to ask the Legislative Council to agree to this provision.

The ATTORNEY GENERAL: First a resolution had to be taken by either Houses disapproving of certain regulations and stating grounds for disapproval. There must be long debate on that, and it would be a most exceptional occurrence. Then the Governor would summon a joint meeting of the two Houses to consider the one resolution to which either House had taken exception. There was nothing unusual in that procedure, because it was already adopted in filling extraordinary vacancies for the Federal Senate.

Hon. J. Mitchell: It is not the usual course.

The ATTORNEY GENERAL: It was not the usual course of dealing with regulations, but it was a practice that was becoming usual, namely the joint sitting of both Houses.

Question put and passed; the Council's amendment not made.

4 o'clock. a.m.

On motion by the ATTORNEY GENERAL amendment No. 70 made.

No. 71.—Insert the following new clause, to stand as Clause 46:—"(1.) In case of the illness or unavoidable absence of the President the Governor shall appoint some other Judge to act as President during such illness or absence. (2.) The Judge so appointed may act in any matter commenced before him until the conclusion thereof":

The ATTORNEY GENERAL moved—

That the amendment be not made.

Hon. J. MITCHELL: Some amendment of this kind was necessary. There would have to be a judge appointed to fill the place of the president of the court in the absence of the latter.

The ATTORNEY GENERAL: The Governor appointed the president of the court and that power existed at the present time.

Hon. J. MITCHELL: It might be pointed out that if another place insisted upon a judge of the Supreme Court becoming president this amendment of theirs would be needed. In anticipation of that the amendment might be allowed to remain.

Question passed; the Council's amendment not made.

On motion by the ATTORNEY GENERAL amendment No. 72 made.

Resolutions reported, the report adopted, and a Message accordingly returned to the Legislative Council.

House adjourned at 4.8 a.m. (Wednesday).

Legislative Council,

Wednesday, 20th November, 1912.

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

PAPERS PRESENTED.

By the Colonial Secretary: 1, Workers' Homes Act, 1911—Amendment of Regulation No. 7. 2, Health Act, 1911—Roebourne Local Board of Health By-law No. 3.

BILLS (2)—THIRD READING.

1, Fremantle Harbour Trust Act Amendment returned to the Legislative Assembly with amendments.

2, High School Act Amendment, passed.

BILL—TRAFFIC.

Second Reading.

Debate resumed from the 12th November.

Hon. W. KINGSMILL (Metropolitan): I suppose every member recognises that this Bill is one of great importance to all members of the community. Part of the Bill, at all events, I can congratulate the Government upon having brought forward, and on their grappling with what is a very difficult subject, grappling in a determined and, in some instances, somewhat drastic manner. There is one class of the community who are enthusiastic in their support of the Bill, and this enthusiasm on their part leads to some suspicion in my mind. I refer to the owners of motor cars. Those owners are falling over one another to congratulate the Government on the excellence of this measure. Indeed, in a hyper-enthusiastic letter which I received, the Bill was declared to have been conceived in a statesmanlike spirit.

Hon. F. Davis: They were good judges.

Hon. W. KINGSMILL: They were good judges, probably, of what suited themselves. I have not had time to find out the various points of the Bill which have led to so much enthusiasm, but there must be something in it greatly in favour of motorists and opposed to all other classes of the community. These points, perhaps, may be disclosed as the Bill takes its passage through Committee.

The Colonial Secretary: Do they not give reasons in that letter?

Hon. W. KINGSMILL: No. They were very careful to abstain from giving any reason at all. The tenor of their argument was the abuse of certain local authorities, and the letter, like a petition, concluded with a prayer that the Bill might not be amended in any respect.

Hon. A. Sanderson: You are very suspicious.

Hon. W. KINGSMILL: I am. Perhaps when the hon. member has got over that trusting nature of his, of which I have not seen very many instances, by a longer occupation of a seat in Parliament he will acquire the suspicious nature of which he now accuses me. However that may be, it is a peculiar thing that the development of motor vehicles has led to an altogether different aspect being placed on the question of the construction and maintenance of roads. Hon. members who have lived long in this State, or in any other State, will remember that, a great many years ago, roads were the principal arteries of traffic, and the construction and upkeep of these roads was one of the important duties of any Government or local authority. I refer principally to roads running for long distances between centres of population. Then, as railways came along, the roads fell into disuse, and were neglected. I would like to give as an instance the main road between Perth and Albany, which at one time was one of the main arteries of traffic in this State, but which, after the construction of various railways, fell practically into a state of disuse.

Hon. Sir E. H. Wittenoom: Not quite.

Hon. W. KINGSMILL: Almost altogether, because settlement flourished along the railway rather than along the road. Then with the advent of the motors, of these wonderful machines which travel such long distances in so short a time, roads again came into active use, reviving a problem which had been for some years in abeyance. Now, with regard to these motorists, I think perhaps the possible solution of their enthusiasm is, from what I understand from the leader of the House, a feature of this Bill, namely, the abolition of the speed limit. The speed limit is to exist as a definite speed limit no longer. The motorists are simply to have regard to the safety of their fellow beings. I say emphatically that will not suit some parts of this City, and I do not think it will suit the King's Park authorities. Undoubtedly the greater part of the upkeep of the King's Park drives is caused by the excessive speed at which motors travel through that park, and once the speed limit is taken away I do not think anybody will be able to see them come and go.

Hon. J. F. Cullen: Could not the board make special regulations?

Hon. W. KINGSMILL: I presume they could. I do not know whether by the Bill

the power of making regulations is taken away from the board as from other local authorities. I fancy it would be. I fancy regulations would have to be made, not by any local body controlling any reserve or district, but by the Minister for Works. However, I will deal with that later on. Another question which I think is about to be dealt with in a fairly satisfactory manner is that relating to the width of tyres. I am not going to dilate on this very much, but will leave it to country members. I have always thought that the basis on which this width of tyres question is about to be attacked is a better basis than that in force at present. Those are two aspects of the Bill on which I can congratulate the Government. I regret to say there are some other aspects upon which I cannot be quite so enthusiastic. In the first place—although this is a minor point of disagreement between the Bill and myself—in the first place the Bill is, to my mind, a further step towards the apotheosis of the Minister for Works. A little kingdom is created for him in the metropolitan area, within which he is to be the supreme power, and, if that hon. gentleman chooses, his ambition—I do not know whether the ambition is his or whether this greatness is being thrust upon him—at all events, if the position marked out for him in some legislation now before Parliament is attained, I say he will seriously rival in his control of the affairs of this State—he will really run a good second to a Divine Providence. Everything will be in his hands, the ordering of traffic, of roads, the licensing of vehicles, and all kinds of control of irrigation and rights in water. I presume he would be, under legislation which I believe is to be introduced, chairman of the Public Works Committee. Indeed there is no post that the hon. gentleman could not, if he desired, fill under the proposed legislation. I have always said I admire the Minister for Works personally, and I might even go so far as to say politically, but I think it is time some of his friends, and I hope I may be counted among them, should intervene on his behalf and protect him from that excessive zeal which would lead, I fancy, if gratified, to an early break-down. It seems to me the Bill in its provisions affecting the metropolitan area strikes one of the shrewdest blows at the system of local self-government that has ever been delivered in this State. The Bill, in this respect, at all events, in regard to the metropolitan area, looks very like a system of centralisation run mad; and from a Government leading a party which I have always understood to be in favour of freedom of local authority, as they are in favour of freedom of the individual, theoretically—I am surprised that a Government leading the party to which I have alluded should bring forward for the consideration of Parliament a measure such as this. The leader of the House did not make clear on this occasion to whom we are indebted for the presence of this Bill, whether it is a departmental Bill or whether it is a Bill forming part of the Government policy. Of course there is a vast difference. I have known Bills to lie dormant in a department for years until a Government came along who were bold enough to introduce them and possibly this may be one of those measures. I noticed in the Press some two or three days ago that mention was made of the likelihood of a Bill for the institution of a scheme known as the Greater Perth scheme being brought down next session. May I be allowed to say that if this Traffic Bill becomes law, the Government will be relieved of that duty. There will be no necessity for a Bill for a Greater Perth scheme if we take away the many powers with which that Greater Perth would be endowed and many of the privileges which it would exercise, for without the institution of a Greater Perth council we will be setting up the Minister for Works to act in its stead. There is another aspect of this case, a more concrete aspect, which deals not alone with the dignity of councils, but with what is more vital, their finances; and perhaps I may be allowed to traverse as shortly as possible the financial history of Perth for the last few years to show members that this Bill will work a very real injustice to the City, and on that account the part dealing with the metropolitan area should not be accepted by this House. I would like to show how the city of Perth, and I speak as one of the members for the

Metropolitan province, has been the victim for years past of incursions on the part of various Governments, not alone of the present Government, although the present Government have been by far the greatest offenders, but on the part of Governments prior to the present Government coming into office. Let us take the position of Perth in the year 1900. In that year there was paid to Perth £11,000 in subsidy on a general rate of £19,000. While perhaps in those days the city of Perth was overpaid in the matter of subsidy, in the year 1912 there was paid to Perth £3,000 in subsidy on a £29,000 general rate. If £11,000 of £19,000 represents overpayment, may I venture to say that £3,000 on £29,000 is very much underpaid. and when we consider that this Bill is to deprive the City of still more revenue, then I say the Government should temper their alleged injustice with some little modicum of mercy for the city of Perth, which it seems their object to eventually destroy and discredit. Again there is another aspect of the case whereby the city of Perth has suffered at the hands of the Government and that is in regard to resumptions. The rates payable on properties held by the Government in the city of Perth to-day would, if this property were rateable, amount to £11,000 a year. It has been generally accepted that the subsidy thus paid by the Government to a municipality is in lieu of rates, and we find that for a rate of £11,000 a year the only subsidy the city of Perth receives is £3,000. I need scarcely go any further than that to show that the City is being treated in my opinion ungenerously by the present Government. Of course this £11,000 is payable in many instances upon Government properties which have been held for a great number of years indeed, but the present Government who have been in office practically only a few months, have resumed during that time property from the city of Perth which represents an annual rating value of £3,000 a year. Again, just to give an instance of the straw which shows which way the wind blows, I will refer to an action of the late Government who passed in the year 1909 a little measure called the Fines and Fees Appropriation Act, which showed that even in the very minutest particulars the Government wished to decrease the powers and privileges of the municipality. That Act provided that all fines and fees should be paid into Consolidated Revenue instead as was provided by the various Acts under which they were inflicted, and in some instances going to the municipalities in which the offence was committed. Perhaps I may allude, although I do it with some diffidence, to the fact that this Parliament, too, concluded what I consider was a somewhat hard bargain with the Perth City Council in the matter of the electric tramways. Now on top of all this long process of deprivation and what have hitherto been rights, we find that this Bill will result in a loss to the Perth City Council in license fees of over £1,300, and this I think unjustly. The leader of the House was not quite correct in his quotations with regard to the amount of these license fees received from motors, which he used as an example of vehicles licensed in Perth which travel to a great extent outside the environs of the City. He said that the city of Perth received in license fees from motors the sum of £600 as against Victoria Park £1. As a matter of fact the Minister was not quite right. The motor fees received by the city of Perth last year amounted to only £389. This information is from the latest mayoral report and, therefore, may be taken as being correct. The cart and carriage licenses amounted to £598, carriers' dray licenses £189, drivers' licenses £90, cab licenses £51; or a total of £1,317, which is to be absolutely and entirely handed over to the discretion of the Minister for Works for the provision of those main roads, however few of which exist in the city of Perth. In other countries where municipal subsidies have been decreased it has always been found advisable and necessary to increase the rating powers of the municipalities and the avenues through which revenue is received by them. For instance, it may surprise members to know that the municipality of Sydney receives from land tax collected in the city of Sydney no less than £80,000 per annum. That is to say last year the city of Sydney received £79,000 and for

this coming year the estimated amount is £92,000. Nothing of that sort is done in Perth, and no privileges of that sort are conferred on Perth. I only give this as an instance, not in any way as showing the sum total of the privileges and outside avenues open to other municipalities, but only as an instance. In the city of Melbourne an arrangement is made whereby the City receives a fair proportion of the hotel licenses paid in that City and last year the proportion thus received by the Melbourne City Council amounted to no less than £13,000. Nothing of that sort is done in Perth, nor is it possible under present legislation, nor do I see any indication on the part of the Government to bring in legislation to make it possible, and which will in some way remedy the taking away of this revenue from the City. Again in a smaller way in some other countries licenses such as auctioneers' licenses go to the municipality wherein the auctioneers practise their calling. Nothing of that sort is done in Perth. With regard to the regulations which were alluded to at considerable length, the legislation regarding traffic in Perth as compared with Melbourne and Adelaide—when I say in Perth I mean the proposed legislation under this Bill—I understand this measure is very largely a copy of the New South Wales legislation on the subject, and it can easily be seen that deriving such an immense revenue as the city of Sydney does from the land tax collected within the City they would view with equanimity a Bill of this sort, at any rate from their financial point of view. When they received £80,000 by arrangement with the Government they would not be likely to cavil at an arrangement which would take away £2,000 or £3,000 at the utmost. In Melbourne the case is different. There the city council not only receive the fees collected in the city but also a proportion of the fees collected in the suburbs.

Hon. F. Davis: Including motor-car fees?

Hon. W. KINGSMILL: These are principally cab fees, and for the information of hon. members I will just give the proportions of these fees in the various suburbs, which are so treated. The city of Melbourne receives fees collected in the suburbs of Brunswick, Collingwood, Fitzroy, Port Melbourne, Prahran, Richmond, South Melbourne, and St. Kilda, representing twenty-five per cent.; in the suburbs of Brighton, Caulfield, Coburg, Essendon, Footscray, Hawthorn, Kew, Malvern, and Northcote 15 per cent., and in the suburbs of Camberwell, Doncaster, Eltham, Heidelburg, Keilor, Moorabbin, Mulgrave, Nunawading, Oakleigh, Preston, and Williamstown, five per cent.; so that the leader of the House was not quite right in saying that similar provision obtains in Melbourne as is proposed under this Bill. In Adelaide, the licenses for cabs and motor-cars plying for hire on city stands are all issued by the city council, which retains the fees. Let me say that when we institute comparisons if we are to take a standard for our legislation it is better to take a standard of a small city like Adelaide, the circumstances of which approximate more nearly Perth, than a great city like Sydney. In Adelaide we find the very circumstances existing which are cavilled at here, and which this Bill is to destroy, namely, that licenses for cabs and motor-cars plying for hire on city stands are issued by the council which retains the fees.

Hon. F. Davis: Does that necessarily make it right?

Hon. W. KINGSMILL: The same could be said of any amount of things. The hon. member must know for instance that free trade is ethically right, though practically impossible, and that protection is morally very wrong but practically we cannot get on without it. Just a word with regard to the methods of the preparation of this Bill and the advice which the Government sought from various sources in connection with that preparation. The leader of the House was not as ingenuous as he might have been, when he said the local authorities had been consulted in regard to the matter. I hold it is a very wrong thing to consult local authorities before a Bill is laid before Parliament.

The Colonial Secretary: In regard to some of the provisions.

Hon. W. KINGSMILL: Quite so. I understand that the Government have gone so far as to send draft Bills to local authorities. I have heard of such a thing being done.

The Colonial Secretary: It has not been done in this instance.

Hon. W. KINGSMILL: I am pleased to hear it. The leader of the House said the local authorities had been consulted in regard to the provisions of this Bill.

The Colonial Secretary: They held a conference and made suggestions.

Hon. W. KINGSMILL: It is a peculiar thing that one local authority at which this Bill strikes the hardest and most unfair blow has never been represented on this conference. This Bill was referred to a conference of roads boards, and when it was sreferred to this conference strange to say this particular provision relating to the creation of a kingdom—an *imperium in imperio* for the Minister for Works to preside over—did not find a place in the Bill.

Hon. J. F. Cullen: But it was not a Bill.

Hon. W. KINGSMILL: I understand that the provisions of the Bill were so fully explained that it had practically the same effect as if the Bill itself had been laid before the conference. Of course there was no Bill, it was not entitled a Bill, and I would remind the hon. member that the only thing that makes a Bill is the first few lines on the first page. If we cut off the first two inches of printed matter on the first page, it would not be a Bill; it would simply be an ordinary document, and I understand that the document expressing the intentions of the Government which was laid before the roads board conference was so full that it had practically the same effect as if a Bill had been laid before that conference In that document there was nothing reserved for the special government of the Minister for Works, and so the conference had no opportunity of expressing its sympathy with the misfortunes that are likely to occur under this measure to their brothers in the metropolitan area.

The Colonial Secretary: Most of the provisions in this Bill resulted from suggestions made by the conference.

Hon. W. KINGSMILL: That is what I wanted to know; whether it was a departmental measure or whether it was initiated by the roads board conference. Now I find that this is a measure apparently drafted by that conference.

The Colonial Secretary: Certainly not.

Hon. W. KINGSMILL: Would the Colonial Secretary take the House into his confidence and let members know who invented this metropolitan area provision?

The Colonial Secretary: That was one of the suggestions of the conference.

Hon. W. KINGSMILL: I think the city of Perth ought to feel indebted to the conference for the kind interest they took in it, and it is not surprising, because after all the license fees which are to be taken away from the city are to be expended outside the city.

Hon. F. Davis: Where the cars go.

Hon. W. KINGSMILL: I would remind the hon. member that only a minor portion of the revenue is derived from motor-cars, so that that argument falls to the ground. There were two conferences held, and I suppose the other conference was that which was alluded to as the conference held in the Technical School which was called to consider the State of the Perth-Fremantle road, and for some minor portion of the time which that conference sat, a representative of the Perth City Council was present. While he was there, however, no mention was made of the Bill, neither was there any suggestion of any proposal such as that we now find embodied in the Bill, and more especially no mention was made in regard to this iniquitous provision, and I can only call it such, relating to the metropolitan area. I have a definite idea as to how these main roads should be dealt with. I think it is just as well that we should take the construction and upkeep of the main roads of the city absolutely out of the hands of the local authorities. On the first occasion when I held office I was administering the Works department in the Leake Government, and I administered the department in a

humble way and without the lofty aspirations which the present occupant holds. In those days I found there was so much bickering between the various local authorities about this particular road that I deemed it advisable to take it out of their hands and place it under the control of one of the Government departments. While it was under the control of that department, the results were admirable, but in later years, I forget in whose regime as Minister for Works, the representations of the local authorities once more took effect, and the control of the road was handed back to them, and now I suppose there is no worse stretch of road in the State. It is logically sound and practically sound also, that the construction and upkeep of main roads should be vested in a Government department. I would again refer to a State about which I know, or knew, a good deal, South Australia. I cannot answer for it now, but some years ago there were no roads boards there; the roads were controlled by a Government department, under the supervision of a capable engineer, and at that time there were no better roads in Australia than those.

Hon. C. A. Piesse: They borrowed very heavily for them.

Hon. W. KINGSMILL: It paid them admirably to do so. The result was that the roads were a credit to the State, and a great convenience to the settlers. In addition to financial loss, there is a good deal of loss of dignity to the local authorities in the metropolitan area with regard to this measure. By Clause 24, the power to make by-laws to control traffic within their own gates is taken away from them. I say that is a manifest injustice and a manifest absurdity; it is making local government nothing but a fraud and a mockery.

Hon. C. A. Piesse: It is an insult to them.

Hon. W. KINGSMILL: It is undoubtedly an insult, and then what becomes of this Greater Perth scheme? There is another clause in the Bill, Clause 53, which provides that the omnipotent Minister may, if he considers any road unsafe for public traffic, cause it to be closed for such a period as he considers necessary. That is a most peculiar clause. I understand this Bill has passed another place, and they were prepared there to put into the hands of one man what has hitherto only been possible by Act of Parliament.

The Colonial Secretary: Under the Municipal Act it can be done now.

Hon. W. KINGSMILL: I doubt it. If the power does exist, I think it is time we amended it.

The Colonial Secretary: The Public Works Act also gives the power.

Hon. W. KINGSMILL: It is not the duty of the Minister to consider whether a road is safe or unsafe; that should be left to the local authority. If it is recommended to him by a local authority, it is a different pair of sleeves altogether. But in this Bill there is too much Minister, and not enough local authority. It is centralisation run mad; it is centralising power which has hitherto been distributed. We will no longer have local government; we will have a bureaucratic system of the most pronounced kind, a system which the party in power have never tired of denouncing. I have touched on the principal features of the Bill, the features to which I take some exception, and there is no necessity to do otherwise, because we can always depend on the Colonial Secretary pointing out the good points, and trusting to us to spend most of our time as critics in pointing out the defects that are evident to us. I hope that when the measure is in committee such amendments will be moved as will take the metropolitan area out of the Bill. I believe the Bill is good for country districts, but I do not represent the country districts. It is a bad thing for the present city of Perth, it is worse for the coming Greater Perth which we hope to see accomplished in the near future, when the various quarrelling municipalities in and around the city will be reconciled and welded into one large dignified and capable body. This Bill strikes a blow at the root of such a system. Clause 24 is sufficient to render the creation of such a body inadvisable, and I would ask hon. members when the Bill reaches the Com-

mittee stage, seeing that I will not be in the position to move an amendment, to support any amendment that may be moved as will take out of the Bill the control of the metropolitan area. I daresay it might be convenient to other local authorities to have their affairs managed for them in the grandmotherly way this Bill proposes. I hope, however, such a provision as that contained in Clause 24 will not be permitted to remain in the Bill. If it does remain, then I shall certainly feel inclined to vote against the third reading of the Bill.

Hon. C. A. PIESSE (South-East): In reference to this very important matter I desire first of all to congratulate the Government upon the introduction of a measure which is badly needed, particularly in the country districts. It is a wise procedure indeed to bring a lot of existing Acts into one measure, and here I notice it is proposed to repeal the Cart and Carriage Licensing Act, the Tramways Act, the Width of Tyres Act, the Municipal Corporations Act, and other Acts that are affected. There is much in this Bill to approve of, but there is also much in it that is very objectionable. For instance the reduction of the power of the local authorities contemplated in the Bill, so far as the metropolitan area is concerned, is, as I interjected a few moments ago, nothing more or less than a direct insult to the intelligence of the people in that area. It applies with equal force to some of the country districts. Take Clause 24 which deals with the regulation of traffic. The clause says, "subject to this Act the Governor may by regulations published as hereinafter provided." Under the old Act, the local authority had that power subject to the approval of the Governor-in-Council. I maintain that the local authority should still have that power. This would apply to municipalities as well as roads boards, because the interpretation of local authority embraces both parties. Why should the Government frame these regulations? The Governor-in-Council always had the opportunity of objecting to anything contained in those regulations, and that was quite sufficient control.

The Colonial Secretary: It is proposed to consult the local authorities before drafting the regulations.

Hon. C. A. PIESSE: The clause says nothing about consulting them. The local authorities had the power before to frame these regulations, and let us give them the power now. The Governor is able to strike out anything that is objectionable, and no doubt any suggestion from the Governor-in-Council would be inserted by the local authority. The local authority is the one to know best what is wanted in the district. In some districts the regulations framed by the Governor-in-Council may not be applicable, and why should a roads board be hampered with a lot of regulations which are not likely to be used? I say it is preferable that the local authority should prepare these regulations, subject to control by the Governor-in-Council as in the past.

The Colonial Secretary: You want each local authority to have its own regulations as before?

Hon. C. A. PIESSE: Yes.

The Colonial Secretary: Well, that is not contemplated.

Hon. C. A. PIESSE: I can assure the Minister that in the past these regulations were simply a copy of one another. So far as the roads boards were concerned, at any rate, in every instance the regulations issued by the roads boards were the same. That is one of the powers that the Government are robbing the local authorities of, and having regard to the meanness of the Government throughout other portions of the Bill, it will soon be difficult to get anybody to take these positions. It reminds one of the position of the old school boards. The boards had no power to do anything other than to make a suggestion to the department, which was ignored. That is why the school boards have died out, and the same thing will happen with the roads boards.

Hon. J. Cornell: These are positions without honour.

Hon. C. A. PIESSE: Now in regard to the appointment of traffic inspectors, this no doubt applies all right so far as Perth is concerned, but why should the

local authorities throughout the country be compelled to appoint inspectors?

The Colonial Secretary: The town clerk or secretary will be made the traffic inspector.

Hon. C. A. PIESSE: Then, why not put it in the Bill? I have taken a note of that provision, and I propose to ask the Committee to assist me in amending it. In regard to the wheel tax, again and again the local authorities have appealed to the Government to be allowed to use their own judgment. We find in some instances a man paying very heavily in rates on his property for the upkeep of the roads, and then in addition he is made to pay a wheel tax, while another man who pays nothing in rates is only saddled with the wheel tax. Last year I had a proposition that there should be a rebate and that a man should have a free wheel for every 7s. 6d. he paid in land tax to the local authority.

Hon. C. Sommers: That would put him on a footing with the carrier.

Hon. C. A. PIESSE: Yes, and the carrier does not pay any land tax. It is not right to ask the man who contributes mostly to the upkeep of the roads to any taxation twice over. The portion of the Bill dealing with the metropolitan area is simply a scandal. Those bodies are quite capable of governing themselves, and I entirely disapprove of the intentions of the Government. Mr. Kingsmill has referred to the duties that are being placed upon the shoulders of the Minister, and I notice, that in regard to the collecting of rates where a vehicle is being used in more than the one district in which it is licensed, if the local authorities between themselves cannot settle the question as to which is entitled to the fees, the matter will be referred to the Minister. Just fancy the Minister for Works, with all his work and responsibility, being called in to settle a little tin-pot question as to whether a vehicle shall pay a wheel tax to this body or to that body! Why does the Minister want to go into the matter at all?

The Colonial Secretary: Somebody will have to settle it.

Hon. C. A. PIESSE: But the Minister wants to handle everything in connection with the Bill. As I have already said, the measure is a very good one in many respects, and I trust that after it has gone through this House it will be workable and acceptable to the people. I particularly draw attention to the clause dealing with the appointment of inspectors; also I do not know that there is any need to have the police called in so much. From what I know of the country police they have quite enough to do already, and Subclause 5 of Clause 5 certainly imposes an onerous burden on the shoulders of the police. On that clause I intend to move an amendment that the roads board secretary or the town clerk shall be the traffic inspector where the traffic does not warrant any special appointment. Then I notice in Clause 7 it is proposed to tax cycles. Apparently there has been some discontent in regard to the using of roads between different local governing districts, and in order to meet this case a clause is inserted which will apply to the whole of the State. Because some places on the goldfields may have provided cycle pads, it is proposed to tax every person throughout the country who owns a cycle. I intend to move for the deletion of cycles from the list of licenses. The penalties imposed by the Bill are something enormous. A maximum is fixed in every instance, but there is no sense in it. The maximum as a rule is always a guide to the resident magistrate, but members will see, if they follow the penalties, that it will be possible to go the whole hog in many instances. There is also an absurd provision in regard to licenses to drive a motor car. It is provided that if a person owns a motor car and personally drives it he must have a license, and so must his son and daughter if they in turn drive it.

Hon. F. Davis: You have to license a motor car now.

Hon. C. A. PIESSE: That is all right, but the proposal here is that the driver has to carry a license and produce it when called upon. I can quite understand a license being required for a driver running a motor for hire, but I cannot understand it being required for members of a family who drive their own car.

Hon. C. Sommers: There may be two or three members of the same family driving the car.

Hon. C. A. PIESSE: Exactly, and I trust the House will see its way clear to amend that clause so that it will not apply to private motors.

The Colonial Secretary: Practically the same provision is in the Municipal and Roads Acts already.

Hon. C. A. PIESSE: I do not think so. Then in regard to the fees prescribed in the Third Schedule, I see that a cycle has to pay 1s. 3d. per wheel, a cart 5s. per wheel, and a traction engine £1 per month. I do not know what the traction engine has done that it should have to pay that fearful rate. The tax in this case amounts to £12 a year. Another point I take exception to is the fixing of the license for motor vehicles according to the horse power. I maintain that it should be fixed according to the weight.

Hon. Sir E. H. Wittenoom: Or according to the value of the vehicle.

Hon. C. A. PIESSE: Even that would be a good thing. I do not see what the horse power or the speed of the vehicle has to do with the wear and tear of the roads. A bird flying in the air does not tear up the road way, and the horse power only enables a vehicle to go slow or fast according to the desire of the driver. The charges are out of all proportion, and the Government are on wrong lines in fixing the license according to the horse power. The American horse power is entirely different from the English horse power, and who is to know the difference? I am told by those who know something about these things that a 12-horse power English car is equal to a 16-horse power American car. The customer is notified that there is a difference when buying. I do not know for certain that the difference is so great as this, but I am told that a 12-horse power English car is as strong as an American 16-horse power car. I merely point this out to show that the framer of the Bill is proceeding on entirely wrong lines in the taxing of these cars. A 20-horse power car is sometimes a very small one, and the charge of £3 a year is out of all proportion. Such a car would not do as much damage to the roads in 10 years as a dray in one year. By imposing this severe tax we are striving to drive motor cars out of the reach of those who possibly might have them. I do not wish to labour the Bill, but there are several clauses which will need to be amended. I commend the Government for bringing in a consolidating measure, but the work the Minister seeks to take on himself under the Bill is simply ridiculous. He cannot do it by himself, and then the need will arise to create other offices in the Public Works Department. We have enough of that sort of thing just now. One good clause I give the Government credit for is that dealing with the width of tyres, but why the weight should be limited to 8cwt. for each inch of width of bearing surface of the tyre, as against the South Australian 9cwt., I cannot understand. Sometimes vehicles carry up to 35cwt., and 8cwt. for each inch of tyre is not leaving too much margin. I think the House should make the weight 9cwt. as in South Australia.

The Colonial Secretary: It was amended to 8cwt. in another place.

Hon. C. A. PIESSE: However, it is not a very contentious matter.

Hon. Sir E. H. Wittenoom: Why not make it 10cwt?

Hon. C. A. PIESSE: I think 9cwt. will do on our roads where there is continuous traffic. Under the old Width of Tyres Act there was no provision for existing vehicles coming under its provisions, and had the law been carried out the owners would have been compelled to alter their wheels within a certain period. The Government have not made that mistake in regard to this Bill. By and bye, when we want new wheels to carry heavier loads provision can be made. A narrow tyre will not wear a road any more than a big one; it depends upon the weight of the load which this Bill limits. It is the swaying of a big load through unevenness of the road that causes the wearing of the road. Of course I can understand a 2in. or a 2½in. tyre cutting up the road, and I think a 4in. tyre is best in the country districts, be-

cause that width does not wear the roads so much; it is the weight the vehicles carry that does it. The Bill enables people to use up the vehicles they have, and that is a very wise provision. I trust something will be done in regard to the penalties. They are the most scandalous lot I have ever seen. Taking into consideration the purposes for which they are imposed they are out of all reason. There is a tremendous penalty for a person not carrying his license on him. A policeman may demand to see a person's license and if he does not happen to have the license he is liable to a penalty of £5.

The Colonial Secretary: That is the maximum.

Hon. C. A. PIESSE: I know it is the maximum, but the magistrate is often guided by the maximum.

Hon. F. Davis: Could not the license always be kept on a motor car?

Hon. C. A. PIESSE: I think that would be the best plan. I had that in my notes, but there might not be a licensed driver. When a car is licensed to carry passengers it should carry the two licenses, the ordinary license and the other showing it is entitled to carry passengers, as provided in the Bill. That should be sufficient, and then if a man is caught and cannot produce his license and cannot satisfactorily explain its absence he should be penalised. It is provided in Subclause 6 of Clause 38 that the Governor may make regulations prescribing conditions under which it shall be lawful for unlicensed persons, if accompanied by licensed motorists, to drive motor vehicles on any roads for the purpose of learning to drive. Fancy the Government tiddleywinking about this instead of the local authority.

The Colonial Secretary: We want to have uniform regulations throughout the State.

Hon. C. A. PIESSE: Again there is Clause 41, which provides—

> Whenever any number of persons, or any club or clubs, intimate to the Minister that they desire to hold race meetings or speed tests in any particular place or locality on a day to be fixed the Minister may temporarily suspend the operation of this Act or the regulations for such purpose, and may define the conditions under which such race meetings or speed tests shall be conducted.

I thought the local bodies always gave that permission. The Government are to be all over the country. The whole thing is endless expense.

The Colonial Secretary: But the consent of the local authorities must be first obtained; that is provided for in the proviso to that clause.

Hon. C. A. PIESSE: But what is the Minister to do with it at all, if he is to be guided by the local authorities? Let us take Subclause 2 of Clause 42—

> Subject to regulations to be made by the Governor, local authorities may, within their respective areas, cause to be set up sign posts denoting dangerous corners, cross roads, and precipitous places, where such sign posts appear to them to be necessary.

How are the Government going to know about that? The local authority has no say. There are many other clauses I need not refer to now. I congratulate the Government on introducing the consolidating measure, but I am positive that there are many provisions that will be objectionable to local authorities, and I emphasise the statement I made in my opening remarks, that this Bill in its present form is an insult to those local bodies.

Hon. A. SANDERSON (Metropolitan-Suburban): This is more a Committee Bill than a Bill for second reading speeches, and those who are opposed to clauses are quite ready to let the Bill go through the second reading, but I sincerely trust that the suspicion in which Mr. Kingsmill referred to motor cars did not emanate from members of the Council. I believe that if the people fully appreciate the position they will recognise in the motor car one of the greatest benefits to all sections of the community, particularly in Western Australia where we have enormous distances and a scanty population. It was only yesterday when a judge of the Supreme Court referred to the charges made by medical men in the country. If encouragement was given to

the motorist—it is certainly not offered by the Federal Government, or by the State Government, or by the roads boards—I think it would be an enormous benefit to the farmers and other sections of the community. The motorists as a whole welcome the Bill. It is obvious on the face of it that what we want to get rid of are the absurd local regulations. In one place a motor may not go four miles an hour; in another place the maximum is 12 miles.

Hon. C. A. Piesse: There is no maximum at all in this Bill.

Hon. A. SANDERSON: No one could wish a more reasonable protection than that any person shall be guilty of an offence who drives a motor recklessly or negligently, or at a speed or in a manner dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road and the amount of traffic which actually is at the time or might reasonably be expected to be on the road, the person. That is Clause 37.

The Colonial Secretary: It is the law in England and on the Continent.

Hon. A. SANDERSON: I feel satisfied that for the safety of the public it will be much easier to get a conviction against a motorist under this clause than under the existing regulations which no one takes notice of. That four mile limit on the corner of the Fremantle-road is the most glaring illustration of the absurdity of speed limits. I think people will recognise that the great bulk of the motorists are doing everything to be considerate. A motorist may be within his rights on the road but at the same time might seriously annoy foot passengers or drivers of other vehicles.

Hon. Sir E. H. Wittenoom: That limit of four miles on the Fremantle-road has consideration for your car.

Hon. A. SANDERSON: I trust Clause 40 will be amended. In this it is provided that where a person driving or riding a motor vehicle on any road meets or overtakes any animal which becomes restive or alarmed, or ceases to be under the due control of the person for the time being in charge of it, the person riding or driving the motor shall, as speedily as possible, stay the progress of the car and keep it stationary, as long as may be necessary.

Hon. C. A. Piesse: It is necessary.

Hon. A. SANDERSON: It may be necessary, but as a matter of fact the other day on the road, in circumstances such as are put down in the clause, a lady was driving a cart and her horse was getting a little beyond control; I stopped the car but she waved to me and asked very indignantly "Why do you not go on?" As a matter of fact in most cases the driver has to use his judgment. It is much better in some cases to get past, even if by exceeding the speed limit, so as to get out of the way of a restive horse.

Hon. C. A. Piesse: What about a flock of sheep? The other day a man got 10 under his car.

Hon. A. SANDERSON: That may have been gross carelessness or the man may have lost his nerve, but I do not think sheep are noted for their intelligence in getting out of the way. I would like to hear the motorist's story. Going back to Clause 40 it says "any person acting in contravention of this section shall be guilty of an offence under this Act" and the penalty is put down as £10. Mr. Piesse has referred to the question of the licenses. If it is not in the person's pocket there is another penalty. In regard to the medical as well as the clerical profession, I think it would be a good thing in the country districts if the Government could see their way to do something to give an advantage to medical men. I am speaking specially in regard to motor-cars, motor cycles, or ordinary bicycles. Some attempt should be made to encourage medical men to go into these country districts by giving them concessions.

Hon. W. Patrick: Nearly all medical men in the country have their own cars now.

Hon. A. SANDERSON: I know, and I say that these licenses that apply to motors generally should not apply to the motors of medical men; they should be exempted. Of course it would be a benefit to the medical men but a greater bene-

fit to the unfortunate public who have to pay the medical fees. I throw that suggestion out to the Minister and I hope he will consider it as fairly as possible. I think some of the clergy have motor-cars and a great many have bicycles. As to any abuses, a medical man will naturally take his friends and his family out occasionally, but the medical man is using his car as a rule for medical purposes and I think it would be an enormous advantage to the public, and certainly will be appreciated by the doctors and ministers, but that I suppose can be dealt with in Committee. With regard to motor vehicle licenses, again I endorse largely what Mr. Piesse has said except as to motor cars going quickly and damaging the roads. Most of the roads in the country cannot be damaged. You cannot damage the roads that I have been over, but these roads will damage a car. I saw a report some time ago about a motorist who had been travelling through various countries, through England, the Continent, the Cape and various other places and he put Australia down lowest on the list as almost beneath contempt from a roads point of view; and having travelled over some of the roads in the Eastern States, in Victoria and South Australia, I say that the roads here are worse than on the other side. I do not want to make a grievance of that, but when people talk of motor cars damaging the roads one must consider the question. Take the main artery on the south side of the capital of this State, the Causeway bridge, that may be described as a disgrace to the community, and anybody who dares to go over that road at a very moderate speed will find, not that he is damaging the road, but that he is damaging his car, and the same applies to any other vehicle. I shall reserve any other remarks until the Committee stage, except to say that I endorse the opinions of Mr. Kingsmill and Mr. Piesse as to welcoming this Traffic Bill, and I hope that in Committee it will be amended in one or two particulars.

Hon. Sir E. H. WITTENOOM (North): I have pleasure in supporting the second reading of this Bill, and being a representative of a country constituency, I find that there are many advantageous clauses in the Bill and many that will be really of lasting good. As to the question of how the Bill treats the metropolitan area, I am not quite prepared to come to a definite opinion. It seems open to discussion if not open to question, and judging by the circular I have received from the municipality of Perth it does not seem to meet with their unqualified approval. I have no doubt those members who represent the portions of the City included in the metropolitan area will bring forward their views and state their case and I hope I shall do justice to any proposition which is put before the House. There is one thing, however, I am pleased to think the Government propose to do, that is to take possession of the road from Fremantle to Midland Junction. I think we helped the metropolitan area quite recently in no uncertain manner by nationalising the trams; a big work. I hope now the Government are going to nationalise the road from Fremantle to Perth if not to Midland Junction. At present the road is a perfect disgrace and any visitor coming to Western Australia must look on the roads as being very poor indeed. Probably the answer by anyone opposed to the Government spending money on that road may be that persons can go in the trams if they do not like the road. We know the road between Fremantle and Perth and Guildford is necessary. The road is used by people with drays and carts competing with the railways. It is these carts and drays that cut the road up. My opinion is the Government should take that road over, if they do not take over any other roads in the State, because that road should be an advertisement.

The Colonial Secretary: Why that road and not other roads?

Hon. Sir E. H. WITTENOOM: I am speaking of this road in particular because it is an advertisement to visitors who come to this State. We all try and create a good impression on our visitors and we know once they land in Fremantle the majority like to go by road

to Perth and perhaps to Midland Junction, and if they travel over a road such as we have at present they form the idea that the roads throughout the State are in a similar condition and probably worse because this road is in the principal part of Western Australia and one would think that this road should be better than the country roads. Another plausible answer that may be given is that it would be better to spend the money in repairing the road in the country. Theoretically that is a good answer indeed, but this is an exceptional piece of road and it is the duty of any Government to put it in good repair and to keep it in good repair. As to whether the Government should take it away from the metropolitan area and issue licenses to vehicles and make by-laws is another question. There is a good deal in the statement of the Colonial Secretary that there should be similarity in the by-laws throughout the State, but it seems to me to some extent—the exact reason I cannot say—it is interfering with local control. With regard to the road from Fremantle to Perth and Midland Junction I feel very strongly on that subject. I was a member of a Government that took over that road and put it in splendid repair years ago. That was in the time of the Forrest Government. I cannot see that any Government has done the same thing since, but to-day the road is a standing disgrace to the country and I think as an advertisement the Government should take it in hand and put it in thorough repair. With regard to the laws about motor-cars, I am a good deal in accord with not putting down any exact speed limit. If people are warned and summoned for going at a dangerous and hazardous pace that is better than stating any particuluar speed in the Bill. If you take twelve miles through the city of Perth that would be a dangerous pace; in fact, four miles an hour through Hay-street on a Friday evening would be very dangerous and would do more damage than going at 60 miles an hour between Perth and Fremantle, therefore it would be better to leave this matter of speed to inspectors and to other people to summons the drivers of cars that are going at a dangerous pace. One use of motor cars is to get over the ground quickly. If one wants to go to Fremantle quickly, when the road is open and clear one desires to go at a good pace, and there is no reason why one should not, but in the town cars should go slowly, especially in going across intersections and past trams. I was nearly run over myself the other day by a motor-car when I was getting out of the tram, and something ought to be settled as to which side a motor-car should pass a tram. It is absolutely wrong to pass trams on the same side as the passengers get out. The only argument against that is the fear of meeting a tram going in the opposite direction, but I have seen very narrow escapes from motors passing tramcars on the side that passengers get out. The question of licenses I am glad has been brought up. It is quite an anomaly licensing according to horse-power. I know of the case of a 15 to 20 horse-power car, it is a fine car and was landed here at a cost of £800, and the license fee for that car is £17 a year. I know of another car which is reputed to be 25 to 30 horse-power, it cost £360 and for that car the license fee is £20 a year. That is an anomaly. The speed limit is nothing. It seems ridiculous that an £800 car should only pay £17 license fee and a £360 car should pay £20 license fee. That is a matter that should be looked into and remedied. The question of the width of tyres is an important one and should be carefully looked after. On the road between Perth and Fremantle the narrow tyres cut up the road more than anything else. Every vehicle that carries goods should have wide tyres. I do not propose to refer to many clauses of the Bill, but Clause 31 is most important as affecting the country districts. There is a limit of 8 cwt. to the inch on the tyre, but that is not sufficient for back country loading. A four-wheeled wagon, 8 cwt. to the inch—and generally there are five-inch tyres—including the wagon, would make eight tons. I know many cases where 12 horses bring down 12 ton loads, coming 180 to 200 miles. In such

a case the provision would work a hardship. This clause is supposed to work with Clause 50 in which it is provided that compensation may be claimed for damage. I am in accord with the conditions laid down in Clause 31 on small roads where there are bridges and culverts because the heavy loads would damage the culverts and the bridges, therefore I think some localities should be removed from the operation of the clause. But north of Geraldton all the roads are natural roads and the big loads I have spoken of are brought over these roads. Suppose there are two wagons with twelve horses each carrying 12 tons, it would mean a third outfit to carry the extra eight tons. I think under the circumstances the House will see it would be only fair that there should be some method of reserving certain portions of the State. I would commend this to the leader of the House, that he should bring in some amendment to meet the case. I am in accord with Clause 52, because I understand this is intended to stop joy riding, and joy riding is rather objectionable to the owner of the car. I believe there has been no penalty whatever for this offence. If anyone saw a car alongside the road, jumped into it and went off with a male companion or anyone else, there has not been the slighest penalty provided. I do not propose to say anything more until we get into Committee. I shall support the second reading of the Bill.

Question put and passed.

Bill read a second time.

BILL—INDUSTRIAL ARBITRATION.

Assembly's Message.

Message from the Assembly received, notifying that certain amendments requested by the Council had been made, that others had been made with modifications, also that the remainder had not been made.

BILLS (2)—FIRST READING.

1, State Hotels (No. 2).

2, Land Act Amendment.

Received from the Legislative Assembly.

BILL—WORKERS' COMPENSATION.

Second Reading.

Debate resumed from the previous day.

Hon. H. P. COLEBATCH (East): I do not intend to follow the course suggested by Sir Edward Wittenoom and vote against the second reading, because I am inclined to think that some of the provisions of the Bill are probably necessary. There is something to be said in favour of amending our existinng Act with a view to bringing it more into conformity with legislation in other parts of the British Empire. At the same time I am not able to altogether compliment the Minister on this particular Bill, because I feel bound to say that, to my mind, it has been conceived in a one-sided spirit. There does not appear to have been, at all events, any genuine attempt to set out on one side the reasonable responsibility of the employer, and on the other side the proper rights and privileges of the worker. On the contrary it appears to me the Bill has been conceived very much in the same spirit as that in which we are told occasionally in this House that the employer is a capitalist who can always look after himself.

Sitting suspended from 6.9 to 7.30 p.m.

Hon. H. P. COLEBATCH: Before tea I stated that in my opinion the Bill did not represent a fair attempt to define the reasonable responsibilities of the employer, and on the other hand, the proper rights and privileges of the worker. On the contrary, it gives expression to the idea that has been suggested more than once in this Chamber, that the employer is always and necessarily a capitalist, well able to look after himself, and that legislation is required only in the interests of the worker, and, to go a step further, that the worker is entitled to the whole lot so far as legislative provisions are concerned. No doubt there is some reason for this, and to my mind, it is due to the fact that those responsible for the framing of this Bill, in so far as they themselves have been employees, have, for the most part, been the employees of large aggregations of capital, the employees of

wealthy mining companies, big timber combines, or of the State itself, with the result that they have got into the habit of looking on the employer, not only as a capitalist who can look after himself, but as an impersonal institution.

Hon. J. E. Dodd (Honorary Minister): That would hardly apply to England.

Hon. H. P. COLEBATCH: I will justify what I am saying by drawing the attention of members to the differences between this Bill and the English Act, and other Acts from which it has been drawn. I say they look upon the employer as an impersonal institution. To use an old expression, they regard him as a corporation with neither a body to be kicked nor a soul to be damned. I will ask members to look at this Bill when it reaches the Committee stage from the point of view of the small employer, who, in the aggregate, certainly represents the majority of the employing interests in this State.

Hon. J. F. Cullen: Yes, nine out of ten.

Hon. H. P. COLEBATCH: And their operations, taken on the whole, are of far greater importance, not only to the State, but to the employees than are the operations of the few big companies carrying on their affairs in different parts of Western Australia. To my mind, this Bill, if passed as it stands at present, would make the position of the small employer extremely difficult, and I am sure, even from the point of view of the worker, nothing worse could happen than to discourage the small employer. The small employer is a man who becomes an employer, not because he has necessarily more money than the men he finds work for, but because, as a general rule, he has more enterprise, more initiative, and perhaps credits himself with having greater organising ability. It has been said that this Bill has been drafted from the English Act. It is from the English, the New Zealand, the South Australian, and the New South Wales Acts. In fact, the framers of this Bill have got together all the legislation on the subject within the boundaries of the British Empire, and from each of these Acts, they have extracted the most extreme clauses, and then, when they did not go far enough, they have evolved something fresh of their own in order to meet the circumstances Mr. Moss referred to the inclusion in this Bill of tributers as workers. I cannot agree with the hon. member's contention that a tributer is an independent contractor. I regard him as being more of a sub-lessee and an independent employer. He is certainly not a contractor in any sense of the word. A contractor undertakes certain work for certain payment, and he increases his profit by doing the work more expeditiously or cheaply. The tributer takes the risk of getting a profit out of perhaps an unexpectedly favourable condition of affairs, such as in a mining tribute when he strikes rich ore. That is where the tributer comes in. I think it is not right to call the tributer an independent contractor, or even a contractor at all.

Hon. D. G. Gawler: He is a little of both.

Hon. H. P. COLEBATCH: I say he is an independent employer. I would like members to turn for a moment to the definition clause, which contains the following reference to tributers—

> Provided also that tributers shall, for the purposes of this Act, be deemed to be workers in the employ of the other party to the tribute.

I would like members also to turn to Clause 13 which deals with shipping. I am not going into the details of this clause, which was dealt with fully by Mr. Moss, but if we turn to Subclause 4, we will find the following:—

> This Act does not apply in respect of accidents to such members of the crew of a fishing vessel as are remunerated by shares in the profits or the gross earnings of the working of such vessel.

What difference is there between the crew of a fishing vessel remunerated by shares in the profits from the gross earnings of the vessel and tributers? Surely the two are on exactly the same footing. I do not think we could have two positions more analogous to each other, but while tributers are to have the privileges of this Bill, fishermen in these circumstances are

not. What is the reason? The tributers were not included in the draft Bill brought before another place; they were included in Committee, because the working miners have a number of direct representatives, but the men who go down to the sea in ships have none, and they were left where the English Act leaves them, and where the tributers, as well as fishermen should be left. The Honorary Minister in introducing the Bill gave the reason why the tributers should have this special consideration that they did not always make wages. I suppose the Minister will agree with me that a great many tributers make more than wages, that many of them take a tribute in preference to wages, because it gives them a better chance of making money, but if he appeals for tributers on that ground, I ask him to remember that, in a good many instances, small employers do not make wages. If he wants to look at it not from the point of view of what a man is properly entitled to but from the sympathetic point of view that he does not make wages, then I say the small employer is as much entitled to that sympathetic consideration as the tributer is. In Clause 6 there is, to my mind, a very one-sided provision. I am aware that the particular section is from the English Act, but I do not know that we are bound to follow English legislation in every particular if there is an objection to it, and particularly when we find that a number of the safeguarding sections in the English Act are not in the present Bill. Paragraph (a) of Subclause 2 provides that, where negligence is proved on the part of the employer, the employee shall be entitled to claim special damages, altogether apart and distinct from those provided under this Act, and it is a fair and proper provision; but when we come to the following paragraph it says—

> If it is proved that the injury to a worker is attributable to the serious and wilful misconduct of that worker, any compensation claimed in respect of that injury shall, unless the injury results in death or serious and permanent disablement, be disallowed.

In the case of negligence on the part of the employer the Bill increases the amount of damages to which the worker is entitled, but in the case of serious and wilful misconduct on the part of a man, if it results in death or permanent disablement, the Bill still visits the damages upon the employer. Again, I say that is sympathetic legislation. The framers of this Bill doubtless saw on the one hand a permanently disabled man, or a bereaved widow with children, and on the other side a wealthy mining corporation, or timber trust, or insurance company, and they evidently said these bodies can afford to be sympathetic towards these people, although the injury was the entire fault of the man himself. But when this Bill applies to all sections of the community, we are entitled to consider the position of the employer, the small employer, who may have just as many dependants upon him as an injured worker, and we should see that, where an injury results solely and entirely from the serious and wilful misconduct of the worker, he shall not be entitled to compensation. That is the case in the other States and in the New Zealand Act until last year. I believe last year the New Zealand Act was amended to bring it into conformity with the English Act. There is one other difference in this Bill, as compared with most of the other Acts, and that is where the other Acts refer to the procedure before the Court. In nearly every instance it is before a judge or before the Supreme Court. This Act, however, contemplates the local court, and that is a matter which is well worth discussing when we get into Committee. Clause 9 refers to the liability of employers for injuries happening to men in the employ of a contractor. Here I would point out to the Minister a very serious departure from the English Act. The reference shows that this is taken from the English Act, and also partly from the New Zealand Act, and there is a very similar provision in the South Australian Act. Here is a clause which appears in the English and the South Australian Acts, but which is carefully excluded from the Bill before the House—

> Provided that where a contract relates to threshing, ploughing, or other agricultural work, and the contractor

uses machinery driven by mechanical power for the purpose of such work, he, alone, shall be liable under this Act to pay compensation to any workmen employed on such work.

We are told that this Bill is based on the English Act, and when we come to look it up we find that a safeguard such as this is omitted. Without some safeguard of the kind, this clause in regard to contractors will be a very serious one from the point of view of the small employer, because he cannot always insure, or does not always insure. I shall have something to say about rates of insurance later on. In the particular case contemplated by the English Act, if a farmer gets a contractor to cut his chaff, and an accident happens to a person in the employ of the contractor the contractor alone is liable. The injured person under this Bill would not bother about his employer, the contractor, but goes straight for the farmer and get his damages, and there is a provision under which the farmer can come back on the contractor and claim from him. Those who have any practical experience in these matters know what that means. Long before the verdict is given against the farmer, the chaff cutter would have an opportunity of disposing of the whole of his right, title, and interest in the machinery with which he carried on his work. That will be the case always and inevitably. I shall ask the House in Committee to accept the English Act. If this is not done it would be a great improvement on the existing Bill if the employee was bound, in the first instance, to sue his own employer, the contractor, and if the liability of the principal was insisted upon at all, that it should extend only to such amount as the workman was able to obtain from the contractor. To allow the worker to proceed against the farmer in the first instance is to allow the contractor to go absolutely free and make sure the farmer will have to pay. That would probably drive the farmer into bankruptcy. Many members know that small farmers cannot stand up against £600 damages. It is bad enough that they should have to pay if the accident happens to a man in their own employ but in the case of an employee of a contractor over whom a farmer would have absolutely no authority, it would be manifestly unjust that the farmer should be shot at in this way, and the contractor should be allowed to escape. Those acquainted with this class of work know well that he would escape. Whilst an man and the farmer the chaff cutter would action was going on between the injured make himself secure. On the matter of insurance, apart altogether from the effect that the extreme sections of this Bill may have, the mere act of raising the total amount of compensation by 50 per cent. will mean increasing the insurance premium by 50 per cent. also, and I hope in Committee members will consider whether this proposed increase from £400 to £600 is justified. When speaking the other night Mr. Gawler seemed to be under the impression that £400 was still the maximum in the case of permanent injury, but as I read it £600 is the amount payable, that is providing the man's wages were sufficient to bring it up to that amount.

Hon. D. G. Gawler: I think I said that.

Hon. H. P. COLEBATCH: This increase from £400 to £600 was not in the Bill as it was originally drafted. The addition was made in another place, and I think it will meet the justice of the position if it is knocked out by the Committee of this House. On page 22 we find Clause 16 of the first schedule, and here I think an alteration should be made. I do not know whether this is in any of the existing Acts. I refer to the payment of a lump sum instead of weekly contributions. If it is in any of the existing Acts I should be glad to know. I know this, however, that there is no three months about it in the English Act. I do not think an employee under the English Act can demand that his weekly payment shall be converted into a lump sum. The English Act provides that where a weekly payment is continued for not less than six months, an employer can appeal to the court to fix a lump sum. That is a just provision because the liability of the employer is fixed under the Bill. If the employer says, "I would sooner get out of this by paying a lump sum," he should be entitled to do so. I think that either

party with the consent of the other should be able to appeal to the court, but only in that way. There again we have a clause which might bring about the ruin of a small employer because, so far as I can see the court in deciding such a case would have no power to consider the ability of the employer to pay. The court would not be entitled to inquire whether the employer was able to pay a lump sum. It is wrong that the employee, so long as he is getting the payment the Act provides, should be able to force into court the employer who probably might be as necessitous as himself, and demand that the amount should be converted into a lump sum. There have been cases in this State, but not under the present Act, in which a man has recovered damages up to £700 or £800 for permanent injuries, and in less than the three months specified in this Bill the man has been able to go back to work again. Three months is not long enough to enable anyone to decide, except of course in extreme cases, whether injuries are likely to be permanent or not. Before I conclude I would like to say a few words in regard to the question of compensation for diseases. I had not intended to refer to this matter, but it struck me last evening as being not altogether fair that Mr. Cornell in endeavouring to support the action of the Government in including diseases in the Bill should have quoted in the manner that he did from the report of the Royal Commission on Miners' Lung Diseases. Mr. Cornell took this report, opened it in the middle, read half a page of it, apparently in support of the action of the Government in including diseases in the Bill, and then laid down the report and went on. He neglected to tell the House that the Bill we have before us is in direct opposition to the recommendations of the Royal Commission, and it is my intention to ask the House in Committee to strike out these references to diseases unless I can get some satisfactory explanation from the Minister as to why the recommendations of the Commission have been ignored. Take for instance the last line of the Fourth Schedule which describes the diseases, and on this matter in regard to the word pneumoconiosis I have a personal grievance against the Minister, because I notice that in other Acts of Parliament, and in the report of the Royal Commission, this word is not spelt in the manner as it appears in the Bill. I find that in the Bill the Minister has gone a step further and, as if the word were not long enough in itself, he has put another syllable, "no," in the middle. Generally speaking, the inclusion of the letters "no" make a great difference in the meaning of a sentence, and it may be so in this case; but I would prefer to see the word spelt as it appears in the report of the Royal Commission and in the other Acts, if only on the ground that it is a little shorter. Mr. Cornell told us that this particular disease had been knocked out of the New Zealand Act on account of some agitation. As a matter of fact a special Act was introduced in New Zealand for the one purpose of deleting this disease from the Bill, and that was passed in 1909. In this report, from which Mr. Cornell quoted, the very reason why that was done is given. The Commission in their report said—

> In New Zealand the "Workers' Compensation Act, 1908," by which pneumoconiosis was placed on a list of diseases which were to be treated as accidents, came into operation on 1st January, 1909. Mine owners objected to this proposal unless a medical examination had previously ascertained that a workman on whose account they were to be liable, was free from the disease. The miners declined to be thrown out of employment—no provision having been made for lighter employment or compensation—by a medical examination, which they held to be degrading. Insurance companies refused to take the risk without a preliminary medical examination. Finally the Government Insurance Department took over the risk at a premium increased from £2 9s. 6d. to £3 9s. 6d. per cent. on the wages paid, because of the inclusion of the new "accident," but only under a guarantee of indemnity by the Treasury. No claims were made during the 12 months that the Act was in force, the clause requiring the disease to have

been contracted within the last twelve months having apparently prevented the maturing of claims capable of proof. Dr. Cumpston's report and the evidence of medical witnesses make it doubtful whether any doctor could feel confident in the existence of the disease until the patient had been longer "gone" that 12 months. On 24th December, 1909, the Act was repealed as far as the classification of pneumoconiosis as an accident was concerned. We hold that pneumoconiosis is not an accident and cannot be described as such without opening the door to interminable litigation.

The report goes on—

> The insurance companies might, after some years' experience of the incidence of pneumoconiosis, quote a rate commensurate with the risk incurred, but at the beginning, if they undertook the unascertainable risk at all, it would only be on such terms as would give them ample margin to cover all contingencies. In other words, they would treat it as a gambling rather than a business risk, and charge accordingly if they undertook the business.

Then they go on to touch on the enormous difficulty which arises in fixing on the mine in which the disease was contracted, and in deciding who shall pay, and they go on to say that the result would be an amount of litigation out of all proportion to the interests involved. Then they go on—

> The outcome of the legislative experiment in New Zealand indicates that the project was found to be impracticable, and we are firmly convinced that that conclusion was justified in spite of the evident leaning towards the scheme on the part of a large section of the West Australian community, and in spite of the agitation in the same direction now prevalent in South Africa. Mr. Agnew's tables showing the liability which the mines would normally carry for men who have only been temporarily employed prove that treatment of pneumoconiosis as an accident would be an injustice to the mines.

The Commission went on to make definite recommendations which are entirely at variance with the proposals submitted by the Government, and they say—

> After careful consideration we have decided that the course open to the fewest objections is to class pneumoconiosis (tuberculosis being eleminiated and separately dealt with — see par. 211) with all other diseases and provide for invalidity or death caused thereby, as by any other disease except tuberculosis, in a general scheme of industrial insurance.

What I want to know is the reason why the Government ignored this report? Was it because the Royal Commission recommended that there should be a contribution on the part of the miners? I shall ask the House in Committee to reject this clause altogether with a view of indicating to the Government that we are of opinion that the contributory scheme suggested by the Royal Commission is just and fair, not only from the employer's point of view, but because it makes provision for those employees who are thrown out of work because of industrial diseases. It is a far better provision than the one in the Bill. The Commission say on this subject—

> We recommend the institution of a Mining Insurance Trust, with the specific object of securing that all workers in or on mines or treatment plants be assured of substantial benefits in the event of invalidity, sickness or death, whether arising out of the nature of their calling or from other causes.

The Royal Commission ask that one-third of the moneys required should be contributed by the employees, one-third by the owners of the mines, or treatment plants, and the remaining third by the Government. To my mind that is a thoroughly genuine and business-like proposal. The contribution by the men was estimated in this report to be 1¼ per cent., so that a man earning £3 a week would pay less than 1s. and a man earning £4 10s. would pay 1s. 6d., surely a modest and reasonable contribution. The whole of the report of the Royal Commission is extremely interesting and valuable, and not only is it regrettable that the Government should entirely ignore this report, but they

should include in the Bill provisions which this Commission deliberately stated were unworkable. I also think it is unfair for an hon. member to quote paragraphs as though they were supporting the Bill, and not tell the House that the report condemned the proposal now submitted. I pointed out that this Bill, although it is drafted largely on the lines of the English Act, differs materially from that Act, and I would ask hon. members to consider how different the conditions are in Australia as compared with those in England. The employee here gets a larger wage than the employee in England and the employer in England undertakes far greater responsibilities in regard to his employees than the employers out here, partly for the reason that in England they remain with their employers, not only for many years, but in many cases for generations. Here the working man claims industrial independence. He claims that he shall have a sufficient wage to maintain himself and his wife and bring up his family in comfort and also make provision for his own sickness and old age. And that being the case, he is in a position that the workman in England is not in; he is in a position to provide for himself in the matter of insurance against death, to contribute to friendly societies so as to provide against sickness, and he is also in a very good position to contribute to some such scheme as is suggested here in order to cover his risk from industrial diseases. And if in addition he has a fair measure of compensation for accident it is quite as much as he should be entitled to expect. The premiums that the worker has to pay to the leading life insurance companies are always very moderate, because most of them are mutual companies, and therefore all he pays in he gets out, but under this measure the premiums the employers will have to pay will be extreme. That is why I say the amount should be reduced to £400, that in the case of the farmers the provisions of the English Act should be followed, and that in other ways we should endeavour to prevent the great increase in insurance rates that must inevitably take place. I again express the hope that the Minister and his colleagues will endeavour to look from a more sympathetic point of view upon the position of the small employer, and recognise that it is unjust and unwise to saddle him with any responsibilities beyond those which properly belong to him.

Hon. J. F. CULLEN (South-East): I shall not detain the House with any detailed reference to the Bill. I shall also be able to shorten my speech a good deal because the hon. member who has just sat down has said a great deal which I would have said. The Bill strikes me as being largely the work of such a mind as a walking delegate might have, showing such an attitude to the employer as a walking delegate might be proud of. And that walking delegate seems to entertain one or two popular delusions. The first is that every employer is a bloated capitalist, and the second is that the harder we make the lot of every employer the better it is for the employees. Those are popular delusions. Even Mr. Davis fell into the first of them in connection with another measure. He had heard of the legend of the golden fleece, and he concluded that every pastoralist must be carrying the golden fleece. I want to impress on Ministers that nine-tenths of the employers of labour in this country have a harder struggle to live than have the men they employ. That statement, I make bold to say, will stand the closest investigation.

Hon. J. E. Dodd (Honorary Minister): What percentage of men do they employ?

Hon. J. F. CULLEN: I am speaking of employers; as to the percentage of men, possibly that somewhat alters the proposition.

Hon. J. E. Dodd (Honorary Minister): To a very great extent.

Hon. J. F. CULLEN: There are comparatively few big employers in this State. Apart from half a dozen large mining propositions, how small are the employers in Western Australia! The State is in its infancy; its industries are still being founded, and nine out of ten of the employers are not on their feet. They are just starting their business concerns, and are struggling harder than the men they employ. When the men lay

down tools at five o'clock, most employers have still to go on with very perplexed minds as to whether all the wages will be ready when pay day comes. Will Ministers please bear that in mind in connection with all such legislation as this? By all means let our legislation be sympathetic, but let it be sympathetic to all concerned, and do not risk the strangling of the young industries of the State. It is not simply injustice to the employers, but it is a delusion placed before the men employed to hold out to them hopes such as are held out in this Bill. No Minister will say for a moment that the average employer can face this Bill. I would like to ask the Minister in charge what proportion of employers could face this Bill on their own account?

Hon. C. Sommers: Two per cent.

Hon. J. F. CULLEN: Can five per cent.? Can two per cent. of the employers face this Bill on their own? But Ministers say "We do not mean that. Of course, they will go to the insurance companies," and they think that the insurance companies are some fairy godfather or godmother who will make unlimited payments without looking into the risk at all. Where is the insurance company that gives something for nothing? To go to the insurance company is no lightening of the burden at all; it is a distribution of the risk over a time and over a number of people, but no insurance company will lose a penny. The companies will not only charge enough to cover all expenses and all risks but also enough to make a profit, and the burden is just as great whether we go to the insurance company or not. We have to pay a premium on every man employed, and the insurance companies make a profit every time. The insurance premiums now are high enough, but I am not going to rail against the companies at all; probably if I was a director of one of the insurance companies I would take as great profits as they take now, but I want to ask the Minister what increase in premiums he is allowing for if this is passed?

Hon. J. E. Dodd (Honorary Minister): The chairman of the associated insurance companies said that he could reduce them thirty per cent.

Hon. J. F. CULLEN: If he got all the business. That means that if the sky fell we could catch larks. What rubbish!

Hon. J. E. Dodd (Honorary Minister): Supposing the State takes it over?

Hon. J. F. CULLEN: Why did not the Minister suppose that before he brought in this fatuous Bill? Why did he not say that he would bring down a Bill for State industrial insurance?

Hon. J. Cornell: Why did not the previous Governments do it?

Hon. J. F. CULLEN: Previous Governments did not attempt anything so fatuous as this Bill. We have not to consider the possible position of one insurance company getting all the business; that may be dismissed altogether. But what does the Minister think insurance companies will charge for this clause of diseases?

Hon. J. E. Dodd (Honorary Minister): I am not prepared to say.

Hon. J. F. CULLEN: Exactly. Is there an insurance expert living who can estimate the risk? Even taking the clause as it stands, is there anybody who can say what the risk will be?

Hon. J. E. Dodd (Honorary Minister): You cannot estimate any risks at the present time.

Hon. J. F. CULLEN: Insurance companies can estimate risks on lines that they have been operating on for generations past, but how can they calculate the risk under Clause 12 of the Bill where there are a number of different diseases that may develop at any time in a big or small mining population in this State? I say it is an incalculable risk, and then to make it still more difficult there is power in the schedules to add on any number of others. And the insurance companies are asked to quote a premium. I say that the associated companies in concert can only quote such a premium with such an enormous margin, as will make it practically impossible to insure.

Hon. J. E. Dodd (Honorary Minister): Why has that not happened elsewhere?

Hon. J. F. CULLEN: I do not know where this legislation has been tried.

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

Hon. J. F. CULLEN: But under very different conditions. As Mr. Colebatch pointed out, the walking delegate who made this selection of clauses from existing Acts took care to pick out everything against the employer and nothing to safeguard him.

Hon. J. Cornell: You will look after him.

Hon. J. E. Dodd (Honorary Minister): He did not quote an instance.

Hon. J. F. CULLEN: He quoted several cases, and the rest will come up in Committee. I want the Minister, the House, and the country to understand this, that Ministers have taken up this Bill—I do not know whose is the drafting, but as I have said it seems to suggest the hand of a walking delegate—without bothering to see through it. "Let the capitalist look out for himself"; that is the attitude of this Bill. Everything is at the employer. Nine-tenths of the employers in this State are struggling men, but everything is at them; it is their concern to fight it out with the insurance companies and go bankrupt if need be, but Ministers must keep faith with their supporters outside and introduce this Bill. It is a monstrous thing, and the proper course for this House to adopt would be to throw the Bill out and say to Ministers "Bring down your promised scheme of State industrial insurance and bring it down on sound equitable lines."

Hon. J. Cornell: You would not agree to it if we did.

Hon. J. F. CULLEN: I am very serious over this matter. I am as sympathetic as any Minister can be, and I am in the thick of this struggle. I have to face the insurance companies in the matter. There ought to be no great difficulty before the Government. Let them produce their scheme of State industrial insurance, and let it cover first accidents, but let it also cover unemployment, and let it cover invalidism, and let it cover old-age pensions.

Hon. J. Cornell: They are provided for.

Hon. J. F. CULLEN: That is a mere fiasco. The Commonwealth system of old-age pensions is a system of absolute pauperism; it is a disgrace to any free country.

Hon. J. Cornell: Is it not better than nothing?

Hon. J. F. CULLEN: Yes, it is a stop-gap until statesmanship in Australia arrives at something better.

Hon. J. E. Dodd (Honorary Minister): It is a stop-gap until the Constitution will allow the Commonwealth to discriminate between the States.

Hon. J. F. CULLEN: There is no need for that; that is not a serious matter. The point about it is that a general system of State industrial insurance must cover the whole ground and include more than the establishment of old-age pensions; and I say the whole system must be based on a self-relying, independent basis; it must be a contributory scheme to which all concerned will contribute. I think the recommendation just quoted by Mr. Colebatch from that goldfield Commission is not very much wide of a rational suggestion; that is to say, that the State, the employer, and the worker should share pretty well equally in the burden.

Hon. J. Cornell: That has been done in Germany since 1874.

Hon. M. L. Moss: Never mind Germany. We do not want to go to Germany for everything.

Hon. J. F. CULLEN: There is no objection to that. The very fact that it has been done before will give us a little light on what should be done here. It is quite time such a scheme should be brought down, and I would not wait for the Commonwealth Government in the matter at all. There is no reason why the State Government should not bring down their own scheme, leaving out for the present time the one item covered by the Commonwealth Government, that of old-age pensions.

Hon. J. E. Dodd (Honorary Minister): Would you propose to do that independently of the Workers' Compensation Act?

Hon. J. F. CULLEN: Certainly, I would embody this in it; I would cover the whole ground in my system of State insurance. There is no difficulty about it. Why should it not cover the whole

ground? I do not mean to say that common law rights would be at all affected. We will suppose that an injury happens to a worker through the default of his employer or anybody for whom the employer is responsible. For such injuries there will still be common law rights outside the insurance.

Hon. J. E. Dodd (Honorary Minister): Are you not aware that they have a national insurance scheme in England besides the Workers' Compensation Act?

Hon. J. F. CULLEN: Exactly, because they did not cover the whole ground. They have a limited system of national insurance on certain points, and that is a mistake. I say it should be all included in one system.

Hon. J. Cornell: What weekly payment would be required?

Hon. J. F. CULLEN: It would be no larger than would be required to cover the whole ground under the different systems. The placing of them all together would economise, instead of increasing cost. I want Ministers not to go away and say, "The Legislative Council are unsympathetic to this Bill because it bears the name of the Workers' Compensation Bill." I say that Ministers are deluding the workers of the country if they lead them to expect what cannot be given and what cannot be made certain to them.

Hon. J. E. Dodd (Honorary Minister): Why is it given in the old country?

Hon. J. F. CULLEN: How old is the measure in the old country?

Hon. J. E. Dodd (Honorary Minister): Since 1897.

Hon. M. L. Moss: But, as Mr. Colebatch has pointed out, the provisions are very different. Take the agricultural industry for instance.

Hon. J. F. CULLEN: Will the Minister be content with the English Act in its entirety?

Hon. J. E. Dodd (Honorary Minister): The Minister is not solely responsible for this Bill, and he is not going to take the sole responsibility.

Hon. J. F. CULLEN: Quite so. The Minister has taken the walking delegate's opinion. I know Ministers do not believe in this. I know Ministers would give us a very different Bill if they had a free hand. I would be quite content with a Bill drafted by the two Ministers in this House. Our trouble is that they simply bring down a measure and say, "We are not responsible; we bring this down and ask for sympathetic treatment for it, and we ask the House not to baulk it, even though they are putting their hand to something that would be an utter delusion to the workers of the country." Let Ministers go a little more closely into this matter of insurance against diseases. What insurance company in the world will take that on without medical examinations?

Hon. J. E. Dodd (Honorary Minister): We do not object to examinations.

Hon. J. F. CULLEN: I am afraid the workers do. That is the trouble. If the Minister will consult that walking delegate he will be told that the workers do object.

Hon. J. E. Dodd (Honorary Minister): Look up the evidence of the workers before that Commission.

Hon. J. F. CULLEN: That Commission is all right, but the Minister will not stand by that Commission's report. If he had followed that report we would have had a very different Bill. That Commission recommended contributory insurance, but the walking delegate would not have it. Would any insurance company take up Clause 12 without first a preliminary medical examination, and re-examinations very frequently in the case of big mines where men are specially liable to these diseases? Would any insurance company's shareholders tolerate it? Would it be just to the other insurers? It would not be tolerated for a moment, nor would the workers consent to it.

Hon. J. E. Dodd (Honorary Minister): The workers have consented to it.

Hon. J. F. CULLEN: How many of them? Would Mr. Cornell consent to it?

Hon. J. Cornell: Yes, I said last night I would.

Hon. J. E. Dodd (Honorary Minister): Read the evidence of the Commission.

Hon. J. F. CULLEN: Medical examination of every man and re-examination as time went on?

Hon. J. Cornell: Yes.

Hon. J. F. CULLEN: And who would pay for that?

Hon. J. Cornell: The State.

Hon. R. G. Ardagh: Let the industry pay for it.

Hon. J. F. CULLEN: The examination of all the miners to-day would cost at least £10,000. Who would pay for that?

Hon. J. Cornell: Who paid for Dr. Cumpston's examination?

Hon. J. F. CULLEN: The good old State; no doubt about it. Here is £10,000 to start with. We will have to provide that now. What will follow? Suppose the examination takes place to-day; we would have hundreds and hundreds of men marked as uninsurable and with retrospective claims on the employer straight away. Is the Bill going to provide for that? What provision has the Minister made for that? The walking delegate left that out. Ministers have planked down this Bill without proper consideration, without weighing it; and I say these clauses giving compensation for diseases are entirely unworkable and will have to go out of the Bill. The only way to deal with diseases will be by the coming system of State insurance.

Hon. J. Cornell: I am glad you say "coming."

Hon. J. F. CULLEN: I am not raising bogies. I am just pressing home on Ministers a few of the difficulties that they have not taken the trouble to look into. They simply said, "Here is a Workers' Compensation Bill; treat it sympathetically; never mind the employer; think of the employee." If all the employers were wealthy men we might let that pass, but I am concerned with nine out of ten who have a harder struggle than the men they employ, and I say that without the insurance companies they could not look at it. It would be absurd to think about it. How could a man on the land employing a couple of men, if an accident happened to one of them, pay £500 or £600? How could he find it? He must go to the insurance company. And, as I say, the insurance companies are bad enough now, but under this Bill we simply could not meet the demands they would make. This Bill casts a burden on the struggling employer which he cannot face. I advise the Ministry to consent willingly to the postponement of the provisions for diseases and to hasten on their Bill for State industrial insurance, and I for one will do my utmost to help them to make a good workable measure of it.

Hon. F. DAVIS (Metropolitan-Suburban): In dealing with the second reading of this Bill it would be well to follow the example of other members and deal with it generally rather than to deal with particular clauses. One contention has been made by almost every speaker, that it would be possible for the worker to take out an insurance policy to protect himself against accident. Speaking from my own experience I insured myself on one occasion; but owing to the difficulty of obtaining employment and through having to travel so much from one State to another and so much in the State, I found it absolutely impossible to continue the payments necessary; and my experience was a common one in 99 cases out of 100 among the workers.

Hon. Sir E. H. Wittenoom: No good man has to travel about from one State to another.

Hon. F. DAVIS: I will not say they are always travelling from State to State, but they are travelling within the State, and my experience was not uncommon. When Western Australia came into prominence thousands of workers came here from the other States. I am safe in saying it is practically impossible for the average worker to maintain an insurance policy on his own account to insure himself against accident because of the nature of his employment being so uncertain.

Hon. M. L. Moss: That is over-drawing the picture, and you know it.

Hon. F. DAVIS: No.. It is an absolutely conservative picture and a safe one. I have experienced it myself and I know thousands who have had the same experience.

Hon. M. L. Moss: You are drawing the long bow.

Hon. F. DAVIS: No I am not, I am stating what is an absolute fact, and what is true, too, in regard to a large number of workers. I say it is practically impossible for the average worker to take out an insurance policy on his own account. That is the reason which has largely influenced the Government in bringing forward an amendment of the Workers' Compensation Act. Members of the Ministry are as well acquainted with the facts as am I, and have therefore taken this opportunity of bringing down the amending measure. It seems to me the principal idea in connection with this legislation is that those who take the largest share of the profits of an industry, namely the employers, should bear their share of the responsibility.

Hon. J. F. Cullen: Do they get the largest share?

Hon. F. DAVIS: Undoubtedly.

Hon. C. Sommers: Are there no losses?

Hon. F. DAVIS: Would any sane man continue in business if he did not make a profit?

Hon. J. F. Cullen: Very often he cannot get out of it.

Hon. F. DAVIS: If a man is not making a profit he will not continue in business. That goes without saying. Therefore in by far the great majority of cases he makes a fair and sufficient profit or he would not stay in the business.

Hon. W. Kingsmill: Do you mean to say he makes more profit than he pays wages?

Hon. F. DAVIS: If he employs 5,000 men of course it is hardly to be expected that he would make profits exceeding the wages he paid. I contend the risks the average worker takes in connection with his employment—and although some trades are more dangerous than others, yet there is risk in all of them—the risks the average worker takes in connection with his employment are sufficient to warrant him in expecting that those who employ his services should take their proper share in insuring him against loss of life or limb.

Hon. J. F. Cullen: No one objects to a proper share.

Hon. F. DAVIS: The hon. member's ideas and mine as to a proper share are probably two very different things.

Hon. M. L. Moss: Of course they are.

Hon. F. DAVIS: It does not follow. In Broken Hill the number of workers insured during the last half-year, ended 30th June, was no fewer than 385. All these men were seriously injured, and some of them fatally. It may be that the Broken Hill mines are especially dangerous in which to work, but none the less the risks run by those engaged in any trade should be shared by the employer, and the workers should be assured of compensation against accident or disease. I would like to point out that in the field of battle when nations are at war they have sufficient regard for humanity to send to the front ambulance wagons and nurses so that those who are wounded in the service of their country may receive protection which will at least alleviate the sufferings they endure as the result of their injuries. I hold that in the same way those injured during the course of employment, in the act of creating wealth for those who employ them, should receive some consideration and the same amount of attention in regard to the injuries they may sustain and which cause suffering to themselves and those depending on them. If this principle were fully carried out in the industrial world there probably would not be any need for an amendment of the existing Act. Unfortunately this is not the case. There are numbers of anomalies which exist in connection with this legislation and which render it necessary to amend the law. The definition of "worker" is sought to be broadened in the Bill. There is also the provision excluding those who earn more than £350 per annum from the benefits of the Act.

Hon. J. F. Cullen: Not workers?

Hon. M. L. Moss: Not manual labourers?

Hon. F. DAVIS: It occurs to me that this provision has a somewhat peculiar effect inasmuch as it will allow members of Parliament to come within the provisions of the Bill.

Hon. J. F. Cullen: I wonder if that was intended.

Hon. F. DAVIS: I cannot say, but it is peculiar, and interesting to note.

Hon. J. F. Cullen: Perhaps that walking delegate was a member of Parliament.

Hon. F. DAVIS: I am afraid that walking delegate does not exist except in the imagination of the hon. member. There is also a provision which to my mind is a very excellent one——

Hon. M. L. Moss: Do you think lockjaw could be considered an industrial disease as applied to members of Parliament?

Hon. F. DAVIS: I do not think any member of Parliament is likely to contract lockjaw. In the past there has been difficulty in fixing the responsibility for payment of compensation owing to the complex character of industry as we know it to-day. It has happened sometimes that the contractor has taken work and let it to a sub-contractor who in turn may have let it again to someone else; and so there has been quite a number of people interested in the one contract, and when the worker has been injured he has found great difficulty in fixing the responsibility on the proper person, and that has caused a good deal of hardship for which the worker is not responsible. The Bill seeks to obviate that by making the principal, as well as the contractor, responsible for payment of compensation. It may be contended by some that there is no justification for this.

Hon. J. F. Cullen: Oh, that is a detail.

Hon. F. DAVIS: The principal can compel the contractor to prove that he has properly insured the man engaged by him to do the work of the principal, so I think there will not be any difficulty in that connection. A good deal of exception has been taken to the diseases included in the Bill. It appears to me that the difference between disease and accident is merely one of degree. An accident occurs suddenly, while a disease may take a considerable time to make its appearance, but the effect is the same in each case. The man is helpless for a shorter or a longer period, and consequently if the effect is the same the remedy, the compensation, should be exactly the same in each case. Now I come to the part which Mr. Cullen has laid stress on, namely, the ability of those who carry on an industry to pay compensation. I hold a different opinion from the hon. member on that point. It appears to me, looking at the figures supplied by statistics in different parts of the world, that the amount of wealth created by the workers in their labour as applied to manufacture is quite sufficient to warrant anyone in believing that the industries or the employers are well able to pay whatever compensation is required in the case of accident or disease.

Hon. H. P. Colebatch: Do you know that the gold-mining industry does not pay as a whole?

Hon. F. DAVIS: We have to deal with the thing broadly.

Hon. H. P. Colebatch: I say take it broadly and you will find that as a whole it does not pay.

Hon. F. DAVIS: I admit it takes a considerable amount of money to win gold, almost as much as the gold is worth.

Hon. J. F. Cullen: Where, then, do the profits come from, these profits the hon. member is speaking of?

Hon. F. DAVIS: If the hon. member will read the returns of the different mines he will see that some make huge profits. If it were necessary to give facts and figures for every statement made the debates in the House would take a long time to get through.

Hon. J. F. Cullen: I do not think the statements would be made in many cases.

Hon. F. DAVIS: Possibly so, but when the statement made is based on knowledge, I fail to see why it should not be accepted. Sir Edward Wittenoom expresed the opinion last night that more attention had been given to the interests of Labour this session than to the interests of any other. I think if the hon. member will analyse the Bills brought down he will find that such is not the case. But even if it were so I fail to see that that is at all detrimental to the character of the legislation brought forward. In the

past history, not only of Great Britain but of Australia, the amount of justice which the worker has received has not been anything like his due. The bulk of legislation passed in this State, as in other States, has been largely in the interests of the employer and the capitalistic class and the action of the Government in bringing down a Bill of this character is simply to more or less balance things and to give to those who for a long time have not had the justice they should have had some little measure of that deferred justice. If it were necessary to give facts and figures some interesting information could be supplied as to the amount of wealth obtained by the employing class as compared with that obtained by the employers, Of course it goes without saying it would be folly for any man to attempt to deny that the employer has taken by far the larger part of the wealth produced. Consequently the workers not having obtained a just share of the product of their labour have some claim to consideration in a measure of this kind. The claim has been advanced that this law should not apply to all trades, because all trades are not dangerous. Mr. Gawler, in dealing with this question, suggested the case of a bank clerk who might meet with an accident while crossing the street doing his employer's business, and he contended that in cases where the occupation was not dangerous the law should not apply. If there is no danger the law will not apply, because there will be no accidents, and consequently the contention that the Bill should not apply to other than dangerous trades does not hold good. It does not follow if compensation is to be claimed that the employer will have to pay absolutely out of his own pocket the amount of the compensation. The case has been cited of a farmer—we often hear of him in this Chamber——

Hon. C. A. Piesse : He is making the country.

Hon. F. DAVIS : He is helping to.

Hon. C. A. Piesse : No; he is making it.

Hon. F. DAVIS : That may be the hon. member's opinion, but if there were no workmen apart from the farmers it would be a very poorly populated country.

Hon. C. A. Piesse: Take the man on virgin land——

The PRESIDENT : Order ! The hon. Mr. Davis has the floor.

Hon. F. DAVIS : It is unnecessary for the employer to always pay the compensation out of his own pocket. Even supposing a farmer was employing one or more men and one was injured and claimed full compensation, surely that farmer would have the common sense to insure against such a contingency. If the Bill becomes law I quite admit that the premiums charged by the insurance companies will probably increase. The chances are that they will increase. But even supposing that to be the case, the employer would be very unwise if he did not take advantage of insurance provisions, and protect himself against claims for compensation, even if the amounts for premiums were raised by the insurance companies. In this connection I was pleased to hear the remarks of Mr. Moss. Unfortunately he is not in the Chamber at present. I was about to say how pleased I am at the hon. member becoming a convert to socialism. No doubt he has noted that the trend of things has been in the direction of allowing monopolies to be created, and realising that the ultimate end of monopoly is to do injury to the community as a whole, he has recognised the need for a monopoly to be taken over by the State and nationalised. He said he was prepared to accept or advocate State insurance. It is pleasing to note the change in the hon. member's views, because all along he has consistently opposed any instalment of socialism whatever. It is indeed pleasing to one who has given a good deal of thought to this question to find the hon. member has arrived, at least partially, at the same conclusion, and believes that socialism is the only alternative to relieve the suffering caused by monopoly. I trust that Mr. Moss will not stop at the one point, but will realise that socialism as a whole is for the benefit of the people, and will advocate it accordingly. I was interested in a statement

made by Mr. Gawler that in his opinion the worker should contribute something towards any scheme of insurance or any scheme put forward to provide compensation in case of accident. I would like to point out that the worker already contributes towards the necessary fund for the payment of compensation in the sense that by his labour he creates or assists to create the profits which the employer receives.

Hon. J. F. Cullen: Does not he get his wages?

Hon. F. DAVIS: Yes; but they do not represent the full profit of his labour, and I venture to say that the margin left between what he produces and the full product of his labour is a considerable one, and allows quite sufficient for this risk to be taken in connection with other risks necessary in the conduct of business. If it were not so, everyone would go out of business because it would be unprofitable. The Bill so far as I can judge, is one based on justice and equity for the reason I have given that in the past there has been no return to the creator of wealth in the first instance—the worker—of that amount which he should have had to enable him to provide his own insurance if insurance be necessary against compensation, and for the lack of that, the Bill seeks to provide the next necessary just and equitable means of providing for compensation when the worker is injured during the course of his employment. When the Bill gets into Committee I hope it will not be unnecessarily—I will not say mutilated, but interfered with or altered, but that its provisions will in the main be agreed to by members, and thereby insure a measure of justice to all who are workers in this State.

Hon. A. SANDERSON (Metropolitan-Suburban): I do not know that I would have ventured to speak on the second reading of this Bill had I not listened to the member who has just resumed his seat. His speech was so brimful of fallacies and the subject was treated in a most light and airy manner——

Hon. J. Cornell: I hope you do not supplement the fallacy?

Hon. A. SANDERSON: I suffered very much mentally to listen to the fallacies put forward by the hon. member.

Hon. J. Cornell: The hon. member misunderstood me. I interjected that I hoped he would not supplement the fallacies.

Hon. A. SANDERSON: I did not catch even that observation, but I will pass it by. I will not touch on the fallacies any more except to say that they hurt me mentally. What hurt me more was the light and airy way in which the hon. gentleman dealt with this subject which, whether it is considered from the workers' point of view, what we might call the moral or physical point of view, or whether it is considered from the financial aspect, is a subject of the greatest importance to this community, and not only the hon. member but members of the Government have dealt with the matter in the same way. If we have dealt with nothing else on a satisfactory basis I think we will have done very good work for the country if we can make this measure satisfactory to all parties, but it is one not among a dozen—really I have lost count of the number of Bills presented for our consideration and the cry is "still they come."

Hon. W. Kingsmill: The number is 45.

Hon. A. SANDERSON: Forty-five is a number which has some significance to anyone who has associations from north of the Tweed. As for Mr. Davis's taunt to Mr. Moss perhaps it is well justified.

Hon. F. Davis: It was not intended as a taunt.

Hon. A. SANDERSON: I am glad to see that Mr. Moss is in the House because we must listen with respect to the opinions of a member like Mr. Moss on a subject of this nature. He has had practical and theoretical experience in this class of legislation. I do not propose to follow him in the almost historical and no doubt interesting speech he made, although possibly not very pertinent to the Bill under discussion, and I listened with attention and respect to the historical and legal aspect of the question but when he went on to declaim against the insurance companies I think at any rate that he laid himself open to the taunt or criticism or whatever term Mr. Davis may approve

of, with regard to socialism. It is my difficulty in this Chamber to say nothing of elsewhere, to make my position clear to other people. It is perfectly clear to myself. My entire sympathy is with the worker in a case of this kind, but are we to advocate altogether the dethronement of reason and justice when dealing with these matters. Here we have Mr. Moss declaiming in a manner more befitting a walking delegate with regard to a ring or combine of insurance companies. I do not pretend to speak with the authority of that hon. gentleman. I can only say I have glanced at the reports of these companies dealing with these questions of industrial insurance—most of them have their headquarters in London —and I find that owing to the payments which are made the margin of profit has disappeared altogether and they have been compelled to put up their rates. As for a combine or a ring in this State I have no brief to speak on behalf of the insurance companies, but I would treat them as I would treat any other section of the community with regard to industrial insurance, and that is with fairness.

Hon. J. F. Cullen : That is an entirely different fund.

Hon. A. SANDERSON : Yes. It is a question of pounds, shillings and pence and if a company did not get sufficient in premiums to pay their losses they would have to supply the money out of capital. When members talk of a ring however, and gentlemen like Mr. Moss, it is simply a crude re-echo—I say it without offence —of what we hear from the Labour side. I stand all the time and every time against State interference, and from my acquaintance with the official reports made every year by these insurance companies, I say they have lost money. Speaking from the financial point of view I believe practically every insurance company is either owned in London or its operations are largely guided by London rates, and they have positively lost money through the stupendous claims made against them on this question of industrial arbitration.

Hon. M. L. Moss: That proves what I say that the premiums are going up enormously.

Hon. A. SANDERSON: Certainly, they must go up; the companies must make a profit. They are not there for the good of their health, but when the hon. gentleman turns round and talks about a ring and a combine, does he not see what a weapon he puts into the hands of hon. members opposite?

Hon. M. L. Moss: No, I do not. They have a cut and dried tariff.

Hon. A. SANDERSON: The hon. member does not see the weapon he puts into the hands of the Labour party.

Hon. F. Davis: Do you think there is an insurance ring?

Hon. A. SANDERSON: Admittedly there is a tariff; I know nothing about it beyond what I pay. I am told that there is a tariff, and that you cannot go above or below it.

Hon. M. L. Moss : You can go above it.

Hon. A. SANDERSON: I am trying to show incidentally the weapon Mr. Moss is putting into the hands of the Labour party when he disclaims for his own purposes against these insurance companies and alleged rings and combines being too powerful for the employer to fight. Fallacies to the right of us, fallacies to the left of us. The employers of this country and any other country are well able to insure if they think the price of an article is unfair, and if they are men of intelligence or of organising capacity. This is what you find in the alleged shipping ring. The shipping companies to a certain extent have insured themselves rather than go and insure at Lloyds.

Hon. M. L. Moss : How does it apply to the poor selector in the back blocks?

Hon. A. SANDERSON: The hon. member scarcely mentioned the poor selector. I was dealing with the big industries and it is the big industries that will tell, although I admit in isolated places it is the back block selector who will suffer, but risks are not with the small settler as a class. Admittedly they may be with him as an individual, but this question of industrial insurance comes into industrial departments, such, for instance as the mining and the timber industries. I am quite able to deal with the small selector

because there is no one better qualified to speak from the small selector's point of view than myself, but let me put him on one side and come back to the industrial question, and let me ask whether they are not well able in these large industries, timber and mining, to insure amongst themselves. Therefore, I am justified in protesting against the weapon which my friend is putting into the hands of his opponents. The whole question, as I understand it, is that whether the fault is on the part of the employee or not, it seems to me to be recognised throughout the British Empire that the employee, whether he is guilty of negligence or not is entitled to compensation from the employer. I find that accepted as a general principle, that so far as accidents are concerned, the employer is responsible, and he can only admittedly meet that responsibility by a system of insurance, but not by a system of State insurance. With regard to diseases how can reasonable men, such as I would be prepared to admit some of our opponents are, expect the Legislative Council to pass a Bill where diseases are put on the same footing as accidents.

Hon. J. E. Dodd (Honorary Minister): That is a generally accepted principle.

Hon. A. SANDERSON: Excuse me, it is not. I am quite prepared to admit that a specific disease such as anthrax is.

Hon. J. E. Dodd (Honorary Minister): Industrial diseases are a generally accepted principle.

Hon. A. SANDERSON: Industrial diseases in England and industrial diseases, according to themember are two different things. If you come to the question that the disease must be compensated for, I admit that it falls on the public in the form of the provision of asylums, or hospitals, or old men's homes. To that extent the hon. member is correct. but in industrial insurance, apart from specific diseases such as anthrax, the whole question of industrial insurance is one of accidents and not disease. How can we expect this Council to put through a Bill where those two things are put together. The hon. member told us the question was one of degree and that the effect was the same, and the revenue was the same. I will not expatiate on that. If the fallacy is not apparent to him, nothing I can say will make it apparent to him. That the largest share goes to the employer and that a man will not carry on his business except at a profit is the greatest fallacy of all. Hon. members must know that there are men who find themselves in the position that they must go on even when there is no profit. It is true to say that a man will not go into an industry unless he can see a profit, but it is a fallacy of the first water to say that a man will not go on in his business unless he can see a profit. Men of experience must know that there are hundreds of unemployed who are making a huge loss.

Hon. F. Davis: Living on the losses?

Hon. R. D. Ardagh: On their alleged losses.

Hon. A. SANDERSON: Here is an interjection from an hon. member who is better qualified to judge of a matter of this kind that the previous interjector. Surely it is well known to everyone acquainted with industrial conditions that a man may be making a loss for two, three or four years in the hope, and sometimes a bare hope, which is not realised, that he may make a success in the end. And what a crude method of dealing with industrial conditions it is to come down and say that the largest share goes to the employer and that he must be making a profit or he would not be there. My complaint is that we have frightened people with cash to come to this country owing to the crude methods advocated by the Labour Government.

Hon. F. Davis: Then how do you account for the increase of wealth in this country?

Hon. A. SANDERSON: Is the country as wealthy to-day as it was 18 months ago? It is not the case so far as the Treasury or the banks are concerned, or even so far as the individual is concerned.

Hon. F. Davis: You must take the signs.

Hon. A. SANDERSON: You can take the signs or even wonders. I do not put everything on to the Labour party with regard to the condition of affairs at the present moment. but they have accentu-

ated everything by their policy and their administration.

Hon. J. E. Dodd (Honorary Minister): That may be likened to one of those walking delegates the hon. member spoke of.

Hon. A. SANDERSON: I do not follow the hon. member. The statements of the last speaker were totally fallacious. If we had discussed nothing else but industrial compensation, that would have been sufficient to make this as important a session as we have ever had, and the hon. member treats the subject in his light and airy manner.

Hon. F. Davis: Then what would you call a serious matter?

Hon. A. SANDERSON: When we are dealing with a matter of vital importance to the progress of the financial world we should not introduce nonsense into it, and the hon. member when he was dealing with this question got perilously close to nonsense. Of course he will understand that I do not wish to be offensive. My last protest is reserved for Mr. Moss who carries so much weight in this House, and when he lends himself to putting a weapon into the hands of the Labour party, even one who is not prepared to take part in the second reading debate is moved to protest against what he has been compelled to listen to.

Hon. C. SOMMERS (Metropolitan): Like the last hon. member I am tempted to rise mainly because of the remarks of Mr. Davis. So many able speeches have been made on this important Bill that at first I was inclined to reserve the few remarks I had to make until we reached the committee stage, but Mr. Davis mentioned that the workers have been oppressed ever since the creation of the world and that the employer had had all the benefits and the worker none. Now the hon. member is endeavouring to provide a short cut to make up for all the lost time of the oppression the workers have suffered in past ages. He intends to see that the present generation makes up for all those losses. He might have been fairer and he allowed the present employers, even admitting his contention to be correct to make up for those past misdeeds by instalments instead of rushing at it like a bull at a gate and carrying it at one fell swoop. But he spoke in generalities as I reminded him by interjection. No doubt so far as his argument was concerned he was safer in keeping to generalities, because he did not attempt to quote any specific cases. The hon. member and the Government generally seem to assume that every employer is a wealthy man or a member of a wealthy corporation and therefore fair game to be shot at. But he must know that the main support of the country are the farmers. They are the backbone of the State. We have only to think for a moment that if we had another such season as last year, many workers would be workless and many people ruined; therefore we have to see how this legislation would affect the farming community in particular. Take the case of any small farmer who is struggling and employing say, five men, an accident may occur to one of these employees at any moment, and if he had to pay compensation to the extent provided in this Bill, he would be ruined. No person of any standing is so unwise as to employ men and not to insure them, but one would think that insurance premiums fell from the clouds and had not to be paid for. In my own case I employ from 26 to 30 men and I have not the remotest idea of what it would cost to insure all those employees to protect me against all risks under this Bill. Naturally I would have to insure them all, but when we pay these men good wages can they not insure themselves? Must the employer bear all the brunt of the responsibility? Mr. Davis says that the workers take risks. The only risk that I know they take is the risk from one Saturday night to another of not getting their money. A great many of them certainly take the risk of being found out in not working as diligently as they ought, but I am happy to say that the men I employ are honest workmen and are I believe quite prepared to contribute towards any reasonable scheme of industrial insurance. I believe they would consider it beneath them to be made paupers as this Bill makes

them by saying that they cannot insure themselves against accident. I have a better opinion of the average workman than to believe he expects the employer to not only find him work, even when he knows the employer is not making interest on his capital and is therefore losing money, but also when he meets with accident or death to pay him or his dependants compensation to which he does not contribute. The hon. member speaks of justice and equity, but to whom? To those whom he represents; he never thinks of the others. The whole tenor of his speech throughout leads one to come to that conclusion. He is undoubtedly the working delegate; he is one-eyed on this question. I know of a person not a hundred miles from this Chamber who has been developing one industry and has never obtained a dividend. Last year when he might have got something out of his enterprise he struck a drought and was thrown back several years. His workers, however, got all they earned, but the employer did not make the profit he expected. He took all the risk and the workers took no risk except the risk as to receiving their wages. Every man or woman who employs another will have to insure under this Bill. It will take tens of thousands of pounds out of the pockets of people, who, although they have never had an accident to their employees, yet through fear of a possible accident will feel themselves obliged to take out the policy. We do not know to what extent these insurance contracts may embarrass the employer. This class of legislation is inclined to make paupers of the workers. We see the workers well dressed, well able to take a share of pleasures and well able to put a little money aside, and why should they be practically forced to fight the employers on every occasion? They should do something for the welfare of themselves and the State. Why should they expect the employer to find them work and when they get injured or sick give them compensation, and untimately expect the Commonwealth to give them old-age pensions regardless of whether they have ever done anything for themselves. Trades unionism is running mad and we are undermining the independence of our workers. I will quote a telegram from Adelaide published in this morning's *West Australian*—

> Expulsion of a unionist—An extraordinary case—Adelaide, Nov. 19.—Apparently the Ironmoulder' Society regards diligence as crime, for it has expelled a member, one of the ironmoulders employed by Messrs. A. Simpson and Son, for the offence of earning too much money. Some months ago the firm offered him a bonus of 9d. in addition to his weekly wages of £3, for all washing copper castings he should make in excess of 50. The man accepted the offer, and, as a beginning, made between 60 and 70 castings a week. But the executive of the Moulders' Union had previously decided that 38 was a fair week's work, and in August the secretary (Mr. Spafford) wrote asking him to reduce his output to 55, and, incidentally, of course, to bring down his earnings to £3 3s. 9d. The moulder, a loyal unionist, vainly endeavoured to persuade the executive to alter its decision, and last week he was expelled from the union.

The PRESIDENT: I would remind the hon. member that the question is the second reading of the Workers' Compensation Bill.

Hon. C. SOMMERS: I am endeavouring to show what effect this class of legislation has.

Hon. J. Cornell: Is the *West Australian* always correct?

Hon. C. SOMMERS: Of course I cannot vouch for the correctness of the paragraph. I may say that I sometimes read *The Worker* and am greatly entertained by it. Mr. Davis said that there was identity of interest between the worker and the employer, but I may be permitted to quote from to-night's paper a report headed "New Unionism."

The PRESIDENT: Has it to do with Workers' Compensation?

Hon. C. SOMMERS: Yes, it has. A meeting of independent workers was held last night, and after that the trades unionists got the permission of the mayor to hold an overflow meeting in the town hall to refute the arguments used by the leader

of the independent workers. Eventually a resolution was moved by Mr. Price, secretary of the socialistic party, and seconded by Mr. C. P. Bryan, secretary of the clerks' union, "that in the opinion of this meeting there is no identity of interest between the employer and the wage earner." The report says that on a show of hands being taken the motion was declared carried unanimously. The meeting closed with cheers for Labour and legitimate unionism. It was announced that further demonstrations would be held in front of the central railway station on Saturday night and on the esplanade on Sunday. It will be seen that there is no community of interest there.

The PRESIDENT: I cannot see any connection with the matter before the House.

Hon. C. SOMMERS: Well, I will not pursue it. This extraordinary motion dispels the idea that there is community of interest between the worker and the employer. This is one-sided legislation and I shall endeavour in Committee to see if some of the amendments which in my opinion are necessary cannot be made to this extraordinary Bill.

On motion by Hon. C. A. Piesse debate journed.

BILL—PROPORTIONAL REPRESENTATION.

Second Reading.

Debate resumed from the 10th September.

Hon. J. F. CULLEN (South-East): I have only a few words to say. Whilst I voted for and supported Mr. Gawler's motion as an abstract proposition in favour of proportional representation, I confess I did not expect that any concrete form would be given to the motion so soon, because I looked upon it as a matter that would require very full consideration before the taking of that further step. This Bill that the Minister has submitted is of course a machinery Bill which the framer believes will serve for the working of a proportional system when Parliament decides to give effect to that system under an amended electoral roll. If the Minister will take advice I think he should not press the Bill further at the present stage of immature thought upon it by the people and the country. There is no early likelihood of the electoral law being amended to bring in proportional voting and therefore there is no great hurry for providing the machinery in advance of such amendment of the electoral law. Having the Bill before the country, if he acted wisely he would shelve it for this session and let it come on later. His purpose is served by placing before the country what might serve as machinery, but I am not ready to pronounce that that is the best machinery. The Tasmanian machinery is not on all fours with the Minister's Bill. I believe the machinery there is the Hare-Clarke system, not the Hare-Spence system which the Minister provides for. The Hare-Clarke system is a much more scientific system than that provided for by the Minister, and the machinery is more complex as well as more scientific. It is not well to be precipitate in a matter which is complex enough to puzzle the average mind. There are, however, few people in the State who have thought out the question of proportional voting; and when Mr. Gawler brought it before the House, he was the only member at that time seriously thinking about it. Is it wise to press the House for the acceptance of machinery which may not be the best?

Hon. D. G. Gawler: The machinery has nothing to do with the principle.

Hon. J. F. CULLEN: The machinery must work out the principle, and before arriving at the machinery we must decide which system we are going to adopt. The Minister has assumed that the Legislature here will adopt the Hare-Spence system. I am not prepared to agree to it. I think it is probable that the Legislature after mature consideration will try to arrive at something more scientific, whether it is the Hare-Clarke system or some other modification.

Hon. D. G. Gawler: There is no other proposal so far.

Hon. J. F. CULLEN: That is the line I am arguing on, that the matter is wholly new to those who have thought about it

in the House and in this State. I am inclined to the Hare-Clarke system and not to the Hare-Spence, and I urge that the Minister, after the Bill has been read a second time, will quietly let it remain on the shelf and come forward next session, when the people have given it more consideration. I shall vote for the second reading of the Bill, reserving to myself this session or next session the right to raise the question whether it would not be better to introduce machinery to provide for a more scientific system.

Question put and passed.

Bill read a second time.

BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT.

Second Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew) in moving the second reading said: It was the intention of the Government to introduce the comprehensive amending measure to the Municipal Corporations Act; but owing to the slow progress of measures through both Houses of Parliament, we have been obliged to abandon that position. It has, however, been deemed necessary to introduce two amendments which have been considered of much importance, of so much importance indeed that it was deemed advisable that they should not be allowed to stand over until next year. The first clause deals with the sinking funds of the various municipalities. Under the existing Act a municipality may borrow to ten times the amount of its revenue based on its previous two years' rates, but the experience of some municipalities is that this is inadequate to provide the funds required to cope with all the existing needs. Works have to be undertaken to meet the demands created by rapid expansion, and the cost of these works is a legitimate charge on loan moneys; but owing to the fact that under the existing law the amount of the accumulated sinking fund is not taken into account in fixing the limit of the borrowing powers of the corporation, some local authorities with large sums to the credit of their sinking funds, who have reached the border of their borrowing powers, cannot embark on further enterprises, although in many instances it is admitted that it is desirable that they should do so, unless they care to increase taxation to a great extent. Now, to give one example, the North Fremantle municipal corporation have borrowed to the limit provided under the Act; they have borrowed £112,000, and they have a sinking fund of £41,000 deposited with the Colonial Treasurer towards the repayment of these loans. Although the municipality have to all intents and purposes paid off £41,000 of their indebtedness, they cannot borrow a single penny until the whole of the indebtedness is paid off. The principle embodied in the Bill is recognised in the Eastern States. In Victoria, municipalities are allowed to credit themselves with the amount of their sinking funds in determining the extent of their borrowing powers. That is exactly what Clause 2 will enable municipal corporations to do in Western Australia, and which they cannot do now owing to the peculiar wording of the existing Act. The necessity for providing a sinking fund is not removed by this Bill. The municipalities must still provide sinking funds as hitherto. The only difference is that the amount of the sinking fund will represent an additional sum which a municipality may borrow under the Act. In England the municipalities can borrow their own sinking funds, but it is not proposed to go so far as that in the measure before us. The provision remains that before a municipality may borrow it must take a poll of the property owners, and a majority of the property owners will decide whether in their opinion the step is considered desirable. So in every respect property owners will be properly safeguarded. The other clause in the Bill deals with the subdivision of land. Under Section 497 of the Act, the owner of rateable land in a municipal district desiring to subdivide his land must give notice in writing to the town clerk of the particular municipality; and accompanying the notice must be a plan of the proposed subdivision; but there is

nothing in the Act to prevent the owner of this land from subsequently subdividing the land into smaller allotments and thus defeating the object of the existing legislation which gives the municipality full control in regard to the size of allotments.

Hon. J. D. Connolly: No matter how valuable that land will become afterwards?

The COLONIAL SECRETARY: Under the Bill he must refer it to the municipality as he did in the first instance. It does not say that there shall not be further subdivision, but it rests with the wisdom of the municipality as to whether a person shall further cut up his allotments. Clause 3 proposes that it shall be incumbent on the owner of the land, desiring to further subdivide after the original subdivision approved for the purpose of selling or leasing, to submit plans of the proposed further subdivision to the municipality.

Hon. J. D. Connolly: Are you not rather presupposing that all subdivisions are suburban subdivisions?

The COLONIAL SECRETARY: We simply provide an amendment to Section 497 which provides that before land shall be subdivided a plan shall be submitted to the municipality for approval. It would be a perfect farce if, after preventing the owner of the land from cutting it up without approval, we allow him to further subdivide it without submitting it to the council.

Hon. W. Kingsmill: The Act only provides for one subdivision.

The COLONIAL SECRETARY: No doubt the intention was that it should provide for further subdivisions, but that is not the case. There is nothing to prevent the Titles Office registering a transfer or prevent the registration of a lease of land on a less frontage than is shown on the plan of the subdivision originally submitted to the municipality and which the municipality approves. Clause 3 says that before further subdivision takes place the subdivisional plan shall be submitted to the council exactly as is done in the first instance. The object of the clause is the same as the object of the present section, and which has proved abortive in many instances, namely, to prevent the creation of slums by an evasion of the Municipal Corporations Act. I move—

That the Bill be now read a second time.

Hon. C. SOMMERS (Metropolitan): Although in general sympathy with the objects of the Bill I fear that to pass Clause 3 in its present form would be particularly dangerous to property owners. The leader of the House seems to suppose that subdivisions of land will be mainly for residential purposes. Originally, when the city of Perth was subdivided, the blocks in the centre of the City were about half an acre in extent. Those have since been subdivided as necessities of business arose, and it was found necessary to still further subdivide them into areas never dreamed of by the original subdividers of the land. As far as the City itself is concerned there is practically no land capable of further subdivision. So we must assume for the moment that the amendment is meant to provide for suburban municipalities with the object of limiting the areas of land which can be cut up for building purposes. That is a good object, but it is made to apply to all municipalities. Take the case of Perth. A man may own a piece of land in Hay-street and may want from the adjoining owner three or four or ten feet for the enlargement of his premises, or for a lighting area. Before that adjoining owner can comply with his neighbour's request he would require to go to the city council and get a consent in writing. There are blocks in Hay-street of 15 and 16 ft. frontage at prices representing anything from £300 to £400 per foot, and to give an arbitrary power to the city council to say that no leases or transfers of this class of property should be granted without their approval seems to me to be going too far. When in Committee I shall endeavour to find out the meaning of the term "lease" in this respect. It is possible that if I had a building on a piece of land I could not lease a portion

of the building without the consent of the municipal council. Suppose I wanted to let a portion of the building for offices: if a man comes along and requires a lease I have to go to the city council before I can lease him an office.

Hon. J. F. Cullen: No, that is not a ground lease.

Hon. C. SOMMERS: I do not know; I am not clear on the point. It is a dangerous power, and the clause seems to have been drafted without sufficient care. I am in sympathy with what is intended, but I think there are dangers in this Clause 3.

Hon. W. KINGSMILL (Metropolitan): The first part of the Bill is undoubtedly a very reasonable one. I think it is only a fair thing that where a municipality has borrowed money, and has accumulated in the hands of the person who holds the security a large amount of sinking fund, that sinking fund should stand to their credit as a repayment of the loan, and they should be then allowed to incur so much further liability as the sinking fund represents. In the concrete instance given by the Minister, the municipality of Fremantle, having incurred debts up to its full limit of £112,000, and having accumulated sinking fund to the value of £41,000, should be allowed to borrow £41,000 more. But there is an element of uncertainty attached to Clause 3. There are instances in which this clause would be absolutely prohibitive. I may point out that an accidental encroachment might possibly occur, involving, it may be only inches, but possibly two or three feet. That means undoubtedly the subdivision of the adjoining lot and some arrangement being arrived at whereby the man can secure the ground upon which the encroachment has occurred. It would place that individual in a very awkward position if the municipal authority were to take a harsh view of the power given them under these circumstances. It seems extraordinary that the Government should be willing to put any such power into the hands of any local authority. Their action on this occasion is not consistent with their attitude in respect to another measure before the House.

The Colonial Secretary: But under the clause there is an appeal to the Minister.

Hon. H. P. Colebatch: But you have put this clause after the proviso for the appeal.

The Colonial Secretary: Yes. There should be another proviso.

Hon. W. KINGSMILL: It seems to me it is possible this clause has been somewhat hastily drafted, and I hope the Minister will look into the various points raised. Take, for instance, the point as to accidental encroachment. Let him find out how that would stand in this connection.

The Colonial Secretary: There would have to be a lease or transfer or conveyance.

Hon. W. KINGSMILL: Yes, but suppose it is not approved in writing by the municipal authority; would the right of appeal be exercisable?

The Colonial Secretary: I am of opinion there should be a right of appeal to the Minister.

Hon. W. KINGSMILL: Quite so. It seems to me it would be almost better to express in the Act itself the ideas of Parliament in regard to these subdivisions, so that there might be no doubt on the question. I realise it is an extremely difficult question to solve, on account of the multiplicity of circumstances which govern the condition of these subdivisions. We should all know that the chief object is the precluding of the creation of slums in our city or suburbs. On the other hand it is a well-known fact that in towns like Kalgoorlie and Boulder one may hear of instances of frontages of 12, 14 and 15 feet sold for high prices, and business conducted thereon which return large profits to the people engaged in those businesses. Therefore, I realise that the system embodied in the Bill is a very difficult one. But if there is any doubt whatever as to the appeal lying from the approval or lack of approval of the local authority, then I think if it exists it should be remedied in Committee, and I hope the leader of the House will make inquiries in that direction. The Bill will require some little alteration in Committee.

Hon. H. P. COLEBATCH (East): I intend to support the second reading. The Minister has already anticipated the chief objection I intended to raise to Clause 3 which proposes to insert a new subsection. I do not quite see the necessity for the clause at all. The Act, as it stands in regard to subdivisions is, I think, almost all that is required, but if it can be shown that this clause is necessary I will willingly support it, providing it carries the same proviso as that attaching to Clause 3; and any person who is aggrieved is given the right of appeal to the Minister. It is surprising that the Government should have introduced an amendment of the Municipalities Act without including that one clause which every municipality in the State has been clamouring for for years past, and which is in accordance with the policy of the Government; a clause giving municipalities the right to rate land in the same way as roads boards have the right to rate, namely, on the unimproved frontage values.

Hon. J. D. CONNOLLY (North-East): I rise with the idea of suggesting to the Colonial Secretary that on account of the criticism of Clause 3 he postpone the Committee stage until Tuesday next, so as to give time for consideration; because I do not think the clause at at present drafted would suit anybody. It certainly does not cover the idea the Minister had in his mind, and it will be the cause of a great deal of trouble. No doubt what the Government had in their mind was to prevent a house being built on too small a block, to prevent cases of the subdivisional estates being resubdivided until the blocks are reduced to ridiculous sizes. It is an extraordinary thing in a country of vast areas like this that, miles away from the Post office at Perth, houses will be found jammed hard up against each other. A great portion of Perth proper stands on ground which has been re-subdivided. Unless the plan has been deposited you cannot make the transfer, you cannot do anything in the matter without laying your business before the city council. There is a difference between a business block and a residential block, but the question is where does a business block end and a residential block begin, or *vice versa*.

The Colonial Secretary: We have already made provision.

Hon. J. D. CONNOLLY: The Minister loses sight of the fact that there is a vast difference between a subdivision which may relate to 100 acres and a block of that subdivision. The present Act provides that no matter who buys or sells a block under the subdivision the plan has to be deposited with the Registrar of Titles and cannot be interfered with unless with the consent of every holder of that estate.

Hon. H. P. Colebatch: The present Act can prevent the cutting up of one block without the sanction of the municipality.

Hon. J. D. CONNOLLY: Not at all. It states that a subdivision cannot be made but the subdivision of a block within that subdivision is another matter altogether.

Hon. W. Patrick: You can sell half a block.

The Colonial Secretary: Not without the consent of the Council.

Hon. J. D. CONNOLLY: It is done every day. When a plan is deposited, every person buys it subject to the rights of subdivision relating to roads and rights of way, etcetera, and it is provided that these rights should not be interfered with without the consent of every buyer. This goes further.

Hon. J. F. Cullen: It does not touch that at all.

Hon. J. D. CONNOLLY: As years go on a block might become very valuable such as some of the city blocks Mr. Sommers mentioned. If it was desired to cut them up it would not be possible to do so or to give a lease without the consent of the council. No doubt the intention of the Government was to prevent houses from being crowded together. There is no need for this Bill to be enacted to prevent that. The municipal councils administer the Building and Health Acts, and they can control crowding through those laws. Every plan of a building has to be submitted to the council and the council can withhold consent if the plan is not in conformity with the Building and Health Acts.

The Colonial Secretary: What was the use of inserting it in the Municipal Corporations Act at all if your argument is sound?

Hon. J. D. CONNOLLY: The municipality can refuse to pass a plan and building cannot be carried on until the approval of the council is secured.

Hon. J. F. Cullen: Suppose a man has taken a transfer and does not build for five years.

Hon. J. D. CONNOLLY: I hope the Minister will put off the Committee stage for a day or two in order to allow time for the matter to be considered.

Hon. J. F. CULLEN: (South-East): I want to point out to Mr. Connolly that his provision might come altogether too late. Under the present Act a man can divide one of his subdivision blocks again into two or three and sell them to two or three people and pocket the money and go away. It might be years before the purchasers come under the purview of the Health or Building Act and then it is too late. It will be a hardship for the administrators of those Acts to have to say to the purchasers that they have done wrong and will not be allowed to build. It is far better to prevent the mischief from being done in the first instance. This Bill is very necessary.

On motion by Hon. D. G. Gawler debate adpourned.

House adjourned at 10.8 p.m.

Legislative Assembly.

Wednesday, 20th November, 1912.

The SPEAKER took the Chair at 3.30 p.m., and read prayers.

PAPERS PRESENTED.

By the Premier: Amendment of regulations under the Workers' Compensation Act, 1911.

By the Minister for Lands: 1, Return of goods carried on the Fremantle-Bunbury railway and Bunbury jetty (ordered on motion by Mr. Layman); 2, papers relating to King's Cross gold mine, G.M.L. 4122 (ordered on motion by Mr. McDowall).

By the Minister for Works: Plans of Norseman-Esperance Railway proposal.

QUESTION—WICKEPIN-MERREDIN RAILWAY ROUTE, PRICE OF LAND.

Mr. MONGER asked the Minister for Lands: In view of the diversion of the Wickepin-Merredin line as now proposed to be constructed from the route as suggested by the Advisory Board, do the Government intend to reduce the price for land adjoining and adjacent to the last-mentioned route?

The MINISTER FOR LANDS replied: Applications for reduction of price on these grounds will be considered on their merits.