question but that it is being done every day.

Hon. Sir E. H. Wittenoom: It cannot be done.

Hon. J. CORNELL: We pay more for our bread to-day than we paid 10 years ago. Why is it?

Hon. Sir E. H. Wittenoom: Wages are higher.

Hon. J. CORNELL: Just so, and Mr. Moss said this will increase the cost of living. It is because the liabilities are greater. No doubt members representing the agricultural industry will pass on to the consumer the land tax they pay.

Hon. Sir E. H. Wittenoom: It cannot be passed on, because local prices are regulated by the London prices.

Hon. J. CORNELL: How can we buy Victorian butter in London and bring it back to Victoria and sell it at a profit? Why can we buy meat in London and bring it back here and sell it at a profit? I hope members will deal with this question broadly and deal with it on the lines of the New Zealand Act. In the New Zealand Act of 1908 pneumoconiosis, or diseases peculiar to mining, were included. There was an agitation against it and against the medical inspection, and it was repealed, but the New Zealand Act still stipulates that it can be provided for by proclamation, and not by resolution of both Houses, but by a proclamation of the Governor-in-Council. Now we come to the question of ships. I can find no reason why the Act should not operate in the shipping industry in Western Australia, the same as it does in Great Britain. The provision is similar to that in New Zealand. The point is raised that there may be liability to dual compensation, because the English Act allows the compensation to be claimed in any part of the British dominions, or foreign countries. That is to say, if any seaman is injured and left behind in a foreign country or in any part of the British dominions he can claim compensation, but if a claim is made under any law of the United Kingdom or in any part of His Majesty's dominions, compensation under our Bill is not allowed. I have gone through the Bill and I cannot find the objection that Mr. Moss has raised to the shipping part of it. It is almost word for word with the English Act. If the principle is extended to seamen in New Zealand and England why not in Western Australia? The seaman is a worker as much as a miner, and the principle should be extended to all workers. I do not intend to deal with the figures Mr. Gawler has dealt with and which I accept; but, coming to the third schedule, the present Act provides £2 a week, and it is proposed under the Bill to provide £2 10s. a week to a maximum of £600. In New Zealand they pay £2 10s. a week, and I think members will admit that wages in New Zealand are lower in comparison with those in Western Australia, and that the cost of living is less in New Zealand; but if hon. members think £2 10s. is too much I hope that they will give reasons in Committee; I have not heard any advanced yet. If the Bill becomes law the Employers' Liability Act should be repealed inasmuch as this measure will give better conditions than the Employers' Liability Act. The New Zealand Workers' Compensation Bill repealed the Employers' Liability Act, and, as a consequence, a man has to have recourse to the common law or take advantage of the Workers' Compensation Act. Another contentious matter is the time when the compensation should be paid. At present it is two weeks from the date of the accident. It is proposed in the Bill that it should be from the date of the accident. I have yet to learn reasons why a man should suffer an accident for a fortnight before he can claim compensation. Any friendly society pays it and any trades union pays it from

the date of the accident. It has been claimed by members that this will cause malingering. Speaking with the experience of 13 or 14 years on the goldfields as a trades unionist, I have always held that there can be more malingering under the present provisions than there will be under the provisions for payment from the date of the accident. I claim it is just as logical to say that a man should be dead a certain time before the dependant should get compensation, if it is just to say that a man should be off a fortnight before drawing compensation after an accident. If it is justifiable to pay a maximum of £2 a week after the first fortnight, I think it is justifiable to pay it from the date of the accident. My experience has been that it will not cause malingering. If the compensation is made payable after the first week, a man who is off five days may, and he certainly will, malinger over the other days to get compensation. If it is made from the date of the accident he knows he is getting compensation for five days and he returns to work.

Hon. J. F. Cullen: That is very candid.

Hon. J. CORNELL: I wish hon. members would be as candid when they speak. It is seven days in the English Act. If hon. members think it is too much to ask for payment from the date of the accident I hope they will take into consideration the provision in the New Zealand Act, which says that, together with the compensation payable after the accident, there can also be claimed a sum equal to the reasonable expenses and medical treatment, including first aid, on the day of the accident, to the extent of £1. There is no provision in the other Acts for that. In this State if a man is not paying in to a medical officer—and in some cases he is practically compelled to do so—or if he is not paying into a lodge, or if his own doctor is not called in, the employer often gets a doctor and, under the present arrangement, can sue the employee for the cost. The New Zealand Act provides that the worker can claim up to £1. It is proposed in this Bill that a lump sum instead of a weekly payment may be given. In the New Zealand and English Acts this can only be granted on the application of the employer and that is the case in our present Act. But it is no new question among the workers. They are of opinion, and I am of the opinion, that it is just as logical and just as reasonable that if the employer can go to the court to have the compensation assessed at a lump sum, the employee should be allowed the same privilege. The case will be heard and the court will decide whether or not the lump sum should be granted, and I can see nothing unreasonable in it. Perhaps the time is a little short, but that can be altered, if necessary, in Committee. The question of serious and wilful misconduct has been raised. Certainly the Bill proposes to enlarge the present Act in this regard, but it does not deviate one iota from the New Zealand or English Acts. They are word for word with our Bill in regard to serious and wilful misconduct.

Hon. H. P. Colebatch: Have you read Section 15 of the New Zealand Act?

Hon. J. CORNELL: That provides no compensation shall be payable in respect of any accident attributable to the serious and wilful misconduct of the worker unless the accident results in death or permanent disablement. That is in the New Zealand Act of 1911. The Bill asks for nothing new; it asks merely that the provisions which obtain in New Zealand and in Great Britain shall be extended to this State. Now we come to Clause 25 of the first schedule. I think any unbiassed critic of workers' compensation legislation must come to the conclusion that the present system is absolutely unjust providing as it does that a man who is drawing compensation, and who goes back to work before he is able to work, and has to knock off again, cannot by reason of his having attempted to resume work, draw any compensation afterwards. I know of a striking case. An accident occurred on the Boulder Main Reef mine. The platman was on the surface and stepped into the cage. Just as he stepped the cage dropped about a foot. He was hurt, and was off for about a fortnight or three weeks. Then he went to his medical adviser, and the medical adviser said, "I cannot say whether or

not you are fit for work. The case is of a peculiar nature and only a trial will demonstrate whether or not you are fit for work." I impressed upon that man the desirability of not giving himself a trial on the mine. I advised him to go and have a trial in the bush; "because," I said, "if you go to work on the mine and find that you are not able to work, the matter will pass out of the hands of the mining officials and will become a question for the insurance company." However, he went to work and worked for three hours, with the result that he was off for five months, drawing accident pay from the union, but not one penny from the mine. He was sober and industrious, and they gave him light work on the mine, but he could not do it. I do not see that any undue hardship can be placed on the insurance companies and the employers by the proposal that a man shall, without prejudice, be allowed to attempt to resume work. The medical officer could certify that the man was about to have a trial at resuming work, and if it subsequently turned out that tthe man was not fitted to work then the medical officer could certify that the workman was still suffering from the accident and was not yet in a condition to work. That is one illustration, and I will give another on the second schedule. I hope if nothing in a general way is done in Committee to advance the Bill, that at least this amendment will be agreed to. It is unnecessary to deal with the third schedule, inasmuch as the only difference between it and the New Zealand Act is in respect to domestic servants. In respect to the second schedule, however, members of this Chamber, if they have had anything to do with the working of workers' compensation legislation, must long ago have been convinced of the necessity for some basis of percentage for the loss of limbs or organs of the body. I will give another illustration of how harshly the Workers' Compensation Act, as it stands at present, can operate. There was a man on the Associated mine, working in the foundry, who met with an injury to the eye. He came down to Dr. Martin, who removed it. After a little time, when he went back, the foreman spoke to him about going to work. I advised him to be sure that he was able to go to work; "because," I said, "if you go to work and find you cannot work you will draw no further compensation for the loss of that eye." He went to work for two hours, after which he was compelled to knock off. He could not continue to draw his 35s. a week, and he never got twopence for the loss of the eye. Hon. members, I think, will agree that the inclusion of this schedule will be an improvement to the Bill, for it will serve as a guide to the court in dealing with these matters; and it is definitely laid down, copied word by word from the New Zealand Act, what a worker shall receive for those injuries. Hitherto it has not been done, and whenever the loss of an eye or limb has ended in a legal action it has been a pretty good thing for the lawyers. Under this provision the lawyers will be cut right out altogether. Mr. Piesse, in dealing with the last schedule—I see he is asleep now, but it does not matter—told us something about anthrax. Anthrax arises from the handling of wool, skins, and hides. That is in the English Act. Lead poisoning is also in the English Act.

Hon. C. A. Piesse: Do you know of any cases of anthrax in Western Australia?

Hon. J. CORNELL: Not in Western Australia, but I knew of an instance in New South Wales. A man contracted anthrax from a fly bite, and died in three days. And I knew of two other men in New South Wales, both station managers, who were opening sheep for the purpose of discovering whether they had died from anthrax. Both men contracted the disease and died within 48 hours.

Hon. J. E. Dodd (Honorary Minister): According to the President one man said it was land tax they died from.

Hon. J. CORNELL: There are three other diseases in the schedule which are not in either the English or the New Zealand Act, namely, bromide poisoning, cyanide poisoning, and any disease arising from the inhalation of impure air or noxious gases. I think anyone who has had anything to do with mining must

know that men are overcome and suffer badly from cyanide and bromide fumes. I have had the experience of being knocked out by them myself. If this becomes law, then a medical certificate is put in that a man is suffering from bromide or cyanide poisoning or from gassing. I take it his compensation will be assured. At present it leads to endless argument and, possibly, litigation as to whether or not a man is suffering from one or the other. In the matter of State insurance, I agree that the time is opportune for its establishment. It seems somewhat of a satire for Mr. Moss and others who have been for many years in this Chamber, who by their inclusion in previous Governments have been in a position to deal with the question of State insurance, but have neglected to do so—it seems a satire to hear them speaking in support of State insurance. I am a firm believer in the State insurance. It should be a State monopoly run as a public utility, and made to pay only interest and sinking fund and working expenses. It should not be run for profit, but to a great extent as a public utility; because, after all, there is no chance of dealing with the insurance ring, and the high premiums the insurance companies charge. The insurance companies supply something which is essential, and as long as the community allow individuals or companies to supply their utilities I say the community has no right to growl. The matter is in the hands of the community, and if the community can supply their own railways they can supply their own insurance. I hope to see, before the Government go out of office——

The Colonial Secretary: We are not going out.

Hon. J. CORNELL: Well, like Tennyson's Brook they are going on for ever, I hope to see before next election the Government grapple with this question of State insurance on the lines of a public utility, and when the Government do send along that measure to this Chamber I hope hon. members will give it support. I recognise that in matters like this the Government are at the mercy of members of this Chamber. That has been proved, but I hope it will not be proved in regard to this Workers' Compensation Bill. I hope hon. members will give it serious consideration, and that if they cannot go all they way they will go part of the way to give us a more workable measure than we have at present: that they will take for their guidance the laws of countries not dominated by the Labour party, that they will follow the lines of democratic people in this respect such as those in New Zealand and Great Britain.

Hon. J. E. Dodd (Honorary Minister): On a point of explanation. When Mr. Gawler was speaking I interjected that there was in England a limit to the amount payable for serious accidents, or any accidents. I find that statement was wrong and I do not wish other hon. members to argue on the assumption. There is, as the hon. member said, no limit.

Hon. Sir E. H. WITTENOOM (North): In addressing myself to the second reading of the Bill I propose to be very brief, especially at this hour of the evening, and I also propose to take the advice of my hon. friend who has just sat down, and be extremely candid. I have only to say that this is another Bill brought down entirely in the interests of one class of the community. A great deal of legislation presented to the House this session has been in the interests of one class of the community. Indeed I might say that the effort has been to impose additional charges and extra obligations and difficulties on the one class. In any Bill I have seen yet, no consideration has been shown to the land owner, the capitalist or the employer. On the other hand all sorts of new obligations are imposed upon them, so that they have to carry on their duties and businesses at enhanced expense. One should always consider that the business and aims of the Government are to look upon the interests of every class and to promote the interests of every part of the country, but as far as I can see and especially when looking at this Bill it seems almost a crime to belong to any party except what is known as the Labour Party. Looking at this Bill

from any point of view we like it imposes greater obligations on those carrying on the industries of the country, and I maintain there is no demand for the measure. No reasons are given why we should introduce a drastic law of this kind. We do not want it at the present time. Our financial arrangements are not of the best: people are with very great difficulty trying to develop the country, and here we have imposed upon us obligations which at every footstep mean enhanced prices and enhanced risks. I think that under the circumstances legislation should be made as easy as possible instead of being made difficult. One would think that the public, and especially one class, the labouring class, were suffering from tremendous disabilities and that there was no compensation for anything. Yet we know that we have a Employers' Liability Act in existence that gives compensation up to £400, and also compensation in many other ways, and to such an extent that I repeat there is no necessity so far as I can see for a drastic Bill of this kind. I can only imagine that it is brought down for the purpose of enabling members of the Labour party to say by and by, "Look at the splendid laws we have been able to put on the statute-book for you last session. Look what we can do. This is what we have done. These are the extra conditions we have wrung from capital." And I have no doubt it would be very popular. But the other side should be looked at as well, and both should be treated with equal consideration. Take the farmers for instance, how can they carry a burden like this? Take an ordinary farming interest that is worth, say £10,000, out of which a man makes £500 or £600 a year over and above his expenses. His overseer might be riding and might be thrown with the result that he breaks his neck. There is £600 gone, the whole of his year's profit. I do not say it will happen, but look at the risk. Take a man going out with a reaping machine: he might have his arm cut off. There will be all sorts of difficulties. A horse might run away and smash a buggy. There are all these risks. How can a man earning £300 or £400 a year stand it? It seems an absurdity to impose these penalties on a struggling country. Mr. Cornell spoke of what had been done in New Zealand and other places, and he argued that because certain conditions are imposed by statute they must of necessity be suitable here. I do not maintain that at all. Western Australia is not one of the most progressive, and it it not one of the richest places. We cannot compare it with New Zealand for a moment, and statutes which may be useful and necessary there would be superfluous here and almost a hardship.

Hon. J. Cornell: You would not say that at the Agent General's dinner.

Hon. Sir E. H. WITTENOOM: I like to suit my conservation to the proper time. According to this Bill I consider it will pay a man to be injured. It will be far better to be injured than to work, especially when the payment starts from the date on which a man is hurt. I think that a few simple hurts would be preferable to hard work, and under the circumstances I think there is every encouragement for a man to get hurt. In connection with these conditions and especially as regards diseases, it will be difficult for a man to get employment. No employer would take on more men than he could help under these conditions, and moreover I think it has been pointed out already, but one is apt to repeat these things, only the healthy man can be employed. If the employer is to be liable for all these diseases that may develop in a man, no employer would take on any man who had not a certificate of good health. I want to refer to only one or two clauses as most of them have been dealt with so thoroughly by preceding speakers, and I will refer more to the policy of the Bill than to the clauses. The first is with regard to a worker. I think this will put a worker otherwise than by way of manual labour quite out. Why should it be confined to the manual labourer? Then the sum should be limited to £250 instead of £300. As regards tributers, I do not agree with what Mr. Cornell said. If I own a mine and I do not wish or cannot afford to work it and I let it on tribute to a man on condition that

I get one ounce of gold out of every four or whatever the proportion might be, the man works it as he thinks fit, and I cannot control him in the way he works the mine or as regards the employment of men by him.

Hon. J. E. Dodd (Honorary Minister): You want to get that fourth without any responsibility whatever.

Hon. Sir E. H. WITTENOOM: No. The tributer only takes it in very advantageous circumstances, and works it entirely according to his own views. If I interfered he would naturally tell me to mind my own business, and would say that he was paying for the work, and that it had nothing to do with me. If he chose to use old ladders, rotten ropes or bad machinery, why should the unfortunate owner be involved for the fault of the tributer. He perhaps might employ 10 or 15 men who might perhaps be partners with him. There may be other aspects of the question. I do not see how the owner can possibly be responsible or can prevent an accident in any way, and if he is not able to prevent an accident, I cannot see why he should take the responsibility.

Hon. J. Cornell: Why do they insist on the men insuring to-day?

Hon. Sir E. H. WITTENOOM: It is all very fine to talk about insurance but that increases the cost of production. Take wheat for example: the insurance will increase the cost of production and we cannot get that back except perhaps on a small amount of the grain sold locally. When we have to compete in the world's markets with wool and wheat and other primary articles it is impossible to pass on the amount, and all this insurance must affect the prices. Just at this stage of the development of Western Australia when all our industries should be encouraged such a measure would hamper them and place obstacles in their way. There are one or two other clauses to which I was going to refer. Clause 6 paragraph (c) deals with wilful misconduct. That is an absurdity. If a man is working on a ship and gets drunk and goes down the hold, although he has misconducted himself in this way the unfortunate employer is responsible. That is most unreasonable.

Hon. C. A. Piesse: The same applies to clearing contracts.

Hon. Sir E. H. WITTENOOM: Yes. I admit the hardship of it as regards diseases, but it is impossible for employers to be responsible for all diseases and I consider there should be public institutions for any people who are ill as the result of their employment. When a man spends £10,000 or £20,000 in the development of a mine or for working a station he is not only doing good for himself but he is doing good for the community. He pays rents and taxes and all sorts of money to all classes, shopkeepers, blacksmiths, and everybody take part. I have every sympathy when unfortunate employees suffer, but the Government should provide some institution to which they can go. Then all classes of the community who benefit from the development of such work would contribute to keep them.

Hon. C. Sommers: Should not they insure themselves?

Hon. Sir E. H. WITTENOOM: Yes. Clause 20 paragraph (5) referring to a majority of the two Houses of Parliament has my most unqualified opposition. Under the schedule which is one of the most important parts of the measure, it is provided that if incapacity lasts for less than a week a proportionate part shall be paid. If the Bill gets into Committee I shall propose that the time be made a fortnight, and that nothing shall be paid for any injury of less than a fortnight's duration. If it extends for more than a fortnight the man should be paid from the commencement of the injury. I think that is one of the fairest and most reasonable proposals we can make. There would then be no malingering and if a man secured a doctor's certificate after the fourteen days were up he would be paid from the date on which he was hurt. The limit with regard to aged workers and the inclusion of large amounts of compensation I am afraid will restrict employment to a very large extent. I will not take up the time of the House

by referring to any more of the clauses. I wished to refer more to the policy of the Bill. I think the Government are very unwise in bringing in a drastic measure such as this at the present time. It is one that I feel sure will heap lots of burdens on those who are trying to develop the country at the present moment —burdens which they are not in a position to bear. I was going to say I would vote against the second reading, but I shall reserve my judgment until I have heard the rest of the debate.

On motion by Hon. H. P. Colebatch debate adjourned.

BILLS (3)—FIRST READING.

1, Public Works Committee.

2, Municipal Corporations Act Amendment.

3, Government Tramways.

Received from the Legislative Assembly.

House adjourned at 10 p.m.

Legislative Assembly,

Tuesday, 19th November, 1912.

The DEPUTY SPEAKER (Mr. Holman) took the Chair at 3.30 p.m., and read prayers.

MINISTERIAL STATEMENT—

PERTH TRAMWAYS PURCHASE.

The PREMIER (Hon. J. Scaddan): I wish to announce to the House that I have this day received a cablegram from the Agent General in the following terms:—

> Tramway meeting, shareholders have confirmed directors' action.

This now makes the Perth tramways the property of the State.

QUESTION—WARDERS' INQUIRY BOARDS.

Mr. UNDERWOOD (for Mr. Dwyer) asked the Premier: 1, Is it the intention of the Government to refuse to allow warders in asylums for the insane to be represented before boards of inquiry by counsel or by other persons? 2, If so, does this rule or regulation extend to warders in prisons and to members of the police force, and what are the reasons for such course being taken, and have the wishes of the officers and persons concerned been at all consulted in the matter?

The PREMIER replied: 1, The question of establishing either a board of inquiry or a board of appeal in connection with the hospital for the insane is now engaging attention. The board will be representative of each party to the issue, and additional representation by counsel is considered unnecessary and expensive. The regulations relating to appeal boards under the Railways and Public Service Acts, which have worked satisfactorily, prohibit the appearance of counsel. 2, Owing to the police board of inquiry having summary jurisdiction under the Police Act, with power to impose fine or imprisonment, counsel is permitted in these cases. It is not intended to allow counsel to appear under the gaols regulations. The question has not been referred to the officers and persons concerned.

BILLS (2)—THIRD READING.

1, Municipal Corporations Act Amendment.

2, Government Tramways.

Transmitted to the Legislative Council.