little cost would be involved as it would merely be a matter of disseminating the knowledge of our experts instead of keeping to themselves until too late.

Item, District Medical Officers and Physicians, £9,550:

Mr. SAMPSON: I should like an explanation as to why this item has been reduced by £314.

Hon. S. W. MUNSIE: In administering the moneys available under this vote, the first consideration is to make funds available as far as possible in districts where, but for some subsidy, medical practitioners could not settle. To meet the needs of the new districts that are springing up from time to time, it becomes necessary frequently to revise the subsidies paid in some of the older districts, so that as medical practice in the older areas becomes more stable, subsidies can be reduced and the money diverted to the newer areas.

Item, Wooroloo Sanatorium, Chief Resident Medical Officer, £852:

Mr. SAMPSON: I have been informed that it is intended to remove from the sanatorium to the Old Men's Home a large number of the patients who are able to walk. Is that under consideration?

The Minister for Lands: That was done in your time.

Mr. SAMPSON: It was not.

Hon. S. W. MUNSIE: A week last Monday when I visited the sanatorium, the same question was asked me by at least half a dozen inmates. I do not know how the rumour got about. A week prior to that the secretary to the Health Department put in three days at Wooroloo carrying out his duties, and whether it was gleaned from some hint he dropped that some of the older patients were to be removed, I do not know. While I am administering the Health Department no man will be removed from the sanatorium to the Old Men's Home. If the necessity to remove some of the patients from Wooroloo arises it will be when we have another more suitable home in which to place them.

Mr. SAMPSON: I am glad to hear the Minister's statement. There are all the facilities at Wooroloo to give the patients the special treatment they require and to enable the staff to cope with all the problems.

Item, Wooroloo Sanatorium, secretary, £348:

Mr. MARSHALL: I do not wish to do an injustice to anyone, but I should like to know whether the secretary is the person who put up the answers to my questions recently. If so, I shall move to reduce his salary.

Mr. Wilson: The Minister is responsible.

Mr. MARSHALL: He refers the questions to departmental officers. If I were satisfied this man was responsible for the food supply at the sanatorium, I would move for a reduction of his salary.

Hon. S. W. Munsie: The secretary at Wooroloo was not responsible for the answers.

Mr. SAMPSON: I have read the question and I consider the member for Murchison is justified in his objection. The Minister might have elaborated his answer and given it with more candour. The hon. member asked the price paid for meat supplied to the sanatorium, and the Minister replied by giving certain information.

The Premier: Did you put up all the answers to questions asked of you?

Hon. Sir James Mitchell: Of course we did.

Mr. SAMPSON: I remember one answer that was not quite in order and I heard a little about it from the Premier and the Minister for Works. There was an absence of candour in the Honorary Minister's answer.

The Premier: Not on the part of the Honorary Minister.

Mr. SAMPSON: I refer to the answer to the question. It lacks candour.

Hon. S. W. Munsie: In what way?

The Minister for Lands: What is wrong with the answer?

Mr. SAMPSON: The member for Murchison is entitled to a full reply to his question.

The Premier: You gave some weird answers to questions that were asked of you.

Vote put and passed.

House adjourned at 11.3 p.m.

Legislative Council,

Wednesday, 5th November, 1924.

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

QUESTION—LAND. CONDITIONAL PURCHASE.

Hon. A. BURVILL asked the Colonial Secretary: 1, What is the largest area of first class conditional purchase land that can be held by one person? 2, What is the largest area of second class conditional pur-

chase land that can be held by one person? 3, What is the largest area of third class conditional purchase land that can be held by one person?

The COLONIAL SECRETARY replied: 1, 2 and 3, The terms used do not now appear in the Land Act. Under present conditions the maximum area to be held is 1,000 acres of cultivable land, and 2,500 acres of grazing land, or 5,000 acres of grazing land. "Person" includes husband and wife.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [4.35] in moving the second reading said: Professors of economics place capital under three heads, human capital, private capital, and public capital. The Commonwealth Statistician, Mr. C. H. Wickens, made last year an elaborate comparison of the human and material capital of Australia. He found that on the 30th June, 1915, the human capital of Australia had an aggregate value of not less than 6,211 million pounds as compared with 1,620 millions of private material capital and 517 millions of public capital. It thus appears, concludes Mr. Wickens, that on the the basis of the estimates here prepared, the human capital of Australia has a value approximately equal to three times the whole of the material capital, both private and public. Calculating the present value of the future earnings, at 1915 rates of wages for a man of 32, the standard adult wage-earner, he arrives at the figures of £1,955 for males and £919 for females. These figures are made more striking when one compares with them the cost of producing the human capital. In the same paper the Commonwealth Statistician worked out the accumulated cost of a youngster's upbringing and education, to the age of 15, allowing for wastage through deaths and of interest on the money spent, at £436. Thus the value of each individual as a unit of capital, reckoned by earning power, was in 1915 from twice to four and a half times her or his cost of production. These figures are justification of the care democracy has taken of human life, both in improving the conditions of sanitation so that each child's chances of survival may be increased, and in providing that by education his latent powers shall be made ready to serve the common welfare. Huxley was a visionary with a prophetic common sense when he wrote—

> If my next door neighbour chooses to have his drains in such a state as to create a poisonous atmosphere, which I breathe at the risk of typhus and diphtheria, he restricts my just freedom to live just as much as if he went about with a pistol threatening my life. If he is to be allowed to let his children go unvaccinated he might as well be allowed to leave strychnine lozenges about in the way of mine. If he brings them up untaught and untrained to earn their living he is doing his best to restrict my freedom by increasing the burden of taxation for the support of gaols and workhouses.

But it is not enough to deliver such splendid human capital, in good health and with alert faculties, at the threshold of manhood and womanhood, there to abandon them to rough treatment, sometimes by employers who are at liberty to hire and use up as many units as they may pick and choose. The community's sense of human value has for long realised the folly and waste of such treatment of its members as if they were mere machines to be worked for a brief span at utmost speed and then scrapped as worn out and obsolete. The duty of the employer to maintain his human capital and to recognise that it is more than so much automatic machinery, has been enforced by Employers' Liability Acts and Workers' Compensation Acts with increasing emphasis. The liberalisation of the laws relating to workers' compensation has been in keeping with the growth of public sentiment in favour of the unfortunate toiler or the dependants of the unfortunate toiler who, in the course of his employment, meets with death or serious injury. Up to comparatively recent years the only remedies open to the worker in such circumstances were actions at common law or under the Employers' Liability Act. Both those have proved futile in the majority of instances. For example, an action at common law could not be sustained if it were possible to prove that the accident had been due to the employer's personal negligence or that he had knowingly employed an incompetent person. But even then the workman could contract himself out of the right to recover damages by agreeing to accept any risk involved in the employment. The plea of "contributory negligence" could also be raised against him. He would not succeed in an action for damages if it could be proved that he had not exercised ordinary care with a view to preventing the accident. It was not until 1897 in Great Britain that a workman injured in his employment could recover compensation regardless of whether he had contributed to the accident by reason of negligence, and it was not until 1906 that the United States adopted workman's compensation legislation. The Workers' Compensation Act of 1897 in Great Britain imposed a liability of the employer to pay compensation to an injured workman or to the dependant of a workman who had been killed, whether there had been any negligence on the part of the employer or anyone employed by him. The British Parliament in November, 1923, passed an amendment to

the Workers' Compensation Act of 1906. Important changes were made in the law increasing benefits and otherwise liberalising its provisions. The Act of 1906 had been the subject of amendments in 1917 and 1919 which undertook to relieve the situation produced by changes in the value of the currency and in the cost of living; the amendment of 1917 added 25 per cent. to the benefits payable under the Act of 1906 on account of total incapacity. This Act was limited to the duration of the war and for six months thereafter. The Act of 1919 continued the period of increase, but advanced the amount to 75 per cent., and made this increase available to beneficiaries under the Workmen's Compensation Acts of 1897 and 1900, as well as to those under the present principal Act of 1906. The first section of the amendatory Act of 1923 repeals both these "war addition Acts" as of the 31st December, 1923, but provides that the addition provided for in the said Acts shall continue with respect to total incapacity due to accidents occurring on or prior to that date, as long as the workman remains totally incapacitated. Under the terms of the old law, death benefits were to be three years' earnings of the deceased or the sum of £150, whichever was the larger but not exceeding £300. Under the present law the minimum is £200 and the maximum £600. Provision is made for variation in the amount on the basis of the age and number of dependent children under the age of 15. The waiting time is reduced from seven days to three, for which payment may be made if incapacity lasts four weeks or more. The wage limitation is raised from £250 to £350, thus permitting non-manual employees up to the higher range of salaries to receive the benefits of the law. Employments of a casual nature, if for the purposes of any game or recreation and engaged or paid for through a club, are brought within the Act. The scope of the Act is further increased by a provision construing the clause "out of and in the course of the employment" to include accidents resulting in death or serious and permanent disablement "notwithstanding that the workman was at the time when the accident happened acting in contravention of any statutory or other regulation applicable to his employment, or of any orders given by or on behalf of his employer, or that he was acting without instructions from his employer, if such act was done by the workman for the purpose of and in connection with his employer's trade or business." The Workers' Compensation Acts of 1906-1923 of England provided that claims which cannot be settled by agreement shall be referred to arbitration. The object of the use of the word "arbitration" in the Act of 1906 was to safeguard proceedings under it as far as possible from being entangled in the meshes of ordinary legal procedure. In theory there is nothing to prevent the parties from selecting anyone as arbitrator in their disputes. In practice advantage is almost invariably taken of the provision of the Act by which a judge of the county court of the district, in which either party resides, fills the position of arbitrator in connection with the case. It will be seen from what I have stated that Great Britain which is often quoted as being behind the times in the matter of industrial legislation and, in fact, all classes of legislation, is in reality very much up-to-date. I shall be able presently to prove that in some respects the Old Country is very much in advance of Western Australia. Of recent years our legislation has fallen behind that of the other Australian States and Anglo-Saxon communities in other continents. This Bill is an attempt to make up the leeway in some important respects, namely, in the increase of schedules of payments in accordance with the change in the purchasing power of money; the widening of the categories entitling to compensation, to include accidents happening at any part of the time spent in serving the employer, including going to work and returning; occupational diseases; compulsory insurance by employers against their liability, in order to spread the cost of compensating the victims of misfortune over the whole of the employers of labour; further simplification of the procedure by which workers may obtain compensation by sending disputes to be settled by industrial magistrates and allowing appeals only to the Arbitration court. All these changes are well in keeping with the trend of similar legislation elsewhere. I contend—and I hope I shall be able to prove—that similar legislation has received the sanction of other countries. There is outstanding a most important feature of the Bill to which I wish to direct special attention. It is a provision for the payment of compensation for occupational diseases. It is new to Western Australia, but it obtains in every part of the Commonwealth except Tasmania. Largely in the mining industry of the State such diseases are contracted, and they are making heavy inroads upon the lives of those who are engaged in that important industry.

Hon. J. Cornell: The Bill is as indefinite as ever in regard to mining.

The COLONIAL SECRETARY: So serious did the position become that some years ago the Government built and equipped a sanatorium at Wooroloo for the treatment of the unfortunate victims of these diseases. Under the Workers' Compensation Bill submitted to this House in 1912 by my friend Mr. Dodd, industrial diseases were included in the schedule, but unfortunately this provision did not meet with the approval of the Legislative Council. Surely those who give up their lives to the industry, whether by accident or by diseases incidental to the industry, have a right to be assured that their dependants will not be thrown out

on the cold world without a hope for the future. It is safe to say that 90 per cent. of the industrial diseases which occur in Western Australia are contracted through mining. Men engaged in the industry face many risks, but there is one great risk from which few escape, a risk in which all the odds are against them—that is, if they have worked in a mine for any length of time—namely, the risk of contracting miners' phthisis. If a miner is killed by a fall of earth or any other means while engaged in his employment, his dependants can claim compensation, but if his death occurs slowly though surely by reason of diseases contracted purely through the nature of his occupation, his dependants receive no compensation except through the miners' relief fund, to which he contributes jointly with the mine owner and the Government. This Bill seeks to remedy that injustice.

Hon. J. Cornell: There is nothing definite about it.

Hon J. R. Brown: Of course it is definite.

The COLONIAL SECRETARY: I wish to let members know what has been done in other countries in connection with occupational diseases. A country which has, up to 1916, led the way in the matter of compensation for occupational diseases is Great Britain. Its Workers' Compensation Act of 1906 contains a pioneer schedule of six diseases for which compensation was to be paid on the same basis as for accident. This list has twice been extended and at the present time there are 25 maladies of occupation which entitle the victims to relief. Yesterday I was reading in a legal article a statement to the effect that the Government can include from time to time, in the form of regulations, any new occupational disease which they consider should be provided for by regulation. Within the last 12 months several new diseases have been added to these regulations. In 1914 the Canadian province of Ontario adopted its first workers' compensation law modelled upon that of England, and scheduling the same original six diseases. In 1913 the United States of America, department of commerce, published a report on the operation of the accident compensation. Some 66 closely printed pages are devoted to embarrassing questions arising out of occupational diseases contracted in the Government service. One of the most urgent recommendations for a change in the law is that it should be extended specifically to embrace diseases of occupation. Eleven States and the Federal Government of America now include occupational diseases amongst the list of compensable injuries, five States having amended their Acts to this effect during the past two years. In most of the States of America all occupational diseases are compensated, but in some cases the coverage is limited to certain specified diseases and processes patterned after the British law. In India the Act of 1923 provides that workers suffering from anthrax, lead poisoning, and phosphorous poisoning get the same benefits as when they are injured by accident. I could quote other foreign countries, but do not think it is necessary. The example of Great Britain, America, and India ought to be sufficient to convince this House that there is a necessity for the introduction of this measure and for the operation of this Bill.

Hon. J. Duffell: It is six years overdue.

The COLONIAL SECRETARY: An international labour conference was recently held in Geneva, the Australian representative being Mr. John Curtin of Perth. At that conference occupational diseases were discussed. On the subject of workers' compensation, the committee expressed the opinion that the workers who were the victims of specified industrial diseases, should have a right of compensation at least equal to that which they would receive if they had been the victims of industrial accident. The conference was held under the provisions of the Peace Treaty, and every nation subscribing to the League was represented there. This Bill is some recognition by the Government of its duty in this respect, and Parliament has now to consider the question as to whether or not it will share the responsibilities. If an advanced country like Australia fails to live up to its obligations in this matter, the Governments of less enlightened countries will submit our report as a reason for their failure to take the necessary action. Let us come closer home. Recently an international conference was held in Melbourne when industrial hygiene was discussed. The conference was called by the Commonwealth authorities. This State was represented by Dr. Atkinson, the Chief Medical Officer, and Mr. Bradshaw, the Chief Inspector of Factories. Amongst those present were Dr. Park, the Acting Director General of Health for the Commonwealth, Dr. Robertson, the Director of Industrial Hygiene, Division of the Commonwealth Department of Health. Dr. Robertson had recently returned from a world's tour when he studied hygiene and the problems that are being dealt with in this Bill. He spent some time in America, and it was mainly to deal with his report that the conference was held. There were also present Dr. Badham, Medical Officer of Industrial Hygiene of the Department of Public Health of New South Wales, Mr. G. H. Taylor, Railway Medical Officer of New South Wales, Mr. W. I. Taylor, Chief Inspector of Factories, and Investigation Officer of New South Wales, Mr. E. Robertson, Chairman of the Victorian Health Commission, Mr. H. M. Murphy, the secretary of Labour, Melbourne, Dr. Ramsay Smith, Chairman of the Central Board of Health of South Australia, and the two officers I have mentioned from this State, also Mr. Reynolds, Chief Inspector of Factories of Tasmania. Dr. Park was elected to the chair. All the States except Queensland were represented. I will read portions of

the report of the conference dealing with occupational diseases. According to the report, the last question dealt with was the important one of industrial disease or diseases of occupation, and the control of dangerous and unhealthy industries. It states—

It will, no doubt, be of interest to you to know that the conference unhesitatingly and unanimously passed the following resolutions in regard to occupational disease: (1) That it is desirable that each State of the Commonwealth should have in effective operation, legislation controlling occupations dangerous to the health of those employed therein, and (2) That every Australian State should afford compensation for industrial diseases. It was the view of all members of the conference that the worker who loses his life or suffers incapacity as a result of occupational disease is entitled to compensation equally with him who meets with death or injury by accident. The legislation already in force in some of the States was reviewed and a list drawn up of those occupational diseases in regard to which it was considered compensation should be payable. This list has already been submitted to you. It is possible that only a few of these occupational diseases will concern this State for some time to come, but as industry develops they may become increasingly important. Certain mining diseases mentioned in the schedule are, however, of especial import to this State; but if we are to have uniform legislation throughout Australia, the list should be complete and the legislation competent to deal with any of these diseases that may arise from time to time. Whilst compensation is, therefore, considered just and desirable it is the duty of the State to prevent the occurrence of industrial disease so far as lies in its power, and for this reason it must have the necessary statistics to show where and how it has arisen and the machinery to prevent its continuance or recurrence. The Conference, therefore, recommends that the diseases specified in a schedule (page 28) should be notifiable to the Commissioner of Public Health whose organisation working in co-operation with the Department of Labour may investigate causes and institute preventive measures. In most of the States some legislation for notification and compensation of industrial disease has been in operation, but in none, with the possible exception of New South Wales, does the comprehensive range recommended by the Conference appear to have been covered.

Hon. J. J. Holmes: What are the diseases referred to?

The COLONIAL SECRETARY: The diseases mentioned in the schedule of the Bill.

Hon. J. J. Holmes: Are there many of them?

The COLONIAL SECRETARY: A good number. This was not a Labour conference, it was a conference of professional men who deliberately recommended that every Australian State should pay compensation for occupational diseases. And there is no logical argument why any country should provide compensation for accidents and make no provision for diseases inseparable from the occupation. The schedule of diseases set out in the Bill is the schedule approved by the conference in Melbourne. The schedule has been adopted exactly as it was recommended by the conference. The two Western Australian representatives have assured the Government that there is no doubt whatever that the other States will come into line. There is a clause in the Bill that permits of the schedule being extended. It is provided that the Governor-in-Council may, by regulation, add to the list of diseases. It is, however, provided that although by regulation a given disease may be added to the schedule, such regulation cannot become effective until 14 days have elapsed from the time it was laid on the Table of both Houses.

Hon. J. Duffell: Fourteen sitting days.

The COLONIAL SECRETARY: That I understand is the principle that has been adopted by this House. It must be borne in mind that before compensation is payable it has to be proved that the disease arose from the industry. The worker may contract any of the diseases named in the schedule, but unless it can be shown that they were contracted from the industry in which he was engaged, they will not come within the provisions of the measure. If the medical man attending the worker states that in his judgment the disease has been contracted in the industry and the medical man representing the insurance company claims that that was not so, but that the disease was contracted outside, the dispute shall be referred to a medical referee, who shall be appointed under the Act, and an appeal from his judgment shall rest with the Arbitration Court. The employee must have been employed in the particular industry mentioned in the schedule within 12 months of the making of the claim. If he has worked for more than one employer in that time, the employer with whom he has last worked shall be responsible. The employee is called upon to advise the employer of the name and address of the employer for whom he previously worked, and the last employer has the right to join the other employer in the action, and the amount of compensation shall be distributed equally between them, each paying his share.

Hon. E. H. Harris: Irrespective of the period the man may have worked for either one?

The COLONIAL SECRETARY: Both employers would be responsible, and each will have to pay a proportionate share of the compensation. That is what I should have said. That is not an innovation. It is a copy of a provision now operating under the English law. I do not think I can submit a stronger argument in favour of it than that at the conference held in Melbourne it was stated that quite a number of occupational diseases could be developed within a few months, and that it would be unfair to restrict compensation to residents. I have a cutting here from the London "Times," dated the 18th September last and it shows the great interest taken in the Old Country by the employers in the welfare of the workers. They are far ahead of Australia in that respect and this cutting, which is an extract from a leading article, should be placed on record. It is headed "Capitalism and Diseases":—

> For the fifth year in succession the Industrial Welfare Society has opened at Oxford its annual lecture conference. The occasion is significant as showing how earnestly employers and employed in this country are studying the health and happiness of the mass of workers and how this study is leading, in many instances, to a new outlook on industrial life. It will scarcely be disputed by those who have followed the movement from the beginning, that, in the first instance the masters rather than the men gave it enthusiastic support. Indeed the men, in some cases, at least, viewed with suspicion an enterprise which appeared to commend itself so highly to their employers. But common sense has prevailed. Those who view with dislike the provision of doctors and nurses, of clean, well-ventilated, well-lit workrooms, of swimming-baths and playing-fields, of social clubs and excellent canteens, are a swiftly dwindling minority. Such things may conceivably help the master; they cannot conceivably injure the man. And so a great work of preventive medicine, for it is nothing less, has been established largely by the captains of industry in this country and in America. But the employers who have built up these welfare schemes make no pretence that they are philanthropists. The interests of their workpeople, as they point out, are identical with their own interests. It is the object of all—masters and men—to serve the public as efficiently and with as great an economy of health and strength as possible. Thus the leading "capitalists" have become the staunch supporters of the campaign now being carried on against the chief killing diseases. Facilities have recently been given to research workers to study in the field of industry the dust problem in its relation to tuberculosis, the problem of accident causation, and the problem of cancer in so far as this disease is caused by tars and paraffins. These are but three examples selected from a very large number. The last of them is not the least important or significant. The business world, indeed, is eager to rid itself of every preventible ailment, as the acceptance by the Master Cotton Spinners' Federation of the recent decision relating to cancer in the cotton trade shows. When this progressive attitude is compared with the appalling factory conditions in Soviet Russia, where there is no community of interest between employer and employed, the beneficient possibilities of capitalism as a system of industrial life are evident. This system actually puts a premium on healthy conditions of work, whereas the Russian system, with its compulsory labour and its lack of competition, make health of no account and even life itself an insignificant consideration.

Hon. J. J. Holmes: That has been done by the Tories to whom Mr. Gray referred last night.

The COLONIAL SECRETARY: That is quite right. The "News of the World" of the 14th September, 1924, contains the following:—

> Great satisfaction has been caused in Lancashire by the announcement that the Insurance Section of the Master Cotton Spinners' Federation has decided to accept Judge Moffatt's ruling at Ashton County Court that cancer, from which a spinner had died, arose in the course of his employment, and, therefore, was within the Workmen's Compensation Act. Inquiries show that the decision not to appeal was arrived at on legal advice. It was felt that after the declaration of Drs. Southam and Wilson, who have been pursuing research work on this matter for years, it would be useless to appeal without positive evidence negativing the view that the disease arises from the occupation. It is as yet impossible to obtain this. There are 100 cancer cases on the books of the Operative Spinners' Amalgamation, and the cost of maintenance in connection with the disease amounts to a considerable sum per year. But the operatives' leaders hope for more from the preventive work which this decision is likely to produce than from the compensation which will result.

Death benefits take a prominent place in legislation, having for its object compensation to dependants of workmen killed in the course of their employment. The Industrial Commission in America, appointed to go into the question of death benefits, clearly defines its attitude. This is taken from the report of the Commission:—

> An adequate death-benefit schedule should take into consideration these con-

situent parts: First. A realisation that human life is the true wealth of a community, and that its loss must not be treated lightly. Second. When a worker loses his life he gives his all, and there is an imperative duty devolving upon industry to see that his dependants are cared for; included in this duty should be a determination to see that want never hovers around the door of the home from which he has been ruthlessly taken. Third. A process of education that will enable employers especially to see that a death benefit is not a tax on them, but a compensation cost to be distributed over the community by means of insurance, and without which no compensation system begins to be adequate. Fourth. A payment of a sufficient amount to provide burial expenses based upon reasonable needs. Fifth. An income for each widow as long as she lives or until she remarries, with provision for a lump-sum payment in the latter event, such income to be sufficient for living needs and not confined to a limited percentage of the husband's wage if such wage was inadequate to provide a reasonable living standard at the time of his death. Sixth. An income for each dependent child, to the end that the home life shall be conserved, with provision that there shall be full opportunity for the education of such child and a fair, average chance in life, the payments to cease only after a wage-earning status has been acquired, and to continue indefinitely if sickness or accident or other good cause keeps such child dependent, and all such payments to be independent of the mother's remarriage. Seventh. Careful supervision of each dependent home by a compensation agent, to the end that each family may face the future with the knowledge that the State is a friend and will assist with the problems that relate to living, to education, to health, to planning the future of the children, to finding employment, and to all the other factors that make up a well-rounded home life; the agent to be a woman of heart and brain who can secure the results that will make a success of the home that at the time of the husband's death seemed to be irreparably broken.

That is the standard set up by a great American authority on industrial matters. California is very much advanced in this legislation, and no pains are spared to ensure that the laws regarding workers' compensation and their administration are beyond reproach. Death benefits under our existing Act provide for an allowance of £500. By the British Workers' Compensation Act of 1923 considerable amendments were made to the advantage of employees. Under the terms of the old law death benefits in England were put on the basis of three years' earnings of the deceased, or the sum of £150, whichever was the larger, but not exceeding £300. Under the present law the minimum is £200, and the maximum £600. To-day Western Australia is on the £500 maximum basis, while in England the maximum is £600. We propose now to fix the amount at £750. That is the allowance provided for total incapacity under the Queensland Act. Regarding lump-sum settlements the present law provides that after the lapse of six months a lump-sum settlement can be fixed by agreement or arranged by the court. This Bill provides that after six months a lump-sum settlement may be fixed by agreement or arranged by the court, and in case of permanent incapacity the amount has to be sufficient to purchase a life annuity equal to the annual value of the weekly payments earned. Thus, if a worker was drawing £3 per week, and a lump-sum settlement is to be fixed, it has to be sufficient to purchase a life annuity at that weekly rate, but the maximum allowed will still be £750.

Hon. G. W. Miles: You cannot purchase an annuity at the rate of £3 per week for £750.

The COLONIAL SECRETARY: In Queensland the settlement may be made by an agreement with the State Insurance Commissioner or fixed by an industrial magistrate. Under this Bill we propose to make insurance compulsory. Everyone who employs labour will be obliged under this measure to insure his workmen. In Victoria employers are obliged to do the same thing. The State there has an insurance office, but no monopoly. In Queensland insurance is compulsory and is a State monopoly. In the other States there is no such provision. While we propose to make insurance compulsory the employer can arrange his own insurance.

Hon. A. J. H. Saw: The State would not like to carry the liability under this measure.

The COLONIAL SECRETARY: The employer may carry his own risk, but if he decides to do so he must lodge approved guarantees with the Treasury to the value of the amount of the risk he is carrying.

Hon. J. J. Holmes: If one of his men is hit over the head with a bottle when going home at night the employer has to pay £750.

The COLONIAL SECRETARY: The extract from the remarks of Mr. French that I quoted a few minutes ago sets out what he considers to be the duty of the State. He contends that the State should see that the widow and children are properly cared for, that an authority should be set up to advise, supervise and assist in the home life to see that the children do not suffer because of the loss of the parent, and that every facility is given for the education of the children. Under this measure we in no way approach that standard. An important alteration proposed is to the definition of "dependants." Under existing legislation even the widow and

children of a worker, who has met with a fatal accident in the course of his employment, have to prove that they were dependent on his wages, before being able to successfully claim compensation. If the employer or the insurance company can show that the widow or children were not dependent on the worker's wages the claim at once falls to the ground. It may happen that at the time of the husband's death the widow had independent means for the time being. Yet owing to the loss of her natural adviser she becomes penniless in a few years. That is a contingency that should be taken into consideration. It is proposed to remedy that state of affairs by providing that a widow and all children under 14 shall be dependants in order that there can be no question at all as to their receiving compensation, irrespective of whether the widow has independent means at the time.

Hon. G. W. Miles: Have they to prove that they were dependent on the wage earner?

The COLONIAL SECRETARY: No.

Hon. G. W. Miles: A woman living apart from her husband could come on an employer after the husband's death.

The COLONIAL SECRETARY: The Bill will provide for the care of those deprived of the bread-winner as the result of an industrial accident. The definition of "worker" to-day embraces all those receiving up to £400 per annum. In New South Wales the limit is £525; Victoria, £350; Queensland, £10 per week; South Australia, £8 per week; and Tasmania, £5 per week. New Zealand recently increased the amount from £250 to £400, and in England it has been raised from £250 to £350. In order to meet to some extent the altered value of currency and keep pace with the rest of the world, as we should do, we propose to bring within the scope of the measure all workers receiving up to £520 per annum. That will be on the same level as Queensland, but New South Wales will still be £5 in advance of us. In order to secure uniformity of decision a provision is made for the appointment of industrial magistrates. Certain magistrates will be called upon to perform the duties, and they will deal with cases arising under this law. Instead of, as at present, appeals going from a magistrate to the Supreme Court and thence to the High Court, and possibly to the Privy Council, there will be one appeal from the magistrate, and that will lie to the Arbitration Court. It is proposed also to bring under the law a working contractor, that is to say, a man who takes a contract, and, without sub-letting it, works himself, although employing other men. To-day a contractor is outside the pale of the Act. Any man letting a contract in future will have to insure against accident the contractor and his men. Insurance canvassers are also brought within the Act. We make similar provision regarding agents, always keeping in view the £520 maximum salary. The arbitration law, and the workers' compensation law have been proved to be very intricate, and have produced more contested cases than any other law on the statute-book. Many arbitration cases have been settled privately, and consequently we do not know how many disputes have arisen. But most of the cases contested in this State have turned on one point, the definition of an accident. The Act sets out that an accident must be one arising out of and in course of employment. All over the world trouble has cropped up under that definition. In most of the American States it has been altered in consequence of the trouble that has arisen. A case was taken to the House of Lords a few years ago, and Lord Wrenbury, one of the recognised authorities on workers' compensation, in delivering his decision, expressed his opinion of the vagueness of the definition. I shall read a few lines from his judgment:—

> The language of the Act of Parliament and the decisions upon it are such that I have long since abandoned the hope of deciding any case upon the words "out of and in the course of" either with satisfaction to myself or with conviction to others.

Hon. H. Stewart: Did any other judge express that opinion?

The COLONIAL SECRETARY: The opinions of the other judges are not given; but the case was decided in favour of the worker, a girl who had met with an accident. After the judge had made that declaration, he gave a decision in her favour from a common sense point of view.

Hon. J. Nicholson: That is how all these cases have been decided—from a common sense point of view.

The COLONIAL SECRETARY: From the extract I have read it will be seen that the leading authority states that he cannot, either with satisfaction to himself or with conviction to others, give an exact definition to those words.

Hon. J. Nicholson: How often does one find that in other statutes?

The COLONIAL SECRETARY: Not often.

Hon. J. Nicholson: In a good many.

The COLONIAL SECRETARY: Those words appear in our law as it stands to-day. In the opinion of the Government, the claims of workers should not be restricted to accidents arising out of or in the course of their employment. We consider that a worker should be covered in all movements that are necessary to his earning a livelihood.

Hon. G. W. Miles: Why don't you make the employer responsible for the workers from the cradle to the grave?

The COLONIAL SECRETARY: We propose to repeal those contentious words and substitute the definition contained in the Queensland Act. The law of that State provides that if personal injury by accident is caused to a worker at the place of his employment, or on his journey to or from such place, compensation shall be payable. That law has given no trouble in Queensland.

Hon. A. J. H. Saw: It has given every satisfaction!

The COLONIAL SECRETARY: The employer must cover by insurance the employee from the time he leaves home until he gets back. It frequently happens that employees have to encounter special dangers in getting to their place of employment. To give one instance out of many: at Fremantle large numbers of men have to travel across the harbour to their work in the motor launches "Ivanhoe" and "Victor." That is a risk inseparable from their employment; they are obliged to go by those launches.

Hon. A. J. H. Saw: Look at the fearful risk involved in coming over from South Perth in the "Duchess"!

The COLONIAL SECRETARY: An accident could happen to the launches involving the loss of workers' lives. Surely such cases should come under the Workers' Compensation Act. The existing law provides that in case of injury resulting in incapacity which lasts less than two weeks, no compensation shall be paid for the first three days. That provision has led to a good deal of abuse, and insurance companies have suffered in consequence. Men have remained off for a fortnight in order to get compensation, whereas they could have gone back to work in nine or 10 days. The Bill therefore proposes that compensation shall be payable from date of accident. In New South Wales the employee who is incapacitated for less than a week receives no compensation, but the employee who is incapacitated for more than a week receives compensation from the date of the accident. In Victoria a similar provision operates. Under the Queensland law no compensation is paid unless the incapacity extends over three days. In South Australia nothing is paid for the first week if the incapacity is for less than two weeks. Tasmania has the same provision as Queensland. New Zealand has recently reduced the waiting period from seven days to three, and in England the waiting period was similarly reduced in 1923. As things are at present, no matter how careless or negligent an employer may be, if an accident arises through the employer's negligence, the worker has to select the law under which he will proceed, and he cannot subsequently amend his choice. If he elects to proceed under the Employers' Liability Act, whereby he may claim a higher amount than under the Workers' Compensation Act, he must stick to that course and abide by the result. We propose that if a worker claims under the Workers' Compensation Act, he may also exercise whatever other rights he has. But the compensation he receives under the Workers' Compensation Act must be taken into account when the compensation to be paid under any other Act is being assessed. The existing Act contains a schedule setting out the percentage of compensation; and in practice the worker very seldom, if ever, draws the percentage provided in the schedule. It is headed, "Ratio of compensation to full compensation as for total incapacity," and then is set out the class of accident and the percentage. The percentages are taken as applying to the full amount of compensation, £500. If a worker loses an arm, he is entitled to 80 per cent. of £500, or an amount of £400. If the worker has been off duty for any period, the amount of money he has drawn in half wages is deducted. Hence he does not receive the compensation set out in the schedule. It is provided in this Bill that the amount shall be paid in full and without any deduction. Instead of the schedule setting out percentages, the actual amount is stated for each accident. Then again, the amount stated in the schedule shall be the minimum; to-day it is the maximum. A worker who has suffered some extra industrial loss or incapacity owing to accident has a right to claim something in addition to the scheduled amount. The loss of a finger may mean much more to one man than to another. It depends on his occupation. So it is set out that where an accident places an additional handicap upon the worker owing to his particular calling, and he has probably to change his calling, the schedule shall be regarded merely as a basis for negotiations. Not less than the scheduled amount may be paid, but the worker will be entitled to claim something extra if he can show that he is suffering an additional industrial handicap. Under the present Arbitration Act an employee over 60 years of age may agree with his employer to accept less than the schedule. He is permitted to contract out, despite the fact that an older man suffers more than a younger through the loss of a limb. We are repealing the section which permits a man over 60 to accept a lesser amount. The Queensland Act fixes an amount in lieu of percentages, as we propose to do; otherwise it is similar to our own and the Victorian Act. South Australia and Tasmania have no schedule. When there is no schedule it means that each individual case is a matter of separate barter, that there is no basis to start on. Experience teaches that a schedule is the only safe plan to adopt, for, with the basis provided by law, one can start negotiations for the lump sum required. Not only will the second schedule be paid in full in the case of those who suffer permanent disability, but, if there is a partial disability, the worker

shall be paid a percentage of the schedule, according to the percentage of the efficiency lost. If an arm has lost 50 per cent. of its efficiency, a proportionate amount will be paid to the worker. If a hand has lost a portion of its efficiency, the same thing will apply. The matter becomes one for the medical profession to decide. The worker goes to his own doctor. If the insurance company is not satisfied with the certificate he will go to their doctor. If the two doctors disagree a medical referee will be called in. If the decision of the medical referee is not acceptable an appeal from him can be made to the Court of Arbitration, whose decision will be final. The decision of the court would be determined on the medical evidence adduced. At present if the worker is off during the healing period or during the period of convalescence, the Act provides for half wages with a maximum of £2 10s. per week, the present maximum being £500. New South Wales provides for 66⅔ percentage with a maximum of £2 a week, plus 5s. for each child under 14 up to a maximum of £3 10s.; South Australia 50 per cent., with 30s. for single men and 40s. for married men; Tasmania 50 per cent. and £2 10s.; and New Zealand 55 per cent., with £3 15s. as a weekly maximum. With regard to juniors our Act provides that where the wage is less than 20s. per week the allowance shall be 100 per cent., which is much the same as it is in the Eastern States. I have endeavoured to explain the principles of the Bill concisely. I have no fear as to the reception which will be accorded to the measure by this House. As I said in opening, the Bill contains very little indeed except what has been accepted as just and necessary in other countries. On this point I have further information, but I did not wish to weary a House which I felt was sympathetic. I could show what has been done in France, Italy, Netherlands, Mexico and other foreign parts, but this can be done in Committee if required. It gives me much pleasure to move the second reading of the Bill, the humanitarian aspects of which will appeal to all. I move—

That the Bill be now read a second time.

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

BILLS (2)—FIRST READING.

1, General Loan Inscribed Stock Act Continuance.

2, Treasury Bills Act Amendment.

Received from the Assembly.

BILL—TRUST FUNDS INVESTMENT.

Message received from the Assembly notifying that it agreed to the Council's amendment, subject to a modification.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

Hon. J. CORNELL (South) [5.48]: The Colonial Secretary has indicated that he is anxious to get this Bill into Committee. So anxious is he that apparently he is prepared to forego his right of reply. I think he would be unwise to do that, because there are many questions that, probably, he could satisfactorily clear up, and so avoid discussion in Committee. I do not propose to take up much time with the principle of industrial arbitration. Extremists on both sides die hard over the settlement of industrial disputes. Of course, extremists of all classes invariably die hard. After centuries of marriage we still have people in favour of free love. It has been said that the decisions of the Arbitration Court have been flouted by both employers and employees. That is undeniable. If it were not so, there would be no need for the settlement of industrial disputes, because we should have reached the millennium. Moreover, that it should be so is strictly in keeping with other forms of litigation. The Australian who, after 25 years of industrial arbitration, would revert to the only other method of settling disputes, namely, the exercise of brute force, is about as rare as he who does not believe in a white Australia policy. Consequently, he does not seriously affect the situation. I was struck with a pamphlet issued by the Minister for Labour, the first of its kind that has been so issued. It sets out what is not the prerogative of the Labour Party or any other party, namely, a paragraph that appears in the covenant of the League of Nations. It would have been wiser had the Minister left that out.

Hon. W. H. Kitson: No fear!

Hon. J. CORNELL: But no party has a claim to it, although it must now be admitted that one party has pirated it. The Minister's two speeches on arbitration and workers' compensation have been printed at length under the authority of the Government Printer. I want to join with the Minister for Labour some of his followers in all the fulminations against the founders and promulgators of industrial arbitration. Such fulminations may have sounded all right 15 or 20 years ago, but to-day they savour very much of the resuscitation of the dodo.

Hon. E. H. Gray: Present day people do not know very much about these things.

Hon. J. CORNELL: Then it is for your party to educate them, but not with a dis-

sertation in Greek. That pamphlet issued by the Minister for Labour is more or less a dissertation in Greek.

Hon. E. H. Gray: It all depends upon the capacity of the man who reads it.

Hon. J. CORNELL: Well, I will leave you to judge of your own. Great men, many of whom are now gone, have been referred to as the founders or sponsors of industrial arbitration. The names of Deakin, Pember Reeves and Kingston have been mentioned by the Minister for Works and other supporters of the Bill. Why were not the Minister and his supporters generous enough to give some meed of praise to the pioneers of industrial legislation in this State? The Minister was silent on that aspect, as were his followers. If any praise is due to the promulgators of arbitration, it is due to all.

Hon. J. R. Brown: There is nothing in the other Acts to warrant credit being given to anyone.

Hon. J. CORNELL: I have gone to the trouble of ascertaining that the first arbitration Bill, a very crude affair, was introduced in 1901. It was superseded by a Bill introduced by the James Government early in 1902, and the legislation passed both Houses of Parliament. Let us see how the Legislative Assembly was constituted in 1902, and ascertain who, out of that mighty House, have remained. There are left only Mr. Holman, Mr. W. D. Johnson, and Mr. George Taylor. I can find only one reference to any of those members, and that was a gratuitous insult by the Minister for Works concerning the member for Mt. Margaret. It would have been fitting if a meed of praise had been extended to those legislators who assisted the James Government in respect to our first Arbitration Act.

Hon. J. R. Brown: Why not discuss the Bill?

Hon. J. CORNELL: The hon. member can have his rush later. In regard to this House, you, Mr. President, and the Leader of the House, are the only two surviving members of the House as constituted in 1902 when our first arbitration law was passed. That goes to show the risks that Parliamentarians run and how, in the march of time and in the fullness of the years, we should take off our hats to those politicians who have survived so many years and remained to grace both Houses of Parliament. Mr. Moore has said that because this House has accepted the principle of arbitration there is no need for a discussion of the Bill on the second reading. Principles in the abstract which, after all, is what industrial arbitration means, contain in their application major and minor points. This Bill contains innovations that heretofore have never had the consideration of Parliament. For that reason it is necessary and desirable that we should discuss on the second reading those major principles, and consider where they would lead if we adopted them. That is practically all that I have to say by way of preface. I will now endeavour to deal with the major principles contained in the Bill, which I think need careful analysis. I want to indicate clearly that if I cannot support some of these major principles I will be against them horse, foot and artillery. If there are any principles upon which I do not touch, it must be understood that I may vote for them in Committee. One fear that often hangs over the heads of Parliamentarians when approaching a contentious matter is, "Was this a subject of consideration when I sought the suffrages of my electors or, if it was not, how is my vote going to be judged if I do seek their suffrages?" Only some few months ago I was re-elected to this House. On the hustings I was asked my opinion on arbitration and the question of amending our legislation. I answered that the question of industrial arbitration had been referred to a Royal Commission and that this commission would inquire into all its phases; that if the commission brought down a report and this became the subject of a Bill, I would support what I thought was good in it, and vote against what I thought was bad. That is how I stand in regard to my pledges to the electors of the South province.

Hon. J. R. Brown: That is a yes-no policy.

Hon. J. CORNELL: I do not know what Mr. Brown told his electors, but perhaps he will inform the House. I stand here on the question of arbitration with no one between me and those who put me here. I shall exercise what little brains or faculties I possess in an endeavour to give an intelligent vote on the question before us. When the time comes for me to be judged, I hope I shall be able to say that I have, at all events, satisfied myself. I also referred to the basic wage on the hustings, but will deal with that when I come to it. I have considered this Bill from several standpoints. Like Mr. Dodd I have come to the conclusion that parts of the Bill have been pirated by the industrial giant from other pieces of legislation throughout the Commonwealth.

Hon. E. H. Gray: Why do you say "pirated"?

Hon. E. H. Harris: It is admitted.

Hon. J. CORNELL: What is a pirate?

Hon. E. H. Gray: That means stealing.

Hon. J. CORNELL: Parts of the Bill have been taken from other Acts, and if this is not piracy, I do not know what is.

Hon. H. J. Yelland: Call it plagiarism.

Hon. J. CORNELL: I could say it was plain, honest thieving, but I used the term "pirated" to indicate that parts of the Bill are not original.

Hon. J. R. Brown: There is nothing original in it.

Hon. J. CORNELL: The hon. member is not original: he is antique. It is not in what I may call the "pommy" parts of the

Bill that the greatest dangers lie. It is the local product, where we have no experience to guide us that constitutes innovations, which may lead us we know not where. In the order of their importance I propose first of all to deal with the proposal to abolish confining the registration of industrial unions to specified industries. The Minister, Mr. Gray and Mr. Moore, all of them industrialists, have not given one valid reason for the alteration. Industrial unionism and arbitration in this State have been built up for the last 22 years on the registration of industrial unions in specified industries.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. CORNELL: I was referring to the proposal in the Bill to abolish the existing form of registration under the Arbitration Act. Since the inception of industrial arbitration in this State the one form of unionism has prevailed, and that is that a condition of registration shall be that the rules of the union shall prescribe that the ramifications of the union must be confined to a specified industry or, in exceptional cases, the president may allow the registration of unions of a kindred nature in related industries. But the chief prop on which the industrial union side of arbitration has been raised is that the unions that may register shall confine their work to a specified industry. I venture the opinion that very few of the industrial unions that are so organised to-day are aware of this state of affairs. A similar condition of things may be said to apply to the unions of employers. If members would take the trouble to go through the report of the Registrar of Industrial unions they will find that, leaving out nurses and domestic servants who to-day are not organised, almost every form of unionism has been catered for. To abolish a structure that has stood from the commencement without advancing a valid reason is incomprehensible to me, and I reiterate that many of these unions that are registered, if they knew the position in its true light, would seriously object to the alteration. I will object to it, and vote against it. Nothing has been advanced in the way of argument to convince even the most unsophisticated in the history of unionism that a departure should be made. It has at another stage of the proceedings been argued that the A.W.U. cannot register. That is contrary to fact.

Hon. E. H. Harris: They have three or four registrations now.

Hon. J. CORNELL: The A.W.U. is catering for every type of worker in the State, and as such cannot be registered in a specified industry, or a closely related industry, for the reason that those who may join it are as wide apart as the poles, so far as the industrial world is concerned. The A.W.U. mining industry branch is registered and has an award. The horticultural section of the A.W.U. is registered, and has an award. There is nothing whatever to prevent the A.W.U. from conforming to the structure as it pertains to-day by registering in groups and confining the membership to a specified industry. All this well-conceived and easy-running and well-oiled machinery, in which 75 per cent. of the industrialists to-day are concerned, and are satisfied, is to be scrapped. Why? So that the A.W.U. may register. I issue a note of warning, and, by the way, I have noticed a controversy in the paper about free-booting so far as the members of another union are concerned.

Hon. E. H. Harris: That has been denied.

Hon. J. CORNELL: I hope it is incorrect. Perhaps I should say they were refused an agreement. I hope it is not so. But if we destroy the structure we shall create this position, that we shall register the A.W.U. and it will tend towards one big union. That one big union idea does not meet with the approval of some of the old and most trusted trade unionists of this State.

Hon. E. H. Gray: They are not yet awake.

Hon. J. CORNELL: There is nothing to prevent the hon. member acting as call-boy. Instead of having a structure that is satisfactory we shall create a machine which will take everything out of the hands of the rank and file, and give absolute control to the executive or the junta.

Hon. E. H. Gray: That is not so.

Hon. J. CORNELL: I say it is so.

Hon. J. R. Brown: How does the capitalist system run in the one big union?

Hon. J. CORNELL: I do not know. I was never in it. Why ask me a conundrum?

Hon. J. R. Brown: You are asking us a conundrum.

Hon. J. CORNELL: I will take, for the sake of illustration, the Society of Carpenters and Joiners, which is organised on industrial lines. The Kalgoorlie and Boulder branches are autonomous within the locality for which they are registered. They can discharge by a vote of members, by personal contact, all that they are asked to discharge before they approach the court. Shift the venue to Perth; they are still autonomous. Take the A.W.U. If the A.W.U. were organised in separate sections of industry you could perpetuate the system in given localities, or given industries could find a specific question for the decision of those engaged in the industry. But when you make a conglomeration of the whole it is impossible to approach the court to obtain local control, which is essential with an organisation having a diversity of membership almost as wide as the races of the world, and scattered from Wyndham to Eucla, and from Cook to Geraldton. How can such an organisation be managed and controlled unless resort be made directly to

executive control? It cannot be done. Immediately we throw over the local people we make a retrograde step, and place the power in the hands of a few men who should not hold it.

The PRESIDENT: Can the hon. member connect his remarks with the Bill?

Hon. J. R. Brown: He is not speaking to the Bill at all.

Hon. J. CORNELL: I am discussing the conditions set out in the Bill. The proposal is to alter the existing form of unionism, and I am trying to demonstrate that by throwing over the old procedure, we shall recognise the A.W.U. and abolish the well-ordered system of local control.

Hon. J. Nicholson: That is contained in Clause 3 of the Bill.

Hon. J. CORNELL: Yes, but I am not referring to the clauses; I am referring to the principles contained in the Bill. If members have studied the measure, they can see the relation between my remarks and the various clauses.

Hon. E. H. Harris: It is the most important clause in the Bill.

Hon. J. CORNELL: It is.

Hon. W. H. Kitson: You know that no organisation has more local control than has the A.W.U.

Hon. J. CORNELL: Under this measure the A.W.U. would soon be free from any local control.

Hon. W. H. Kitson: That is wrong. I thought you understood the position.

Hon. J. CORNELL: We should not bring about a system which I think would not be acceptable to the great majority of unionists in the State. The existing law provides that no registered union can approach the court for a citation without taking a ballot of its members. There are two long sections in the Act that clearly and definitely set out the procedure. That procedure has been operating for 22 years and has not been questioned. Every registered union, before approaching the court, must call a special meeting, pass the necessary resolution, and subsequently give every financial member an opportunity to vote upon the question.

Hon. J. R. Brown: How many unions do that?

Hon. J. CORNELL: That is not the point. This is the law, and I hope it is observed. The union must take a ballot of the people who will have to work under the conditions prescribed by the court, and that is only right. This Bill proposes to abolish that system.

Hon. E. H. Gray: It has been proved to be unworkable and cumbersome.

Hon. J. CORNELL: I have been as closely connected with trade unionism during the last 27 years as has Mr. Gray.

Hon. E. H. Gray: You have lost touch with it lately.

Hon. J. CORNELL: If I have lost official touch with it, I have not lost the friendship of hundreds of trade unionists. I have heard no complaint of undue hardship. Rather have I heard trade unionists contend that on a question which may involve their bread and butter, they should have a say. What does the Bill propose to substitute for this procedure?

Hon. J. R. Brown: Something better.

Hon. J. CORNELL: It proposes that any union may approach the court in any manner whatsoever on a resolution of the governing body of the union. If that is not executive control, I do not know what is. I venture to say the rules of every union provide for a committee of management, which is the governing body of the union. If it is intended to perpetuate the system of direct reference to the rank and file, the proposal would be subject to a ballot, but there is nothing implied or written that the resolution of the governing body shall receive the confirmation of members.

Hon. W. H. Kitson: What is wrong with the governing body referring a matter to the court?

Hon. E. H. Harris: Without consulting the rank and file?

Hon. W. H. Kitson: That does not matter.

Hon. E. H. Harris: It does matter.

Hon. J. CORNELL: Mr. Kitson and I differ in our view-points. Later on Mr. Kitson may be asking that a referendum of the people be taken to decide the fate of this House. If he favours a referendum on that question, he cannot have it both ways. Some members are just as consistent on this question as they were in the arguments they advanced touching the defence of the country. They advocated compulsion for everything else except that. I am not going to be a party to that sort of thing.

Hon. W. H. Kitson: You prefer direct action?

Hon. J. CORNELL: Mr. Gray says we are going to have direct action. I would amend the existing law and permit of an interpretation or enforcement of an award being referred to the court pursuant to the rules by the governing body. I visualise the proposed change thus: Every union to-day is registered for a specified industry, and there must be 15 members in the industry before a union can approach the court. Every financial member must be given reasonable opportunity to make known his opinion through a ballot. If the innovation proposed in this Bill be adopted, what will happen? The A.W.U. will be registered, and there will not be any need to perpetuate the system of separate entities that we have to-day. The A.W.U. could embrace the members of any calling and approach the court on any question, irrespective of whether it had a member in the industry concerned in the proposal before the court. If the A.W.U. is not confined to a specified industry, it could enrol members indiscriminately from any industry.

Hon. W. H. Kitson: No, it is confined to specified industries.

Hon. J. CORNELL: Yes, for the purpose of convenience. But if we upset the existing system, there will be no need to perpetuate the division into sections for the purpose of registration. The union will be able to approach the court for an award in any industry, whether they have or have not a member employed in that industry. Further, the union will be able to approach the court on the resolution of their executive, and the court will be bound to deliver an award, which may affect persons who are not members of the A.W.U. That position does not pertain to-day except in the case of a union that has split into sections. For success, some degree of specialisation must obtain under our Industrial Arbitration Act. The position I have outlined might evolve into this, that we would have in Western Australia two registered unions, one of employers, and one of workers. In that event the fate of industrial arbitration would be plain. Mr. Moore clearly and definitely stated that it was impracticable to take a ballot of the A.W.U. members at Wyndham, and that the existing system should be abolished for that reason.

Hon. W. H. Kitson: It would need nine months to take a ballot there.

Hon. J. CORNELL: What is the position of the A.W.U. to-day under the Federal Arbitration Act? I think you, Mr. President, in your capacity as a pastoralist, know that a few years ago Western Australian pastoralists accepted the provisions of a Federal award with regard to the shearing industry. What procedure has to be gone through under the Federal Arbitration Act before an award can be obtained? It is not a question of ballot papers which can be easily issued by stewards and other officials, but a question of everyone likely to be included in the reference or embraced within the award being sent an intimation, which he has to return signifying his acquiescence or otherwise in the proposals. All those returned intimations have to be preserved and filed in the court. If I am wrong, I ask Mr. Seddon to correct me.

Hon. H. Seddon: I think you are quite correct.

Hon. J. CORNELL: I am correct as regards the employers, at all events. To-day, under the Federal Act, one cannot cite one employer, but must cite all. Only employers cited are bound by an award. My argument regarding the position of employees under the Federal Arbitration Act may be open to correction. If so, I hope Mr. Kitson will follow me, and then the House will be able to judge between that hon. member and me. Another proposal of the Bill is to authorise the Minister to refer an industrial dispute to the court if the parties are out on strike, whether or not they are registered as unions.

Hon. E. H. Harris: The Act recognises only registered societies.

Hon. J. CORNELL: The Bill proposes to give the court power, of its own motion, which it does not possess to-day, to step in and determine all industrial matters and to prevent, settle, and determine all industrial disputes. An industrial dispute, according to our Act—I speak subject to correction—can occur whether the parties to it are members of registered unions or not. Now we have a proposal, and as I think a wise proposal, to give the court power to do of its own motion what to-day it can do only upon being applied to by one of the parties. On the top of that the Bill says the Minister may step in. Such a process of reasoning indicates one of two things—either that the court is not fit for its job, or that the Minister is not fit for his job. I speak with the concurrence of Mr. Dodd. If the court will not step in, can it be politic for the Minister to step in? If the court sees a crisis coming, it will certainly step in to prevent the arising of a situation which would justify the Minister in stepping in. The court in the past probably has refrained from stepping in merely because it has not had the statutory power to do so. I am going to stand for the court free from any interference by the Minister. I have a hazy idea of the sort of reception which such a proposal would have got had it been brought down by Sir James Mitchell. At all events, it would have had the same reception at my hands. Another proposal of the Bill is retrospective awards. So far as I understand the position, only one valid argument has been adduced and stressed by workers in favour of the retrospective award, and that is the long time which elapses on a rising market before they can get to the court and secure an award. I take it that if this Bill does anything, it will produce expedition, doing away with the vexatious delays of six or eight or nine months before the hearing of a dispute by the court. If that consummation is brought about, Mr. Gray will agree with me there can be no need for the retrospective provision of the Bill. If the consummation does not arrive, the inclusion of the retrospective condition will not bring satisfaction to the workers. I have ever held that any law which does not cut equally both ways is an unwise law. Figuratively, the retrospective provision can apply both ways. Actually we know that it is the employer who has always been asked to pay retrospectively, and that the worker has never been asked to pay back again. I cite the reduction of the wages of the Kalgoorlie miners from 15s. to 13s. 8d., amounting to about £7 per man.

Hon. J. R. Brown: Would you expect them to repay that?

Hon. J. CORNELL: If it is right for the employer to pay, it is right also for the worker to pay.

Hon. W. H. Kitson: Could it not be left for the court to decide?

Hon. J. CORNELL: Do you think the court could apply it? The Federal court on numerous occasions has applied it to the worker, but never to the employer. However, if we can bring about expedition in the settlement of disputes, we shall have gone a long way in removing all necessity for retrospective awards. It is proposed to extend awards to bind any person, whether engaged in industry or not, who employs a worker exercising any vocation that is the subject of an award. Assuming that I am in business but employing no labour, and that Mr. Holmes is in the same business employing labour; is the award to apply equally to me and to Mr. Holmes? How can it be applied to me? Every award is intended to give some degree of justice to the worker employed by an employer; but now we are going further and saying that a man working in a little industry for himself must abide by the provisions of the award. What provisions?

Hon. J. R. Brown: For instance, the opening and closing of the shops.

Hon. J. CORNELL: In that respect he is bound by the Shops and Factories Act. Under the Arbitration Court's award, he must work only 44 hours per week. The Colonial Secretary, himself a working journalist, if he were employing no labour, would have to work the same hours and observe the same conditions as apply to the men on the "West Australian." He would have to work only the hours fixed by the award.

Hon. F. E. S. Willmott: I wish they would stop you from working so long here.

Hon. J. CORNELL: Now we come to the proposed constitution of the court. The president may be, but not necessarily, a judge of the Supreme Court. The 1912 Bill provided that the president was not to be a judge, but this Bill says he may be or he may not be. It provides further that if he be not a judge nevertheless he shall get the salary of a judge. Surely that implies that he shall have at least some of the qualifications of a judge. We have Supreme Court judges as presidents of all the arbitration courts in Australia except that of South Australia, where the first president was and still is Professor Jethro Brown. But under the present law in South Australia, if the president were to relinquish his office, a judge of the Supreme Court would have to be appointed in his place. It is proposed to make of the Arbitration Court an appeal court for the purposes of the Workers' Compensation Act. An appeal from the decision of a magistrate in respect of workers compensation is now taken to the Supreme Court and the Full Court. In future it will be taken to the Arbitration Court. Here again the Government surely have indicated that if the President of the Arbitration Court is not to be a Supreme Court judge, at least he must have the qualifications of a judge. As for the lay members of the Arbitration Court, without being disrespectful I hold that the president of the court should alone constitute the court. In 1912 I thought the same but, bowing to the decision of the majority of the party with which I was then identified, I agreed to the continuance of the lay members of the court. Every other arbitration court in Australia is constituted of one man. Even in that land of promise, Queensland, it is a one-man court. That, too, despite the fact that there is there no Legislative Council to thwart the wishes of the Legislative Assembly. However, I will readily vote for the abolition of the lay members of the court. Then there is the conciliation board. The conciliation board is not new, and if only it could function satisfactorily, it represents the best method of all for the settlement of disputes. Then there are the industrial boards. The best way of expediting the work of the court and precluding tedious delays is to relieve the court of its congestion by constituting similar courts or boards. The success of the proposed industrial boards will be made or marred by the court. If the boards do not act in a conciliatory manner they will not fulfil their objective, indeed, they will be useless. However, given a chance, they will prove quite useful. Coming to the question of the basic wage, it is as well that I should repeat my pre-election pledges. I said I favoured the fixing of a basic wage; not as the Bill proposes, indiscriminately or indeterminately; I favoured its being declared at specific periods during each year and that its application should then have force in every industrial award or agreement in operation, whether the basic wage was up or down. That is the principle I intend to support here. Now we come to the question as to how the basic wage is to be determined. The present set of circumstances is perpetuated. The basic wage to-day and for many years past has been arrived at by estimating how much house rent, food, clothing, etc., the worker should get. That process of reasoning might be logical when applied to horses, but we ought to adopt a different basis of reasoning when applying it to human beings. The sponsors of the Bill I hoped would have put up a definite proposal which would have departed from the present stereotyped method of arriving at the basic wage. The direction the Bill gives to the court is that it shall take into consideration the rent of a 5-roomed house, the cost of food, clothing, and other necessaries for a man, his wife and three children according to a reasonable standard of comfort. That is not new. It has been advanced in half a dozen arbitration court cases in this State, but that is the

standard set up by the Piddington Royal Commission on the basic wage. The wage is fixed on Knibbs' figures.

Hon. J. R. Brown: You know that is wrong.

Hon. J. CORNELL: House rent, food, clothing and other necessaries are taken into consideration. Knibbs' figures are based on the Harvester judgment. Mr. Justice Higgins provided for union dues, newspapers and everything when he delivered that judgment. The whole thing is based on mathematical calculations as to the purchasing power of the pound. Is there any fundamental departure from the Harvester judgment in this Bill? If there is what little time I have devoted to economics has been wasted. Let us assume that every married man had a 5-roomed house to-morrow. Would not the position that exists to-day be perpetuated, and would not the dog be chasing his tail in an endless circle? Until we depart from the present method and find some more humane way, we shall not be doing anything that will benefit the workers economically.

Hon. J. R. Brown: Do you object to a five-roomed house for a worker?

Hon. J. CORNELL: I do not object to a worker having a mansion or to his wearing the finest of clothes, or to his children being dressed and educated as well as other children. I do not object to his getting all the good things of life, but I do suggest that this method will not give them to him.

Hon. G. W. Miles: That is provided he can earn the money.

Hon. J. R. Brown: He can earn the money if he is only paid what he earns.

Hon. J. CORNELL: Once people have enjoyed better living, better clothing, have more amusements and more of the good things of life, they will not revert to the old order of things without a struggle. If any attempt were made to drive them back by reducing wages, there would be a revolt. Single men will benefit under this Bill. If a five-roomed house is necessary for a man, his wife and children, and certain food, clothing, etc., are also necessary, it follows that the standard fixed on that basis must benefit the single man who has not such obligations.

Hon. J. R. Brown: He is getting the same money to-day as the married man.

Hon. J. CORNELL: This is one of the questions of the age. The section of the community which has suffered through all time is the married section. On the married man depend the stability and the continuity of the nation. I would give the married man with dependants a bigger wage than I would give a single man.

Hon. E. H. Gray: How many bosses would employ you?

Hon. J. CORNELL: Taking bosses by and large, they are most of them humane.

Hon. E. H. Gray: Business is business.

Hon. J. CORNELL: When it comes to dismissing a married man as against a single man, most bosses will give the opportunity of employment to the married man. How are we going to advance this situation? There is only one way of doing so, and that is to set up a comprehensive scheme whereby the married and single men must draw the same basic wage, but the married man must draw some equivalent for the obligations he carries. The proposal in this Bill does not give the married man the consideration that is due to him, but gives all the consideration to the single man. If any member could solve the situation whereby the married men would get due consideration for the responsibilities resting upon their shoulders, he would go down to posterity as having done something useful.

Hon. E. H. Gray: That will come yet.

Hon. J. CORNELL: If we endeavour to initiate and perpetuate a system with such a wide demarcation between single and married men, later on, when we try to deal with the situation, we shall probably be hoist on our own petard, and find that the single men are a force to be reckoned with. After all, single men have votes as well as married men. Unfortunately, the welfare of the community that deserves most consideration is invariably settled by the votes of the thoughtless. The provision for the 44-hour week takes away from the court the discretionary power of fixing the hours of employment under any award. If this proposal becomes law, the court cannot fix a greater working week than 44 hours.

Hon. J. M. Macfarlane: In all industries.

Hon. J. CORNELL: Numerous awards have been made in which the courts have prescribed a 44-hour week. Why have they prescribed that for men underground and for coke workers, and others? Despite the fact that Mr. Justice Higgins prescribed 44 hours for engineers, this was afterwards superseded and the 48-hour week was reverted to. I have yet to learn of any instance where the court has fixed a lesser maximum week than 48 hours by reason of the disability under which the men have worked and subsequently altered it. Wherever the Federal court or the State court have fixed a 44-hour week or less than 48 hours because of the disabilities of the workers in any industry, that condition has been continued. If the court is restricted to a maximum of 44 hours a week, it follows, as the night the day, that in those industries where a 44-hour week is now fixed because of the disabilities of the workers the court will fix a 40-hour week. There is another feature of the 44-hour proposal. It says that the court shall not fix an award giving a greater number of working hours than 44. That assumes that if the proposal become law it will not operate until some union goes to the court and then the court will have no option but to grant it. From that

process of reasoning one would assume that the 44 hours would come in gradually; that as each union went to the court so the court would grant the 44 hours. That is absurd. Immediately the first union went to the court and got 44 hours, the other unions would ask that the 44-hour week should automatically be made to apply to them. The question, therefore, would be decided in one case. As the law stands today the court has discretionary power in the fixing of hours. Mr. Kitson asked by way of interjection whether I would be prepared to leave it to the court. I will retort by asking why is he not prepared to leave it to the court.

Hon. W. H. Kitson: The court has requested the legislature to deal with the matter.

Hon. E. H. Gray: The court says it is too big a responsibility.

Hon. J. CORNELL: In another place a very old and experienced industrialist in the person of Mr. J. B. Holman, an industrialist who has had experience second to none in this State, expressed the opinion that the 44-hour week should be made statutory, that the question should be placed before Parliament, and decided on its merits. That is the view I take, and I do so because, with the court as it stands today, only organised unions would benefit, and the unions not organised, and that did not get to the court, would remain as they were. It should not be a question whether the Arbitration Court should, or should not, give it. Every worker has an equal right to work the same maximum number of hours as some other worker who is more fortunately situated. The building trades and others have the 44 hours, but there are the cases of nurses, domestic servants, agricultural labourers, and others too numerous to mention, who would not benefit by the provision in the Bill, but who would benefit if the matter had been dealt with separately. That was the manner in which Ministers proposed to deal with the question when they were before their electors. They declared it to be their intention to ask Parliament to decide the question of the maximum working week. If the Government will bring down a Bill to fix that maximum week for all workers it will receive my support. It is proposed to direct the Court that it shall not prescribe a greater number of working hours than 44. We say that the Court has asked for legislative direction. If it is logical for us to say to the Court that it shall not award a greater number of hours than 44, is it not equally logical that by legislative direction we shall say to the Court "You shall not give a worker less than so much a week, or a day." I place the question of the basic wage on as important a level as I do the question of hours. The question of subsistence is of more vital importance to the State and to its citizens generally than is the question of hours. I am not going to dilate on the question as to whether or not production will be maintained. In years gone by I heard valid reasons advanced for a 44-hour week. Workers in those days were honest, and they said "If you reduce the number of hours more men will be employed and we shall have less to do." Today, we say that by a reduction of hours from 48 to 44 the production will be greater. I know that I could cut more wood in 48 hours than in 44. I need only refer to the statement made recently by Mr. Lawson, Engineer for Water Supply, who declared that he would have to allow an additional 10 per cent. for the 44-hour week.

Hon. J. Nicholson: I think it was 12½ per cent. he said.

Hon. J. CORNELL: No one can convince me that a man will do as much in 44 hours as he will do in 48 hours.

Hon. J. Nicholson: What about the railway workshops?

Hon. J. CORNELL: There are only one or two other points to which I wish to refer. One relates to the powers of shops and factories inspectors. I understand today that in almost every award the Court authorises the shops and factories inspectors to carry out inspections. What more do we want? Why do we want the union president, or the secretary, or some other person who may be indiscriminately appointed, to have the same power as a shops and factories inspector? I cannot conceive that the sponsors for the Bill desire that. If they do I am at a loss to know for what purpose. I have every regard for the work of shops and factories inspectors, and if there are not sufficient of them to do the work the Government should appoint more. Mr. Gray said the House should pass the 44-hour provision because, if it did not, the workers would secure it by direct action. Well, I say let them.

Hon. J. J. Holmes: He did not tell us that the lumpers' union books at Fremantle are closed at present.

Hon. J. CORNELL: It has been argued that, because the Bill is the work of a Labour Government and has passed another place, it should be passed here. It is almost unprecedented that a House with 27 members on the Government side and 23 in opposition, could find no good in the suggestions of the Opposition. Notwithstanding that it is such a contentious piece of legislation, it passed through another place without the Opposition being permitted to so much as cross a "t" or dot an "i." This indicates one of two things—that those who piloted the measure through without permitting the Opposition to cross a "t" or dot an "i" were super men of super intellect——

Hon. E. H. Harris: Superficial.

Hon. J. CORNELL: Or were docilely followed by a brutal majority. It is argued that because the Bill passed another

place in that manner it should be accepted here.

Hon. E. H. Gray: We would be very thankful if you would accept it.

Hon. J. CORNELL: Mr. Brown has interjected more than once "If you are not for Labour, you are against it."

Hon. J. R. Brown: That is quite correct, is it not?

Hon. J. CORNELL: If the Labour Party in another place would not allow the Opposition to cross a "t" or dot an "i," what valid objection can the hon. member have to members in this House, not of the Labour Party, doing it here.

Hon. J. R. Brown: You will do it.

Hon. J. CORNELL: I am glad the hon. member is reconciled to what may happen. It has been urged that if we do not accept the Bill without question, this House must go. I am prepared to take a chance of the House going, and if it does go, I shall be happy in the recollection that we hung together.

[*The Deputy President took the Chair.*]

Hon. A. BURVILL (South-East) [9.3]: I intend to support the second reading. The old Arbitration Act certainly needs to be amended. There is too much delay in getting cases to the court, and this has resulted in irritation to both the employees and the employers. I consider the Arbitration Court the most important court in the State, because it settles domestic troubles which also affect the general public. The general public are always affected by domestic troubles that lead to strikes and lockouts. The alteration proposing a permanent judge to give the whole of his time to arbitration is a move in the right direction. Too often parties have had to wait months for a hearing. It appears that the powers that be are anxious that the judge should always have plenty of work to do. It is better for one man to be overworked than for the whole community to be involved in turmoil because of labour troubles. The proposal to appoint a judge, whose sole occupation shall be to adjudicate on these cases, will do more to clear up labour troubles than anything else in the Bill. I believe in preference to unionists. Years ago as a working man I realised the need for it. Before there was preference to unionists, there was always great trouble to get a fair deal from the employers, who often victimised the workers because of the combination amongst workers. Non-unionists could step in and reap all the advantages of unionism, and sometimes the employers used non-unionists to break up negotiations with unionists for badly needed reforms. I am afraid this Bill will have to be amended in Committee. If we are not careful, it may lead to the victimisation of the worker as well as of the employer. We have instances in what is happening at present with the water-side workers and with other unions in the East. It seems possible to give unionists, under this Bill, enough power to victimise not only employers, but also men of their own class, although they may not be members of their unions. The other day railway employees participating in the bonus system in the Newport workshops were threatened with expulsion from the union and the blacklisting of their names in the Trades Hall. This represents a determined attempt to abolish piece-work. It was also agreed that the names of three members of the Timber Workers' Union, and two members of the A.W.U., who were stated to have accepted bonuses, should be submitted to the executives of the unions concerned with the recommendation that they be expelled from the unions. Action is also to be taken to ascertain the names and addresses of offenders who will be blacklisted and their names forwarded to every Trades Hall Council in Australia. We should prevent this sort of thing happening, and I believe it is possible to do so under this measure. It is proposed that the basic wage shall be fixed on the cost of keeping a man, his wife and three children, plus the rent of a five-roomed house. Under that proposal single men would have a very good time, to say nothing of women workers. There has been a good deal in the newspapers about Mr. Lovekin's proposal to make the single men contribute something to a fund to ameliorate the position of the married men.

Hon. E. H. Harris: To pay, not something, but a lot.

Hon. A. BURVILL: There is objection to his proposal, but so far I have heard no substitute suggested. The principle embodied in the proposed amendment appears to be all right. The objection to it is that the single men will be driven out of the State. That is one way of looking at it, but another way of looking at it is that the landlords of three-roomed houses and widows with three children should be in for a very good time, because the single men will want to get married.

Hon. E. H. Gray: Do you support Mr. Lovekin's proposed amendment?

Hon. A. BURVILL: I should like Mr. Gray to put up something in its place. The proposed 44-hour week should interest the primary producers at any rate. A few years ago plank No. 7 of the Labour platform provided for a maximum of eight hours per day.

Hon. E. H. Harris: The nails have since been drawn from that plank.

Hon. A. BURVILL: The present platform of the Labour Party provides for six hours a day and one clear day off per week for all workers.

Hon. G. W. Miles: That is the thin end of the wedge.

Hon. A. BURVILL: It seems as though the proposal for 44 hours is only a beginning. The matter of hours should be settled by the Arbitration Court. I am not a believer in the same number of hours for all trades and professions. In every class of work there is a certain point beyond which it is economically unsound to go. In some trades it would not be fair to ask a man to work 48 hours. Indeed, there are some noxious trades in which even 44 hours might be too much. For most trades, however, 48 hours represent a very good maximum. Over 20 years ago I belonged to a union, and then we had to work nine hours. Our objective was eight, though we never reached it. Now the objective is six hours. As for the basic wage, no one yet appears to have considered it from the standpoint of the primary producer, the farmer. I fail to see how the 44-hour week, fixed holidays and overtime, and different wages for different jobs, with one special man for every conceivable job, can be applied to primary production. The primary producer does not even get the benefit of the basic wage, but has to take the price he can obtain in the open market. When wheat was cheap many years ago, nobody grumbled but the farmer. Now that potatoes are cheap, nobody is going to grumble except the grower. Everybody has protection except the primary producer.

Hon. E. H. Gray: For four months of the year agricultural labour is sacked.

Hon. A. BURVILL: Does the hon. member consider that because a farmer engages a man for the busy part of the year, he should keep the man all the year?

Hon. E. H. Gray: No; but the farmer should pay the man high wages.

Hon. A. BURVILL: I guarantee that the primary producer earns his money, and does more than 44 hours a week for it. Even local produce is not sold on the basic wage principle. The other day I read that £21,000 duty had been paid on 10 locomotives. Those who profit by that are Eastern States manufacturers and their employees. The primary producer can obtain no benefit from protection. No tool that he uses pays less than 35 per cent. duty.

The DEPUTY PRESIDENT: I would ask the hon. member to confine himself to the question before the Chair, which is the Industrial Arbitration Act Amendment Bill.

Hon. A. BURVILL: I am pointing out that to bolster up the 44-hour week and the basic wage a high tariff is necessary. The additional cost involved is going to be passed on to the primary producer through the tariff. The one individual who pays in the long run is the primary producer. I believe in short hours and high wages provided those conditions apply all round. Mr. Moore remarked that the 44-hour week would come in either by legislation or by direct action. What would happen if the farmer tried by direct action to secure reasonable prices for his produce? In his case direct action would mean growing only enough for himself and his wife and children, leaving others to starve. Such direct actoin would probably cause the worker and the manufacturer to wake up. The Minister, speaking of the sawmills and how they were affected by the 44-hour week, sought to prove by statistics that there was a greater output under the 44-hour system than under the 48-hour system. I have looked up the price lists for sawn timber and these do not support the Minister's contention. The extra amount of money received by the sawmilling industry arises not from increased output due to reduced hours but from increased prices. In 1918 the prices of scantling ranged, according to size and length, from 15s. 6d., 16s. 6d., and 17s. 9d. to 19s. 9d. per 100 super. In 1923 the corresponding prices are 26s. 6d. and 28s. 6d. to 34s. 6d. As regards the 44-hour week on sawmills, the companies are satisfied and the workers are satisfied, the increased cost being passed on to the consumer. I believe that conciliation boards and wages boards would be good things. If the Bill is amended in various directions it will be an improvement on the existing Act, and make matters a good deal better for both the worker and the employer. It is to be hoped that at some time in the future things will also be made better for the farmer, so that he will be able to secure a fair and reasonable return for the work he puts into his farm, which work amounts to considerably more than 44 hours per week.

Hon. G. POTTER (West) [9.27]: It is almost with a feeling of deference that I rise under the shadow of the speech with which Mr. Cornell favoured this House tonight. I may couple the name of my friend Mr. Brown with that of Mr. Cornell, since Mr. Brown's participation in the debate has brought out what might otherwise have remained unrevealed beauties of expression. Perhaps a more important Bill has never come before this Chamber. The very nature of the Bill emphasises its extreme importance, touching as it does every phase of our social and industrial life. We should approach the Bill with a firm resolve to do our best to pass it in a shape which shall render it of use to the community, and shall make it an instrument capable of effective functioning. I hope that the Bill as amended, if it is amended here, upon returning to another place will be received with a larger measure of the spirit of compromise than was exihibted in another Chamber upon the original introduction of the measure. With very commendable reason and logic, the Minister who sponsored the Bill appealed to all members of both Chambers to assist in the passage of the measure to the statute-book, and he invited constructive criticism and even amendment. Nothing is more important to the State

than the continuity of industry, because by that alone can we achieve collective and individual prosperity. In the operations of many of our industrial functions we must depend on scientific management and the application of science to industry. But a full understanding of scientific management and the control and operation of industry is not always the gift of the average man. There are certain phases of the Bill that members will approach with trepidation, because it is clear that to have a full comprehension of everything in the Bill one must have been very close to the operation of industry as applied to the employers and the employees. One thing we are all heir to is common sense. If we fail to realise the application of science to industry and to the management and control of industry, rising even supreme to this is common sense; and we must apply this common sense to our consideration of the Bill. It needs nothing more than common sense to teach us how necessary it is to eliminate from our social and industrial life the losses that have resulted from stoppage of work. The loss to the community has already been computed in millions sterling, but who can compute the loss of industry that, once diverted from its natural channel, never again returns? I approach the consideration of the Bill with a full and firm resolve to judge it as best I can from the common sense viewpoint. If it will give continuity of industry and also eliminate the economic waste through loss of time, I think some good will be achieved. The loss in money alone has been computed in millions. That loss has fallen more heavily on the wage earner than on any other section of the community. In the first place the wage earner loses his wages for the time being. But he suffers twice, because it takes some time for the industry to settle down again after the upheaval, inasmuch as trade has been diverted and months may elapse before all the men can be again absorbed; with a consequent result that the purchasing power of the community is diminished, and therefore there is less work in the workshops, which again creates unemployment. Then no matter how diplomatically the settlement may be effected between employer and employee, there remains that superficially healed wound, liable to break out again under the slightest strain. It has been said that it is really not necessary to delve very deeply into the Bill at the second reading stage. I admit that to a certain extent it is essentially a Committee Bill. Nevertheless it is the duty of all members to point out what in the Bill most appeals to them. The first salient point in the Bill is the constitution of the court. One of the highest duties of the court is to secure unanimity between employer and employee, or at least to issue a judgment that will be suitable to both parties. In order to attain that, it is essential that the court shall be so constituted as to inspire confidence in employer and employee alike. From the remarks of those supporting the Government it would appear that they have in mind the idea that a judge of the Supreme Court should not be appointed president. That is a wrong way in which to approach this question. What objection can there be to a Supreme Court judge? It has been suggested that the class from which a judge emanates precludes him from bringing to his duties that judicial mind necessary in the adjustment of industrial disputes. I cannot reconcile that with the statement made by the Colonial Secretary only to-night. When moving the second reading of the Workers' Compensation Bill he declared that a certain recommendation by an assembly of eminent medical men should be adopted by every Parliament in Australia. I point out that those eminent medical authorities came from exactly the same environment and class as does the judge of the Supreme Court. We also know that the judges of Australia are very human and very humane men. In their ordinary court duties they frequently have before them cases analogous to those they would have to take in the Arbitration Court. There can be no objection whatever to the appointment of a Supreme Court judge as president of the court; indeed he would be less likely to be prejudiced than would somebody taken from the ranks of industrialists. As for the proposed boards, when speaking 18 months ago on the question of arbitration, when it was generally agreed that an amendment of the Arbitration Act was overdue, I said the vexatious delays in securing adjustment of grievances reacted more on the temper of the men than did the actual disputes themselves. If by the appointment of these boards additional expedition can be achieved, the boards will fully justify themselves. The basic wage is another keystone in the arbitration bridge. It appears to me to be only reasonable that the workers should know exactly what they are going to receive from time to time. With these statistics available it should not be an overwhelming task for the court to arrive at a fair basic wage. Then why should not the court also be entrusted with the concomitant of the basic wage, namely the number of hours? For there is a direct relationship between wages paid and hours worked. In the absence of piecework one is forced to the conclusion that a worker is paid, not so much for what he produces, as for the period of time he works under the supervision of his employer. Therefore in the absence of stereotyped working hours throughout the whole State, it should be left to the court to fix the hours for the various industries. It has been declared by Government supporters that workers will do as much in 44 hours as in 48 hours; some have even gone so far as to say that workers will do more in the shorter period. I do not think such a thing is reasonably possible. If it be possible,

then there must be some very special circumstances. Alternatively it constitutes a direct reflection on what the men were doing when working 48 hours.

Hon. J. Cornell: You have seen the Government stroke.

Hon. G. POTTER: I have seen the Government stroke and I have noticed what is happening in the Government service since the 44-hour week was established. We have it from the experts in the service that provision must be made for extra grants of money on particular works on account of the 44-hour week. That disposes of the contention that a man will do as much in 44 hours as in 48 hours. I do not say that men should not work 44 hours, but it is an insult to our intelligence to ask us to swallow that statement, and give as a reason that the 44-hour week should be introduced, that men will do as much in the shorter time as in the longer. If members will only be honest and say, "We think we have progressed to such an extent that we should spare human beings and let them do less work than formerly," they would be listened to with greater respect and have greater hope of reaching their ideals. There is the question of how the 44-hour week would operate on the wage-earner. If it is true that the wage-earner, by virtue of receiving the 44-hour week, is going to work very much harder, I wonder if he has paused to think how it will affect him. Take the industrial longevity of the wage-earner. Some 30 or 40 years ago the wage-earner was a comparatively young man at 50 or 60. To-day in the great factories and centres of industry at 50 the wage-earner is industrially an old man.

Hon. H. Seddon: He is old at 40 in America.

Hon. G. POTTER: He is having another five or ten years knocked off his time if, as we are told, he is going to work harder under the 44-hour week than he is now doing. It is threatening his industrial life by that length of time. I hope the wage-earner will consider whether there is not some truth in the old adage that it is not the distance but the pace that kills.

Hon. E. H. Harris: He should be saved from himself.

Hon. G. POTTER: Exactly. If the wage-earner is going to maintain the same degree of output in direct ratio as 44 is to 48, it postulates that this must mean that he will naturally require greater assistance in the workshops, with the result that there must be a decided increase in the cost of production. There must follow an immediate appeal to the court to readjust the basic wage because the cost of living will go up, and by virtue of receiving the 44-hour week the worker will have to receive more money in order to live on the same basis as when he was working 48 hours. The adjustment from 48 to 44 hours is not such a simple matter as would at first appear. Mr. Cornell, in the course of his speech, mentioned how this might operate grievously on a man who was struggling to establish an industry for himself. Only last night it was stated that it would not interfere with the operations of our primary industries in any way if the 44-hour week were granted. Whilst we have had most illuminating references to Queensland during the course of the debate, may I ask members to consider the relation of Queensland to Western Australia. What wheat and wool are to Western Australia, so is sugar to Queensland. I am prepared to believe that sugar growers in Queensland can work 44 or 30 or 20 hours a week, because we in Western Australia have, through the bounties that are given to them, supported them. What equivalent have the primary industrialists in Western Australia in comparison with that? They must go on the markets of the world to recompense themselves for their efforts, whereas the whole of the Commonwealth is a close combine for the primary industrialists in Queensland, largely at the expense of Western Australia in so far as her ratio of population goes to that of the rest of the Commonwealth. Whoever argues that primary industrialists in Queensland can carry out their functions and reach prosperity with a 44-hour week, cannot argue that the primary industrialist in Western Australia can do the same. It was suggested last night that the wheat farmer could easily operate on the 44-hour basis. People who say that are shutting their eyes to facts. We all know that the farmer is struggling from year to year against the seasons. From the moment when his crop is up he is getting ground ready for the following year. He is working against time. Seeding time comes along and he is toiling from morn until night. At harvest time he never ceases to work.

Hon. J. R. Brown: That is why he makes no headway.

Hon. G. POTTER: The hon. member knows nothing about it. Within the last 10 or fifteen years the farmer has made wonderful headway in the wheat belt. He has done this in spite of all the disabilities. He has carried not only his own burden but he has been the axis around which the prosperity of the State has revolved.

Hon. G. W. Miles: He has carried the rest of the community on his back.

Hon. G. POTTER: The farmer has done this by working very long hours. Last night Mr. Brown said that the farmer spent 44 hours a week in feeding himself.

Hon. J. R. Brown: So he does.

Hon. G. POTTER: And that he had ten meals a day. If the farmer has to work only 44 hours a week he will not have enough money with which to buy food to last him an hour. Mr. Gray said the farmer could cart his wheat in a 44-hour week. That is absurd.

Hon. H. Stewart: And cart it 40 miles.

Hon. G. POTTER: Take a farmer who is living 15 miles from a railway. How long does it take him to load up his waggon?

Hon. E. H. Gray: Do you know?

Hon. G. POTTER: I do. If he worked on the Government stroke, the wheat would be growing out of the bags before the waggon was loaded. The farmer gets up before daylight and begins loading. If he gets away within two hours he is doing well. He then starts on the 15-mile journey to the railway.

Hon. J. Nicholson: We shall not get a 20,000,000 bushel yield on the 44-hour basis.

Hon. J. R. Brown: We will get more.

Hon. G. POTTER: If a man is carting wheat in the hot weather, three miles an hour is good time with a good walking team.

Hon. J. R. Brown: What about motor traction?

Hon. G. POTTER: If he is on his way back to his farm and finds he has done a fair day's work, is he to pull up and wait until the next day?

Hon. J. Nicholson: The domestic will take his dinner to him.

Hon. G. POTTER: How could he cart wheat 40 miles on that basis? Does the hon. member know how long it takes to feed the horses? If a farmer eats for 44 hours a week, his horses must eat for 176 hours. The sooner we take up motor traction the better. Possibly Mr. Brown has read what Henry Ford had to say upon the cultivation of the land in America. Different conditions exist there from those existing in Australia. The 44-hour week as applied to the primary producers here is an illusory quantity, and will only make for the destruction of the State in time.

Hon. J. M. Macfarlane: And in a short time.

Hon. H. Stewart: Could you not handle the dairy industry equally effectively?

Hon. G. POTTER: I was speaking to some people in my district recently. They view with the greatest apprehension the application of the 44-hour week to them. They do not see how they can reasonably carry on.

Hon. J. R. Brown: They said that when they had the 48 hours.

Hon. G. POTTER: I am sure that on Saturday three weeks, when we all go through the district, we will hear a lot about this. If I am flanked by Mr. Gray and Mr. Kitson, we might get safely out of it. I have a decided opinion on the matter of preference to unionists. Every person who is engaged in a craft or industry, and there is a union attached to it, ought to belong to it and take an interest in it. He owes that as a duty not only to himself but to his fellow-unionists. He also owes it to the great mass of the people who are particularly interested in the continuance of industry, namely the general public. Under the provisions of this Bill it will be possible to have an industrial break without the whole of the members of a union being consulted. If every member engaged in any industry belongs to the union and takes an interest in the functioning of the union, it will be to the advantage of everyone. Were I appointed an apostle of preference, I think I should approach the question from a different standpoint to that from which it was approached last night. Rather than indulge in heroics as to what occurred in the past I would concern myself with what we should do in the present, and how we should benefit future unionists, men and women, in the days to come. I should like to tell future generations how we are going to emancipate them from the alleged yoke around their necks. The majority of members have read of the slaves whose chains could be heard jingling. Those are the chains referred to by some hon. members last night. Mr. Gray referred to the question of preference.

Hon. E. H. Gray: I did not say anything about the chains of slaves.

Hon. G. POTTER: I prefer to tell the citizens something of the future, just how we are going to ameliorate the conditions that they may find themselves in. With a measure like this before us, surely the leaders of organised Labour are not breathing the true spirit of arbitration, or interpreting the voice of the industrialists of Western Australia when they say that unless the Bill becomes law, resort will be had to direct action. I cannot conceive of anything that would be more likely to destroy the Bill than statements of that description.

Hon. G. W. Miles: But he did not mean it.

Hon. G. POTTER: I have great respect for the leaders of the Labour Party, and a greater respect for the judgment of the industrialists of to-day. I am sure the industrialists do not really want direct action unless they are stampeded into it.

Hon. E. H. Gray: Forced into it.

Hon. G. POTTER: I ask the hon. member how.

Hon. E. H. Gray: By this Chamber.

Hon. G. W. Miles: By the executive of the union.

Hon. G. POTTER: Possibly by agitators. Surely they would not be forced into direct action by virtue of the conditions of labour to-day. I do not think the hon. member can point to one such instance. There might have been an excuse for such a thing if the hon. member had lived in days gone by

when the conditions were so sordid as to inspire Burns into writing these lines:—

> See yonder poor o'er laboured wight,
> So abject, mean and vile,
> Who begs his brother of the earth,
> To give him leave to toil
> And see his lordly fellow worm,
> The poor petition spurn,
> Unmindful though a weeping wife,
> And helpless offspring mourn.

It appears to me that this lordly fellow worm has undergone a great metamorphosis since those days, because we find, by virtue of the crude operation of the preference clause that the lordly fellow worm is the industrialist's own fellow unionist. So that while I do believe every industrialist should become a member of a union, I reiterate that he should take an interest in the work of that union, and do all he can to inspire his fellows to keep the wheels of industry in motion, and do nothing to disturb the industry, but breathe the spirit of arbitration all the time. Referring again to the leaders of Labour, we know that those leaders throughout Australia abhor direct action so much——

Hon. E. H. Gray: What has that to do with the Arbitration Bill?

Hon. G. POTTER: We say that every member of the community is committed to arbitration, and in answer to the hon. member's interjection, I say that every leader of organised Labour abhors war. I will also tell the hon. member what the leaders of organised Labour propose to substitute for war. They propose to substitute instruction as to how they have been emanicipated through industrial evolution. The industrialist is told that he must negotiate, but that if he is not successful, he must not indulge in a war of solidarity, but in a war of domestic disintegration. Surely there again the leaders of organised labour are out of touch with the sentiments of the industrialists of the community. We are told that the great question to-day is the difference of class. We are told that class consciousness is at the root of all evil, and we sometimes find propaganda issued throughout the State on the subject. I have even read it in the Westralian "Worker." I do not think the organised worker wants that. I can refer Mr. Gray to certain issues of the "Worker" in which what I have stated was set out. This matter emanated from Labour head quarters in the Eastern States.

Hon. G. W. Miles: What did W. D. Johnson say on the Esplanade the other day?

Hon. G. POTTER: If the industrialists want to reach the Mecca they have set out for, they must eliminate class consciousness, not by a process of breaking down, but by a process of lifting up. They will eliminate it quicker by bringing the classes together rather than by setting them at one another's throats. That is the desire and the wish of every industrialist if he has not been corrupted by some of the agitators who have been imported from overseas. I am astounded at some of the actions of organised Labour in the Commonwealth to-day in permitting those agitators to voice opinions as they do, remembering that those men have been hounded out of other countries by organised industrialists.

Hon. E. H. Gray: Of whom are you speaking now?

Hon. G. POTTER: I am not talking of anybody in Western Australia at the present time. But, unfortunately, we here in Western Australia are suffering from the effects of the work of such people.

The DEPUTY PRESIDENT: I must ask the hon. member to connect his remarks with the Bill.

Hon. G. POTTER: I am sorry if I have transgressed. But following on what I said in connection with the necessity for arbitration, let us take the position as it exists at the Fremantle wharves to-day, an attitude that is in direct defiance of the award of the court. We find that organised Labour on the wharves at Fremantle refuses to work between 5 p.m. and 8 a.m.

Member: At the command of Sydney.

Hon. G. POTTER: I am convinced that the lumpers at Fremantle do not wish that.

Hon. E. H. Gray: That is the fault of the bosses, not the men.

Hon. G. POTTER: If arbitration is to be successful, we must have a greater assurance than we have at the present time that the awards of the court will not be flouted. The question of class consciousness is the rock that will split democracy, and the quicker the leaders of industrial thought throughout the Commonwealth are seized with that fact, the better it will be for the people whose cause they are so zealous to expound. There is only one alternative to the bringing in of all classes through the medium of arbitration, and that is that if we do not bring the classes together we shall have war, and where harmony previously reigned, there will be nothing but chaos. Touching again on the question as to who shall come under the operation of the Bill, a good deal has been said with regard to insurance canvassers, and similar agents. I do not think there is any demand from them to be brought under the Bill; at any rate not on the part of the genuine canvassers, because I can assure members that if an insurance canvasser is going to be limited to a certain number of hours a day, there will be a considerable diminution in his banking account. I have experienced it.

Hon. E. H. Gray: The canvasser ought to know his own business.

Hon. G. POTTER: Yes, but he is not going to be allowed to carry on his own business. A canvasser goes to a house and asks if the owner is at home. If he is not at home perhaps he will be told that the owner will return late at night. The insur-

ance canvasser is pushing his trade, and doing his utmost to secure commissions. Then there is the man in similar employment who, say, is trying to sell sewing machines. If such people were confined to 44 hours a week, they would never earn the money that they make to-day. I know of three men who joined a certain sewing machine firm in Perth, one two years ago, another three years ago, and the third only 18 months ago; each of these men to-day is driving his own Dodge car. Two have paid for the cars and the other has paid 50 per cent. of the cost. I challenge Mr. Gray to assist me to exclude canvassers from the provision of the Bill if I can show they are earning upwards of £10 a week under present conditions. Mr. Gray is agitated about the domestics. I do not think it is in the mind of any member to deny the right of organisation to domestics, but some special provision should be made for the matter of inspection. Reference has been made to the sanctity of the home. This is not merely a hackneyed phrase. The home is the centre of social existence, and it would be unthinkable if it were made subject to the same system of inspection as is a factory. There is no analogy whatever between the two places. Organise the domestics to the highest pitch, if you will, but hands off the sanctity of the home!

Hon. J. J. Holmes: We know what the policeman comes to the kitchen for, but we shall not know what the inspector comes for.

Hon. E. H. Gray: The insurance agent comes to the home.

Hon. J. M. Macfarlane: But he comes to see the boss.

Hon. G. POTTER: The insurance agent has a right to go to the home in order to earn his living, but an emissary of the Government should not be permitted to enter the home. It is the sincere desire of every member that the nurses should receive what is due to them.

Hon. E. H. Gray:: Then why did you not give it to them long ago?

Hon. J. J. Holmes: Why do not your Government give it to them now?

Hon. G. POTTER: There is no excuse for not giving them what is due to them. The private hospitals have led the way in the payment of nurses, and no person would grudge the nurses the full measure of recompense for their skill and personality. When there is a proposal to ameliorate the conditions under which nurses work, we shall be united in our desire to give them what they wish. I support the second reading.

On motion by Hon. J. R. Brown, debate adjourned.

House adjourned at 10.19 p.m.

Legislative Assembly,

Wednesday, 5th November, 1924.

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

MESSAGES FROM THE GOVERNOR.

Messages from the Governor received and read recommending appropriation in connection with the following Bills:—

1, Treasury Bills Act Amendment.

2, General Loan and Inscribed Stock Act Amendment.

BILL—FIRE BRIGADES ACT AMENDMENT.

Introduced by the Premier and read a first time.

BILLS (2)—THIRD READING.

1, Treasury Bills Act Amendment.

2, General Loan and Inscribed Stock Act Continuance.

Transmitted to the Council.

BILL—DIVIDEND DUTIES ACT AMENDMENT.

Report of Committee adopted.

BILL—TRUST FUNDS INVESTMENT.

Council's Amendment.

Amendment made by the Council now considered.

In Committee.

Mr. Lutey in the Chair; the Minister for Works in charge of the Bill.

Clause 2, Subclause (1).—Add a proviso as follows: "Provided that prior to the issue of such debentures the Under Secretary for Public Works shall have certified in writing—(a) that seventy-five per