

The MINISTER FOR WORKS: I think it will be admitted that that is as far as Victoria could get—a dissolution. The Prime Minister's telegram continues—

Queensland. Air Navigation Bill passed third reading Parliament eighth September. Now awaits Royal assent (Stop). South Australia. Bill passed House of Assembly. Second reading Legislative Council eighth September (Stop). Tasmania. Bill will be presented to Parliament early in coming session.

Mr. Doney: What is the date of that telegram?

The MINISTER FOR WORKS: About a fortnight ago. In spite of the interruptions, that is the attitude of the Eastern States. New South Wales takes its air navigation regulations most seriously.

Hon. C. G. Latham: I may have interrupted you. Will you please tell the House the position as regards New South Wales?

The MINISTER FOR WORKS: The Prime Minister's telegram says—

New South Wales. Bill not yet introduced. Review of regulations not completed. Matter being expedited.

The rest of the telegram will be remembered. There is a slight amendment necessary, owing to an omission. I shall give notice of it. After the word "aircraft" in the sixth line of the preamble, the following words need to be inserted:—"and in particular to the airworthiness of aircraft."

Hon. C. G. Latham: If the omission is in the preamble, it makes no difference.

The MINISTER FOR WORKS: I assure the House that this Bill is a facsimile of the Bills introduced in the Eastern States, apart from the omission. Those words were inadvertently omitted in the Crown Law office. I propose, in Committee, to move their insertion.

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

Ayes	23
Noes	14
Majority for	9

AYES.

Mr. Coverley	Mr. Nulsen
Mr. Cross	Mr. Sampson
Mr. Fox	Mr. F. C. L. Smith
Mr. Hawke	Mr. Styants
Mr. Hegney	Mr. Tonkin
Miss Holman	Mr. Troy
Mr. McDonald	Mr. Welsh
Mr. McLarty	Mr. Willcock
Mr. Millington	Mr. Wise
Mr. Munale	Mr. Withers
Mr. Needham	Mr. Wilson
Mr. North	

(Teller.)

NOES.

Mr. Boyle	Mr. Rodoreda
Mrs. Cardell-Oliver	Mr. Seward
Mr. Doust	Mr. Sleeman
Mr. Lambert	Mr. Thorn
Mr. Latham	Mr. Warner
Mr. Marshall	Mr. Watts
Mr. Raphael	Mr. Doney

(Teller.)

Question thus passed.

Bill read a second time.

House adjourned at 10.22 p.m.

Legislative Council.

Tuesday, 23rd September, 1937.

Leave of absence	PAGE
Bills: Workers' Compensation Act Amendment, 2r.	968
Industrial Arbitration Act Amendment, 2r.	977

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

LEAVE OF ABSENCE.

On motion by Hon. J. T. Franklin, leave of absence for six consecutive sittings granted to Hon. A. M. Clydesdale (Metropolitan-Suburban) on the ground of continued ill-health.

* BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 23rd September.

HON. C. B. WILLIAMS (South) [4.36]: I find myself in disagreement with the Government on some of the amendments proposed in the Bill, especially the first amendment. It may be said, in reply, that I ought to take more interest in my Parliamentary work as regards attending party meetings,

so as to keep up with the business to be submitted by the Government to Parliament. However, as regards amendments dealing with the conditions of workers in the mining industry, the Minister in charge of such legislation has the opportunity of consulting mining members and thus avoiding the introduction of any legislation detrimental to the interests of mine workers. The first amendment proposed in the Bill should bring down on the Government and the Labour Party all the censure that can be uttered by miners and their union officials. Unfortunately, I have to keep myself within bounds; but nevertheless I wish to intimate to certain members of the party that they are not all Jesus Christs, and that there are other members of the party who are doing far more to help the workers generally, by bringing them within the scope of the Workers' Compensation Act, than is done by Ministers. The proposed amendment is said to be due to some anomaly in the Act. I hear Trades Halls throughout the State kicking up about the powers taken by this Council to itself to stop industrial legislation. If the House will stop the legislation represented by this first amendment, it will have justified its existence. Three years ago the principal Act was amended for the purpose of letting more men obtain employment in the mining industry. If I explain that aspect, hon. members will realise what a piece of folly the Bill is. Instead of placing more men on the dole, the Government decided to amend the Mine Workers' Relief Act in the direction of special tickets and readmission tickets. The latter tickets were to apply to men who had been slightly dusted in the mining industry of Western Australia. Any man who has been admitted into the mining industry here and has become slightly dusted is immediately entitled to a payment of £750. That is a good thing. It is a wonder the Government do not propose to stop that payment! That is one of the reasons why I strenuously oppose the Bill. Form No. 6 under the Mines Regulation Act, re-admission certificate, reads—

I have examined the above-named person (whose signature is endorsed hereon) and certify that he is free from tuberculosis and the other diseases mentioned in Regulation 6b of the Mines Regulation Act, 1906, with the exception of silicosis in the early stage, and is eligible for employment on the surface of a mine in any position not specified as underground.

This means that the man cannot go underground without first obtaining the permission in writing of the Minister for Mines.

Provided that the holder of this certificate shall submit himself to a medical officer or practitioner appointed under and for the purposes of the Mine Workers' Relief Act, 1932, or to the Laboratory for examination whenever required so to do by the Laboratory or such medical officer or practitioner.

Note:—The holder of this certificate is not eligible for employment underground at any mine without a permit in writing from the District Inspector of Mines.

The district inspector submits the matter to the Minister for Mines. The man is entitled to the benefits of the Mine Workers' Relief Fund. He is just as eligible for compensation as is the man with the initial certificate. If he did not obtain work in the mines or elsewhere, he would probably be on sustenance. The position is remarkable in view of the fact that Parliament has passed laws to withdraw from the mines men who are unhealthy. Every year such men are served with a notice informing them that they have developed silicosis and should, in their own interests, get out of the mines. Notwithstanding that fact, the Government put up regulations to allow unhealthy men to enter the mines. The holder of a special certificate is a man who is unhealthy. If he were not unhealthy, he would get a clean ticket for admission into the mining industry without restriction. Then he would be examined every year with the rest of the men. Form No. 9 under the Mines Regulation Act, 1906, sets out the special certificate as follows:—

This is to certify that the abovenamed applicant (whose signature is endorsed hereon) on the..... day of....., 19 , underwent the examination prescribed by Clause 4 under Regulation 7 of the Mines Regulation Act, 1906, and that the Laboratory is unable to grant him the initial or re-admission certificate. He is not eligible for underground work at a mine, but may be employed on the surface of a mine, in any position not specified as underground.

Note:—The holder of a special certificate is not eligible to contribute to the Mine Workers' Relief Fund, and the employer is not liable to contribute to the fund in respect of such employee.

It means that the employer is liable in respect of the man under the First, Second and Third Schedules to the Workers' Compensation Act. I say that with all due respect to a Minister who tells me the employer is not liable in that respect. I maintain that the employer is liable for the special worker under every section. Here

lies the cunning of it. Let me say that there are three hon. members who are loyal, and they will know all about this. The position as regards the holder of a special certificate, if the House agrees to the first amendment, will amount to this, that at the present time the employer pays for the man's insurance under the First, Second and Third Schedules. I am speaking only with reference to the mining industry. This could be made to apply to other industries, but I am dealing only with mining. Under the amendment, the holder of a special certificate will not be eligible for compensation under the Third Schedule to the Workers' Compensation Act, notwithstanding that the employer has not differentiated in the man's case. The employer has paid in the wages sheet the amount of premium requisite for protection. Here is the point hon. members want to take up, that notwithstanding any law exempting persons as regards the Third Schedule to the Workers' Compensation Act, that man has the right to sue the employer under the Common Law or the Employers' Liability Act. Despite the fact that the employer has already paid the amount necessary to safeguard his interests under the Compensation Act, that does not stop a man summoning his employer for the money under Common Law. The position is that any worker could put an employer to considerable expense by suing, even if the case were nonsuited. The worker would not be in a position to pay the costs. It is a terrible thing to think that the Labour Party, which is supposed to be so solicitous for the welfare of the worker, could introduce a measure such as this, which is to take away from the poor unfortunate individual who is not a hundred per cent. fit, the rights he enjoys, so that after five, six or eight years during which he has been too unfit to work, he has to seek work again. Is that justice?

The Chief Secretary interjected.

Hon. C. B. WILLIAMS: Let us hope that you never have to look for work like these men. I want to refer to the question of lump-sum payments. Some years ago when the late Mr. McCallum was in charge of State Insurance, he was challenged in another place. He said that in no lump-sum case settled by the State Insurance Office was there a greater amount taken out by way of interest than 4 per cent. I am prepared to say defi-

nately that that is not so. I can name a case for the Minister to go into—the case of McGowan versus the late Minister. I took the case before the court and the settlement was 5 per cent., despite my protests. Referring again to the matter of lump-sum payments there is a provision under the Third Schedule that any receiver of a lump sum has to pay it into the local court. This Labour Government want to make it harder for the worker to get his dues. This money is blood money. A man is practically ruined when he gets to the stage of having to obtain money under the Third Schedule, or in most cases, the First Schedule or the Second Schedule. His health is gone and he seeks a lump sum settlement. Then the Labour Government which is so solicitous for the welfare of the worker says that the worker is not capable of handling the money. That is a fine thing for the Labour Government to say of their supporters: That they are not capable of handling their money! Ministers have said that there are cases of people who have mishandled their own money, wasted it and become a charge upon the State. I challenge the Minister to quote instances. We do not want any wide, sweeping statements. If he does not promise to get me the details I will get them by questioning. In about 80 or 90 of such cases with which I have dealt there has been only one in respect of which I was sorry that the man got the money. The statements that the workers are not capable of handling their money can be disproved by reference to the files of the State Insurance Office. I have a case here to which I would refer; the name does not matter. The case was No. 272 of 1937, heard in the local court at Boulder last week. This worker was seeking a lump sum, and the case demonstrates how the Labour Government want to put a poor devil of that kind in a worse position than ever. He gets 37s. 6d. a week until the £750 is exhausted. On the goldfields he has to pay 25s. for rent.

Hon. A. Thomson: Is he a married man?

Hon. C. B. WILLIAMS: Yes, with one child. He gets 37s. 6d. a week and 7s. 6d. for one child. Here is a statement about the matter signed by a gentleman named Walker. He is the Crown Solicitor. He states—

The respondent admits liability to pay the applicant the weekly sum of £1 17s. 6d. to continue during the total or partial incapacity of the applicant for work or until the same

shall be ended, diminished, increased or redeemed in accordance with the provisions of the abovementioned Act (Workers' Compensation Act). The respondent has already paid or admits liability to pay compensation up to and including the 26th day of August, 1937, amounting to the sum of £78 2s. 6d. If the court makes an order for redemption by a lump sum, it will be submitted that the amount payable by the respondent is £570 5s., made up as follows:—Total liability £750; amount paid to 26th August, £78 2s. 6d.; amount due to 23rd September, £7 10s.; total, £85 12s. 6d. Balance, £664 7s. 6d.

The weekly payment of £1 17s. 6d. would have to be extended over 354.3 weeks to exhaust the amount of £664 7s. 6d. Here again I want to claim the attention of the Labour Government, who are always roaring and rousing at the Jews and the banks. The present value of the future weekly payments at the rate of £1 17s. 6d. per week for 354.3 weeks at 5 per cent. is £562 15s., according to this statement. I took exception to that before the magistrate. These magistrates are not so simple and easy and kind-hearted as might be believed at times. It all depends upon their livers. If their livers are in order, they are all right, but if their livers are bad, then the people who come before them need to look out. They will have the case adjourned. I asked that the rate be reduced to 4 per cent. A sum of £94 was taken from this chap. I am trying to point out that the man has to live there on £1 17s. 6d. a week, out of which he has to pay rent, and the Labour Party wish this sort of thing to go on. They do not analyse the Act or the effect of the Act on the worker. The man has to exist on that money for six months. He is not eligible for a lump-sum settlement under six months. He cannot start proceedings in that direction for six months, and has to live on the £1 17s. 6d. for that time.

Hon. A. Thomson: It is a partial incapacity?

Hon. C. B. WILLIAMS: It is a partial incapacity, an incapacity of 50 to 60 per cent., because the doctor says so; but it is a lung disease. I am near to the grave, but I think this man is nearer than I am. That is how "partial" the incapacity is, and this Government, a Labour Government, expects the man to carry on at that rate. I could understand it from a National Party Government.

Several members interjected.

Hon. C. B. WILLIAMS: I am asked what it has to do with the Government. Is the Minister not responsible for his department?

The Honorary Minister: Take it to the magistrate.

Hon. C. B. WILLIAMS: I did, and I will tell you what he did. I said that if the rate was not reduced from 5 per cent., I would take the matter up with the Labour Party. I said the interest was too high.

Hon. J. Cornell: Five per cent. is too high.

Hon. C. B. WILLIAMS: Of course it is. It is blood money, because the man is finished and done. The magistrate increased the amount to £3 a week. Take a man who gets £300 or £400. The Labour Party asks that these men, if they have no children, shall get £2 3s. 6d. a week in Kalgoorlie and 37s. 6d. a week down here. They ask that the basic wage-earner in Kalgoorlie, not on the mines, under the Second Schedule should accept £2 3s. 6d. a week. Under the First Schedule he has to go six months before he can set out to obtain a settlement, unless the employer is kind enough to give him a settlement before. Under the other schedule there is a table set out. I have a case against the State Insurance Office in respect of a man who claims money for the loss of the use of an arm. There was a divergence of medical opinion as to the incapacity, the divergence being between 40 and 75 per cent. The man has been nine months incapacitated and wants the money. He has lost the use of an arm and will never be able to handle a machine again. That man has existed on half wages for nine months and is consequently hopelessly in debt. Under this scheme, because he has £300 coming to him, or whatever the court will allow, he will have to go before the magistrate. It will be necessary to take along several reputable citizens to vouch for him. If the magistrate thinks well enough of the man from what he is told he will allow the man to have the money. This is what will happen whenever an amount exceeding £50 is involved. To-day the position is that the man would not have to go to court at all.

Hon. J. Cornell: I said last week that it was absurd.

Hon. C. B. WILLIAMS: Of course it is, and the Labour Party have put up this pro-

personal. Good gracious, I do not know whether I am asleep in Timbuctoo or here. Imagine the Labour Party seeking to take the rights of the workers away from them! The worker I have mentioned, when he gets his compensation, will receive about £300. There can be no question of the magistrate butting in, and the man will have a chance of paying the debts he has incurred during the last nine months. Members will realise how much worse it would be if a man living in Perth received £1 17s. 6d. a week, or half the basic wage. Yet the Labour Party say it is good enough for him until the magistrate gives the decision. The amount of compensation for the loss of a toe is £75. Fortunately I have not lost one. A man might have to wait two months and at £2 a week he would get £16; yet that man, despite the fact that he would have only some £59 to collect, would have to wait to go before a magistrate in the court and get people to vouch for his ability to handle the £59.

Hon. J. Cornell: If he loses a finger, it is £90, and that would have to be assessed.

Hon. C. B. WILLIAMS: If a man loses a finger, he is incapacitated for not more than a month or five weeks. If a magistrate orders a man to take a weekly allowance, instead of the lump sum which he can get to-day, might not the employer take advantage of it when the man returns to work? Have the Government investigated the question that far?

The Honorary Minister: Your statement is ridiculous.

Hon. J. Cornell: I know a man on the 'fields who has lost half a hand.

Hon. C. B. WILLIAMS: Ridiculous and stupid, I suppose, as the action of the Labour Party in taking from the worker his undoubted right to receive a lump sum. That, I suppose, is not ridiculous. If a man lost the sight of one eye and was earning £3 15s. in Perth he would receive 37s. 6d. a week on which he would have to live, and six or seven months might elapse before he could get his compensation. One case I mentioned, that of J. P. Richard against the South Kalgurli Mine, has been pending for nine months, and the man has had to live on £2 9s. a week. When he gets the balance, he will be able to pay his debts and look around for a job.

The Chief Secretary: This amendment will not prevent that.

Hon. C. B. WILLIAMS: It will. What is the effect of the amendment? It boils down to this: Is the magistrate willing to let the men have his own money? Under the existing Act, the magistrate does not enter into the business at all. The only person concerned is the clerk of courts. The agreement, as signed by the employer and employee, has to lie in the office of the clerk of courts for about a week.

Hon. G. W. Miles: The Government cannot trust the man to handle his own money.

Hon. C. B. WILLIAMS: That is so, and yet at election time they put over all sorts of dope that they are prepared to trust the workers. What if there is one misfit in the community? It is on a par with Sunday trading. If there happens to be one drunk on a Sunday, it does not follow that everybody who takes a drink on Sunday is such a darned fool as to get drunk. I am utterly disgusted to find that a piece of legislation that was supposed to be the best in the world—the Honorary Minister referred to Mr. McCallum and his remarks upon the original Act—is to be amended in this way. I do not want any amendment of the kind, and I appeal to the fairness of members of this House. A man has to eke out an existence on half wages. As I have pointed out, for a man on the basic wage in the metropolitan area it would amount to 37s. 6d. a week. Suppose he had to pay £1 a week rent, or only 15s., what a lovely position he would be placed in! Yet the Labour Party say that that shall continue until such time as he consults a magistrate. Ministers know nothing about consulting a magistrate in compensation cases. It would do some of them good if they had that experience. I include the Chief Secretary.

The Chief Secretary interjected.

Hon. C. B. WILLIAMS: I do not think anything of the sort. If I were in better health at the moment, I would think quite a lot more and would let the Minister hear it, too. The Minister has been nurtured in Labour's bosom, and should know. I know, and so do other people on the goldfields, but the Minister will never know. This Bill passed another place with a majority of the Labour Party, and the effect of it will be to make it harder for the worker to get his money under the Second Schedule. What would the magistrate know about the case? Nothing, beyond what the man told him. Yet it will be necessary for the man to pay

4 per cent. In the case I quoted, the rate has been increased, and will mean a matter of £22 to the poor chap concerned. The magistrate might do what he intended to do and nearly got away with until I bounced a little. I said, "You cannot do that." He replied, "I have the power of the law." I said, "You have not the power to give an unjust decision." I repeat that a man, to get his compensation under the First and Third Schedules, must pay interest. It would have been something to the credit of the Labour Party had they introduced an amendment to make payments under the First and Third Schedules net without interest. But no, the Labour Party would not attempt that. They would not attempt to save this poor chap, whose case is not an isolated one, a sum of £94. Not only are the Labour Party prepared to allow that sort of thing to go on, but they are trying to make conditions worse. The case was heard in the Boulder local court. Mr. O'Dea appeared for the insurance company, and I represented the worker. The insurance company had paid the money into court and had no objection to our receiving it. The magistrate, however, wanted to pay the man £200 to meet debts incurred and enable him to buy some clothing. Members should recall that the man had been on half wages for 12 months. The magistrate asked, "What will you do with the balance of £400?" Then he said, "I will have it put in trust in the Commonwealth Savings Bank for you." I said, "I hope not." The magistrate replied, "I have the right to do as I say." I replied, "I am aware of that, but you must be just. You are asking this man to pay 5 per cent. in order to get a lump sum, and you propose to put it into the Commonwealth Savings Bank at an interest rate of 2 per cent. Is that justice?" The case was adjourned for a week. Imagine asking a man to pay 5 per cent. in order to get his money, only to have it put in the bank in trust at 2 per cent. and payable at so much per week! If we want to get that £562, we have to pay £94 in order to get it.

Hon. J. Cornell: I cannot see why you should.

Hon. C. B. WILLIAMS: If we strike an obstinate magistrate or one suffering from a liver, he might say, "I order the money to be paid into a trust account at the bank, payable at so much a week." In 99.5 per cent. of the cases it is not the employer who

raises a difficulty. He knows nothing about it; he has insured and his risk has gone. I ask this House to strike one blow for freedom. Of course there will be a squeal from the unions, because they are against cutting out the Second Schedule that gives the people the right to their compensation without interest deduction and without question as to what they propose to do with it. The miners on the Golden Mile have not been consulted. What will they say when they know that a Labour Government have done this? If this Bill becomes law, I will not leave a stone unturned until I upset every Minister on the goldfields, Munsie, Troy and all of them. A selection ballot is due shortly, and I will take steps to see that justice is done to men who have had their usefulness impaired. Instead of taking away privileges from the workers, the Government should be adding to them. There is another matter relating to the Mine Workers' Relief Act that will be contingent on some of the amendments in this Bill. The Minister has said nothing about it as yet. Probably he knows nothing about it. If he does, he has kept it to himself. Under the Mine Workers' Relief Act, a worker might get his lump-sum settlement in full. Section 48 contains a provision as follows:—

Provided also that a mine worker shall be deemed to have received such compensation in full when he receives payment of a lump sum in redemption of weekly payments as ordered by the local court on the application of the employer.

He cannot come under the Mine Workers' Relief Fund until the £750 has been redeemed by half wages or he has received a lump sum. Here again we have the interpretation of the Crown Solicitor. The point has not been contested, but it will be brought before the court shortly. We are compelled to go to law against the Mine Workers' Relief Fund. The position is this: Mr. Jones dies, and his widow makes application to the local court for the money that has been paid into court. The magistrate might say, "Yes, I will give you the £600." That woman immediately goes on the fund for 30s. a week and receives that amount so long as she lives or until she re-marries or becomes eligible for the old-age pension. Then Mrs. Smith appears in a similar case and the magistrate might say, "I do not like the look of this woman. She seems to be the sort that might go to the races or spend her money in sweep tickets. I will give her 50s.

a week." Mrs. Smith, therefore, receives only 50s. per week out of the sum of £600 to which she is justly entitled. I wish members to realise that Mrs. Jones not only received her £600 in a lump sum but also received 30s. a week from the fund.

Hon. H. Seddon: That is the point. Mrs. Smith cannot get more than 50s. a week, whereas the other woman receives the lump sum of £600 plus 30s. a week.

Hon. C. B. WILLIAMS: That is the position. Assume it takes five years to cut out Mrs. Smith's money. In that time Mrs. Jones will have had about £300 from the relief fund. In other words, Mrs. Smith will have had £750, while Mrs. Jones will have had £600 plus £300. Any amendment that will allow that will not get through. Mr. Munsie will have no chance of getting it through. One-third of this money, it must not be forgotten, belongs to the worker. Do not forget also that it is a contributory scheme; it is the worker's insurance. I know of a case of four children and an attempt was made to part them from the mother. I got 50s. a week for the four children, but under the law, as then interpreted, each child was entitled to 5s. from the relief fund. They came under it, but since then the mother has not had any of the money because the chairman of the relief board happens also to be the magistrate. When the magistrate was appointed chairman of the Mine Workers' Relief Fund many years ago there was no such thing as compensation for industrial diseases. There was no Third Schedule. It was all right then, too, because it was a contributory scheme. To-day, an applicant for a lump sum has to go to the chairman of the relief fund, who happens to be also the magistrate. I am not suggesting for a moment that he is not of an honest mind, but he should not be put in that position. As magistrate of the court he can award £2 a week, but as chairman of the relief board he can give only 30s. a week. That is wrong, and, moreover, because there might happen to be one bad person, others should not be made to suffer. Say a man receives £600. With such a sum of money he could build two houses for himself, and if he were a landlord of the rent-rackecoring type he could probably get an income of £3 a week from those houses, and in eight or 10 years' time his £600 would be intact. Under the Government scheme, however, the magis-

trate can say that the man should have £3 a week. But as I have pointed out, if awarded the £600 and it were invested in a couple of houses, he could get better interest, and at the end of a period of eight or 10 years would still have his houses. Why are we not allowed to trust some of our men? I say definitely that the Second Schedule should be left alone, but if the House should decide to turn the whole Bill out, that will suit me. In any case, we must throw out the part I object to. Why should we allow a man to work in the industry and in seven or eight years' time let him walk out without a shilling? Is it not wonderful for a Labour Government to say that a man should work in the mining industry and not come under the Workers' Compensation Act. To-day he comes under it, but not through any fault of the Labour Party, but just through an oversight. Well, let us keep to that oversight and not allow any interference by those who listen to twopenny-halfpenny civil servants. I say definitely that the men all pay their contributions. Mr. Harris, accountant at the Great Boulder mine, has told me that they do.

Hon. J. Cornell: If Mr. Harris says so, you can rely upon it that it is correct.

Hon. C. B. WILLIAMS: They do not pay mines relief, and that is what the Minister is confused over. One is 9d. a week and the other is 4s. 6d. The Minister had better find out whether that is not so before he replies to what I have said. I trust in Committee this part of the Bill will be thrown clean out.

HON. J. NICHOLSON (Metropolitan) [5.20]: I did not intend to speak to the Bill but I am certainly interested in what Mr. Williams has brought before us. The hon. member has shown us that the position clearly requires some investigation. I shall not immediately decide what course of action I will take with regard to the second reading, not until I hear the Minister's reply. I realise the difficult situation that has been created by the cases quoted by Mr. Williams, and if what he says be correct—and one has no reason to doubt the accuracy of his statements, because we know he is closely connected with these matters on the goldfields—certain amendments in the Bill will seriously affect the position of compensation payable to workers in the mining industry. In that case it is essential that

we should give the closest consideration to what the hon. member has said. I certainly object to the clause in the Bill which seeks to amend Section 11 by deleting the two provisos to that particular section. The matter has been dealt with by a number of speakers, and one need not say any more about it. Having regard to the difficulties associated with the industry, I think the provisos should be retained. There is only another point upon which I should like further to speak, and that is that during the course of the discussion on the Bill remarks were made with regard to the British Medical Association and what that body had failed to do in connection with the charges practitioners may have imposed. We all know that there is no Act in any State of the Commonwealth, and I suppose there is no Act in existence in any part of the world which makes such a liberal provision as our Act does for medical expenses. That is admitted. I believe it is the highest amount paid in any of the States. The figure in most of the other States is in the region of £50, while in some it is actually less. In Victoria the medical expenses allowed, including burial, are up to £75; in New South Wales up to £30; in Queensland up to £50, and South Australia up to £20 only. The New Zealand figure is up to £50. One must recognise the force of the words used by Mr. Williams that ours is the best Act in any part of the world. I think that is quite true.

Hon. C. F. Baxter: Most liberal but a heavy burden on the employers.

Hon. J. NICHOLSON: I am speaking from the standpoint of the compensation provided for employees who may suffer as the result of an accident or disease contracted in the course of their work. From that standpoint, the measure is most liberal indeed.

Hon. L. B. Bolton: But that does not make it the best Act in Australia.

Hon. J. NICHOLSON: I was pointing out that it was the best in the Commonwealth from the standpoint of the compensation provided.

Hon. C. F. Baxter: But the claimants do not receive the £100; that goes to the medical men.

Hon. J. NICHOLSON: I was just commenting on the position as it is. It has been suggested that the British Medical Association have failed to exercise control over members of the medical profession who may have made excessive demands upon their

patients because of the liberal allowance provided in the Act for medical expenses. I have drawn attention to that in order to bring the matter before the notice of hon. members. In the course of the debate it was, I admit, acknowledged by members, who made reference to this phase, that the practice of making excessive charges was not pursued by those who hold high standing in the medical profession, but probably by those who had more recently entered the ranks of that profession. While, from that standpoint, there may have been a certain amount of justification for attention being drawn to the position, I wish to remind hon. members that the British Medical Association do exert, and have exerted, most effective control over the offending practitioners. It was suggested that the association were not able to exercise that control but it has been pointed out to me—and I know it to be true—that the association can exert the fullest authority in that direction and have striven throughout to do so. When an account that is excessive is brought before the association, a committee of that body review the account and if, in their opinion, the charges are excessive, then under an arrangement between the association and the Underwriters' Association, should action be taken by the doctor concerned for the recovery of the amount charged in his account, the association, through their representatives, are prepared to provide the necessary evidence to prove that the account is excessive. That action is taken if the doctor concerned is not prepared to accept the committee's decision regarding what would be a fair and reasonable amount to charge.

Hon. C. F. Baxter: What if the doctor concerned is at some isolated centre?

Hon. J. NICHOLSON: The British Medical Association are prepared to give the matter their fullest attention.

Hon. C. F. Baxter: How are the Underwriters' Association concerned if the amount is not paid?

Hon. J. NICHOLSON: The insurance companies are not directly liable, but, under the arrangement, members of the profession who offend in the direction I have indicated, will know that once they institute proceedings, they will encounter the full strength of the evidence of reliable members of the British Medical Association in support of the defendants' claims that the accounts are ex-

cessive. In such an event, no court would enter judgment in favour of the doctors concerned.

Hon. C. F. Baxter: I can tell you something different from that.

Hon. J. NICHOLSON: A doctor would recover only the amount that the court considered, on the evidence tendered, was fair and reasonable. This matter has been referred to on different occasions by hon. members not only in this House but in the Legislative Assembly, and in consequence much disquietude and regret has been caused in the ranks of the British Medical Association. They feel that regret, although they have embraced opportunities to explain their position and the arrangements they have made regarding the supervision of accounts by means of a committee of their organisation acting in conjunction with the Underwriters' Association.

Hon. E. H. Angelo: Do not forget that that is only of recent creation.

Hon. J. NICHOLSON: The hon. member is quite wrong.

Hon. E. H. Angelo: I am not wrong.

Hon. J. NICHOLSON: The arrangement was started first as far back as 1927 and continued for two or three years.

Hon. E. H. Angelo: That was with regard to medical men alone. The dual committee came later on.

Hon. J. NICHOLSON: If the hon. member will allow me to explain, he will see that I am correct.

Hon. E. H. Angelo: The hon. member is not correct.

The PRESIDENT: Order! I must ask the hon. member to keep order and to allow Mr. Nicholson to proceed with his remarks.

Hon. J. NICHOLSON: In 1927 a committee consisting of representatives of the British Medical Association and of the Underwriters' Association assumed control of these matters. The committee carried out their work of supervising accounts when complaints were received, and have carried out that duty very favourably.

Hon. E. H. Angelo: Continuously?

Hon. J. NICHOLSON: I said they had done it "very favourably." If the hon. member will restrain himself, he will hear the full explanation. The committee I mention continued for two or three years. I forget the exact period but the position has been explained in various articles that have appeared in the Press. When the joint

committee ceased to function, the British Medical Association continued with their own committee and have since themselves dealt with these matters, which have been referred to them through the Chief Health Officer for the State or others. Those matters have always received the ready attention of the association's committee. That practice was continued until 1935 when a readjustment of the position was made between the Underwriters' Association and the British Medical Association, since when a joint committee have acted continually and are so acting to-day. They investigate all complaints brought before them and are doing all they can to remove from the medical profession the stigma that was sought to be attached to it. Action along those lines has been taken by exercising control over members of the medical profession. That their action should have been misunderstood and be called into question both here and in another place, has given rise to regret in the ranks of the British Medical Association. It is on their behalf that I raise my voice. We have in the medical profession gentlemen of the highest honour and repute who are worthy of our support. Instead of denouncing them we should applaud them for what they have done. I would direct the attention of hon. members to the explanation that was published in the "West Australian" last week on behalf of the British Medical Association. On the 24th August another article was published in the "West Australian" explanatory of the whole position, and it is since that date that adverse comments have been made in Parliament. I have been approached in this matter by members of the British Medical Association and of the committee of that body, who feel the position keenly. I promised I would avail myself of the opportunity, for which I now thank the House for permitting me to take advantage, to express the Association's views. I hope that the explanations that have appeared in the Press, together with my remarks this afternoon, will help hon. members to realise there is no justification for alleging any failure on the part of the British Medical Association in this matter. I wish to add that members of that association do not countenance in any way the levying of excessive charges. The result of the supervision exercised by the association through their committee has been that complaints have been cut down to a minimum compared with what were received at the outset. What

happened at the commencement was doubtless due to the inexperience of some doctors practising at outside centres, those doctors being inclined to view the provisions of the Act in a way they should not have done.

Member: Sharks!

Hon. J. NICHOLSON: At the outset, the control I speak of was not exercised.

Hon. H. Seddon: The comments in this House were quite fair.

Hon. J. NICHOLSON: Members who spoke in this House did refer to the fact that they did not blame all members of the medical profession for what had occurred. But I am merely seeking to express the views I have enunciated for the benefit of those who may have given expression to these matters in another place. I quite recognise that those members in this House who did make remarks on the subject spoke in a totally different way from what one heard of in another place.

Hon. E. H. Angelo: And still they were "vindictive and ill-informed"!

HON. H. TUCKEY (South-West) [5.46]: I had not intended to speak on the Bill, but I cannot agree with the views of Mr. Williams. We know it is only right in most cases that a lump sum should be paid to workers by way of compensation. On the other hand there are many cases where the payment of a lump sum does more harm than good. I know of a recent case where an injured man collected £200. Thereupon this man left his wife and family in the country, came to Perth and spent the whole of the money, and now in consequence he is unable to maintain his wife and family. And at the same time, having spent all that money, he is not now able to get back on relief work, and his wife and four children are depending for a living on the people of the town where she resides. I think something should be done to protect those people who cannot protect themselves.

On motion by Hon. V. Hamersley, debate adjourned.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 23rd September.

HON. W. J. MANN (South-West) [5.48]: I propose to support the second reading in order that we may have an

opportunity to accept some of the clauses of the Bill, but I here indicate that portion of the Bill will receive my opposition. The industrial arbitration that we once knew appears to be taking on a much wider scope than was originally intended or expected. From being a form of adjudication between employers and employees, it seems to me the ramifications are being extended to bring about a very definite restriction of industry, and a restriction of action by the employers. I do not propose to cover the provisions of the Bill this evening, but I should like to add to what I have previously said that industry in this State has been provided with an Act that is generally accepted as the most advanced, most liberal and in a way most effective that we know of. Yet we find that throughout the State to-day there is quite a lot of discontent in industrial circles for the reason that although we have this splendid Act, it is almost impossible, except after long delay, for the parties to get before the court. Rather than bring down the amendments in the Bill the Government would have been much better advised if they had set about providing means whereby the cases listed for the court—I understand quite a large number—could be heard. It seems to me an absurd position to have all the machinery necessary to deal with industrial disputes and yet be unable to put that machinery into operation. We have one court which, if what we are told is correct—and I have no reason to disbelieve it—works long hours with few holidays in an endeavour to keep up to its task. Yet there is everywhere discontent because that court cannot deal with more than a mere fraction of the cases waiting to be brought before it. Mr. Parker referred to the fact that the court is constituted of a President, plus an employer's representative, and a representative of the employees. Both those representatives are of high repute, but by reason of their position, their appointment, both are, I was going to say biased, but I do not like the word; at all events both are there to plead a case for their respective sides. It has been said many times that most of the awards of the Court are awards of the President of the Court. It would be preferable if the State were to do away with the two representatives that are on the bench and appoint two supplementary courts. When an employer of an industry and an employee in that industry appear as

advocates, both with the fullest knowledge of what they are aiming at, they are very much more likely to put up a case in such a way that the President of the Court could easily form a judgment that would withstand the severest criticism. I feel sorry sometimes for those two representatives on the bench; they are expected to be authorities upon every subject that comes before the court. While they do really wonderfully good work and are able to assimilate a lot of industrial knowledge, still I think it cannot be controverted that those men should not be expected to have the same real knowledge and atmosphere as the men actually concerned in the dispute must necessarily have. So I say that the first action of the Government, if they desire an improvement in the position of industrial arbitration, should be to set about speeding up the approach to the Court. If that were done quite a lot of industrial unrest at present in the State would disappear. I feel that where men have a grievance real or fancied against their employers, if they were able to get their grievance before the court the matter would be cleared up. They might be proved right or they might be proved wrong, but they would be satisfied when the position had been ventilated. Instead of that, they have to wait 18 months or more before getting to the court, and the position between employer and employee is rendered less cordial, and efficiency in the industry is impaired. Those are just one or two observations I desired to make in passing. There are several other matters that I will refer to. They concern, first of all, the definition of "employer" which includes any steward, agent, bailiff, foreman, or manager acting on behalf of another. I cannot for the life of me see how we can justify the putting of a manager on the same plane as, say, Bill Smith who may be a janitor, a man in the humblest position while the other is in a comparatively exalted position. Yet under this they are to be coupled together although their spheres are so wide apart that we cannot conceive of their being bracketed. Consequently I think that proposal is a mistake. The definition of "worker" in the principal Act seems to me very wide and fair and sufficiently comprehensive to take in anything that can rightfully be included in that term. Yet we have in the Bill a new definition which is

very much wider still and which I contend is not in the best interests of the worker. This time it includes even a person who has hired some machinery or tools or other implements of production which have been leased, hired or lent to him. Why should the worker not be able to hire that machinery and use it without having to get from an industrial magistrate a determination as to whether such loan or hiring was made for the purpose of avoiding any industrial agreement?

The Chief Secretary: He may hire the machine and then work for you.

Hon. W. J. MANN: He takes the machine and does what he desires with it. As the clause reads, the industrial magistrate will have the right to determine whether or not my hiring of the instrument is done for the purpose of evading the law.

The Chief Secretary: So long as the man is working for you.

Hon. W. J. MANN: That is not a fair proposition. The same thing applies to partnerships. I hope we may yet see a list of these dozens of partnerships which are said to exist for the purpose of evading the Act. The Minister said there was a considerable number of them. I should be glad if in the course of his reply he would state how many are known to exist.

The Chief Secretary: It is a common practice.

Hon. W. J. MANN: If so, they must be very numerous. We should be shown how numerous they are, and should not have to accept a wide term of that description. I am not doubting the Chief Secretary's statement. He is undoubtedly speaking from information supplied to him. For the benefit of members, he might tell us how many partnerships are known to exist at present. I feel sure the figures will surprise members, and that the number will not be nearly as great as we are led to believe it is. From my own inquiries, I should imagine there were one or two partnerships here and there. Men who move about in industry say they are only few in number, and, so far as they know, do not constitute any menace. The Minister might provide us with figures showing the extent of these partnerships which are alleged to be so numerous and such a menace. I have always been a supporter of industrial arbitration. I believe the system has proved its worth, and hope we shall never be so ill-advised as to do anything that will

undermine it. We value the Arbitration Court and have furnished it with certain powers. Members will agree that it is wrong that Parliament, or any other authority, should endeavour to undermine or go beyond the influence of the court. We should certainly not do those things which the court, in their wisdom, have declined to do. By clause 3 we are asked to agree to a new section providing for the registration of a union. Section 6 of the parent Act provides that any society, so long as there are 15 members of it, may be registered as an industrial union of workers. The union to which I refer has on more than one occasion been before the court for registration, but the court has refused the application. If we pass this clause, we shall be setting out on a path which may bristle with difficulties, and may lead to the court being overridden in many ways. I will not vote for that clause.

The Chief Secretary: It is a recommendation to the court itself.

Hon. W. J. MANN: Such a recommendation is not necessarily the correct thing to make. Is not the position this: that the workers themselves are unable to conform to the principles laid down in Section 6?

Hon. H. Seddon: And it is wide enough.

Hon. W. J. MANN: If they cannot conform to those principles, and there is a bar to registration, why do not they remove that bar, instead of leaving it for the Government to bring down an amendment to the Act, or asking Parliament to do something the court refuses to do?

The Chief Secretary: The court had no power to do it.

Hon. W. J. MANN: Perhaps the Chief Secretary will explain the matter. He may be able to convince me that the clause is justified, but until then I shall vote against it. I am inclined to favour the idea of referring the Bill to a select committee. By that means we may obtain a wider knowledge of the effect of the Bill than we can hope to get in our debates here. I would favour that idea if only that it would afford an opportunity to obtain the fullest information with regard to the so-called menace of partnerships. That and other information that would be gathered would be of great value to the House. I shall support the second reading, and the clauses I am satisfied will improve the Act,

but I reserve to myself the right to oppose certain other clauses.

On motion by the Chief Secretary, debate adjourned.

House adjourned at 6.10 p.m.

Legislative Assembly.

Tuesday, 28th September, 1937.

	PAGE
Questions: Railways—(1) Diesel coaches; (2) Eastern States coal	979
Wheat, distressed farmers, Federal aid	980
Electricity supply	980
Bill: Municipal Corporations Act Amendment, Com.	980

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

QUESTIONS (2)—RAILWAYS.

Diesel Coaches.

Mr. WARNER asked the Minister for Railways: 1, On what approximate date is it considered that the first of the newly acquired Diesel engine coaches will be in commission? 2, Is it intended to have service given by such coaches on—(a) the Dowerin-Merredin line; (b) the Lake Brown-Bullfinch line?

The MINISTER FOR RAILWAYS replied: 1, Provided no further shipping delay occurs, early in December next. 2, (a) Yes; (b) No.

Eastern States Coal.

Mr. WILSON asked the Minister for Railways: What was the average price paid by the Railway Department for Eastern States coal for the months of April, May, and June for the years 1935, 1936, and 1937 (separately)?

The MINISTER FOR RAILWAYS replied: 1937—April 36s. 10d., May 36s. 10d.,