our time? Surely a decision from ten men on the spot ought to have some weight!

I draw the Chief Secretary's attention to the fact that the position in Wagin is peculiar. Shops are shut, and the town is suffering severely from the results of the war. The position might be met, not by compelling the council to appoint another health inspector in place of the one who has enlisted, but by arranging for continuance of the inspection of meat. I ask the Chief Secretary to ascertain whether the Commissioner or one of his officers could not visit Wagin and discuss the position on the spot, thus enabling the council's difficulties to be realised. In conclusion let me say that at a recent conference the abolition of this Legislative Council was urged. That, we know, is the policy of the Government in power in Western Australia. I hold that the Legislative Council is really the bulwark of democracy here.

Hon. J. Cornell: Yes, and it is not in danger.

Hon. A. THOMSON: I do not say whether it is in danger or not. The cry for its abolition seems to be becoming quite popular. It is the hope or the intention of many that the State Parliament shall be abolished; in particular the Legislative Council is said to be unnecessary. This Chamber, however, safeguards the interests not only of the majority but also those of the minority. In my opinion the Legislative Council, as a whole, endeavours to hold the scales of justice evenly and equally poised on all subjects which arise for discussion here. Therefore I hope that those who may have an idea that the abolition of this Chamber will make our system of government more democratic will take further thought. Under our present party system it is always possible for the minority in another place not to have any hope of being heard. In the Legislative Council, on the other hand, it has a reasonable chance of being heard and of having its case considered.

There are other matters I would like to discuss, but I shall seek opportunities to raise them later. In my firm opinion, this Chamber is ready to fight

For the wrong that needs resistance,
And the cause that needs assistance,
And the future in the distance,
And the good that we can do.

I am convinced that every member of this Legislative Council is actuated by a sincere desire to advance the welfare of Western Australia. I have pleasure in supporting the motion for the adoption of the Address-in-reply.

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

House adjourned at 6.12 p.m.

Legislative Assembly,

Tuesday, 31st August, 1943.

The SPEAKER took the Chair at 4·30 p.m., and read prayers.

ADDRESS-IN-REPLY.

Presentation.

MR. SPEAKER: I desire to inform the House that, accompanied by Mr. Needham, the member for Perth, and Mr. Stubbs, the member for Wagin, I attended upon His Excellency the Lieut.-Governor, and presented the Address-in-reply to His Excellency's speech. His Excellency replied in the following terms:—

I thank you for your expressions of loyalty to His Most Gracious Majesty the King, and for your Address-in-reply to the Speech with which I opened Parliament.—(Signed) James Mitchell, Lieut.-Govr.

QUESTIONS (6).

RAILWAYS.

(A) *As to Accelerating Passenger Services.*

Mr. NORTH asked the Minister for Railways: 1, Is he aware of the general demand for a speeding up of our passenger train services? 2, Is it true that by maintaining their trains on schedule time, engine-drivers under certain conditions lose money, since they forfeit overtime rates due to them when trains are late? 3, Why not inaugurate a system where speed and efficiency are made profitable to the drivers?

The MINISTER replied: 1, Train schedules are tabled consistent with safe speed limit and in accordance with engine capacity. 2, No. Drivers are paid in accordance with award rates and as far as possible overtime incurred by late running is adjusted later to a 44-hour week. 3, Remuneration of drivers is governed by arbitration award and a departure from such is not desirable or contemplated.

(B) *As to Employees' Cottages and Rentals.*

Mr. BOYLE asked the Minister for Railways: 1, Is he aware that railway employees' houses at Hine's Hill and Nukarni are in poor condition for habitation? 2, What rentals are charged for these cottages? 3, Does he intend to take action to have repairs effected to the houses referred to?

The MINISTER replied: 1, No. All cottages were recently inspected and found to be in fair order. No complaints have been received from the tenants. 2, Hine's Hill—One cottage 15s. per week. The balance from 9s. to 12s. 6d. Nukarni—7s. to 11s. 6d. per week. 3, Answered by No. 1.

LAND RENTS.

As to Refunds on Revaluation.

Mr. BOYLE asked the Minister for Lands: 1, Is he aware that many farmers have paid land rents on original per acre pricings of their blocks, which were subsequently reduced by departmental revaluations? 2, In cases in which land rents were paid on these blocks in excess of the later revaluation total purchase price does he intend to take action to refund such excess payments to farmers?

The MINISTER replied: 1, Yes. 2, The basis of the latest repricing of outer areas is not the value as ordinarily fixed by departmental officers, but a special concessional rate in accordance with Government policy, assisting settlers in these areas to clear arrears and fixing a low future rental. Although refunds are not permissible, the concessions granted and the conditions imposed are in conformity with the Land Act.

JEWISH SETTLEMENT.

As to Proposal to Establish.

Mr. MARSHALL (without notice) asked the Premier: Have any negotiations taken place between the State Government and any other Governments, organisations, or individuals with a view to establishing a settlement of people of Jewish origin within the State of Western Australia?

The PREMIER replied: The hon. member knows as well as every other member of the House that a representative of the Jewish Colonisation Society, Dr. Steinberg, came to this State four or five years ago, and conducted some negotiations and had an inspection made of the portion of the State which it was proposed to settle. He entered into an obligation, provided he received permission from the Commonwealth Government to allow the immigration of these people, to spend a considerable sum of money in settling them in the Kimberley area under special conditions. However, the whole scheme fell through owing to the war and nothing is happening with regard to it at the moment. I do not think the Commonwealth Government ever definitely reached a decision as to whether the immigration policy might be waived in regard to that proposition.

DAYLIGHT SAVING (2).

As to Application to Western Australia.

Mr. NORTH (without notice) asked the Premier: 1, Has he yet committed this State to daylight saving for another season? 2, If not, will he consider representations to the contrary?

The PREMIER replied: No. I do not know of any commitment by this State dealing with the matter. We were asked for an expression of opinion as to the introduction of daylight saving during the coming summer months. The Government was neither keen nor enthusiastic about it; but, as it was expected that, in accordance with the practice of last year and the year before, daylight saving would be introduced on a uniform basis throughout Australia, the Government said that in those circum-

stances it would not have much objection to the proposal. The Government has been asked for an expression of opinion only. If this Chamber or any other organisation is anxious to put forward a viewpoint with regard to the proposal, it can do so; but I point out that a very articulate minority can make a great noise about a certain project, which is viewed favourably by an inarticulate majority, perhaps 80 per cent. or 90 per cent. I am sure there are a few people whom this proposal will inconvenience; but the question has not by any means been finally settled. Representations that may be made to this Government can be passed on to the Commonwealth Government, because this proposal is made under the National Security Regulations. The argument in favour of the proposal is that it will save the use of electric current, and this in turn will mean the saving of coal, for about an hour per day. If we can save an hour's burning of coal in the 70,000 or 80,000 private houses in the State, it will, collectively, save a considerable amount.

Hon. N. Keenan: How is that hour's saving worked out?

The PREMIER: In the majority of cases in the summer time the people, under ordinary standard time conditions, are in bed for two or three hours longer in the mornings than under daylight saving. I myself do not rise until 6·30 a.m., and in the middle of summer it is daylight at 4·30. Consequently, I am wasting one hour of electric light in the evening, whereas under daylight saving I would be using daylight. It is said that an hour's burning of electric light means a consequent increased consumption of coal, and coal is the most important commodity in connection with the prosecution of the war. For security reasons I do not want to mention the difficulties under which we suffer in this State. We have had to cancel trains and other services because of the want of coal, and here we are using a considerable amount which could otherwise be saved.

Mrs. CARDELL-OLIVER (without notice) asked the Premier: Is he aware 1, That most mothers in this State object to daylight saving; most school teachers object to it; most picture-show owners object to it? 2, That "The West Australian" this morning reported that South Australia found that there was no saving whatever in coal for electricity under daylight saving?

The PREMIER replied: I do not think we should conduct a debate on these lines at this stage.

LEAVE OF ABSENCE.

On motions by Mr. Wilson, leave of absence for the remainder of the session granted to Mr. Holman (Forrest) and Mr. Raphael (Victoria Park) on the ground of military duties.

BILL—FINANCIAL EMERGENCY ACT AMENDMENT.

Second Reading.

THE MINISTER FOR LANDS [4.43] in moving the second reading said: This short Bill of three clauses is the one that has been introduced annually by me for several years, and is the only remaining part of the Financial Emergency Act of 1934–35 in existence. It deals specifically with the interest rate chargeable on mortgages in existence at the time of the introduction of the original 1934 Financial Emergency Act, as varied by the 1935 amendment. The former portion was repealed in 1935. That part which related to salaries and their reduction by 22½ per cent., has, for eight years, gone by the board. There is provision which still has effect on the restriction of interest rates chargeable on mortgages in existence prior to the passing of the parent Act. Although it applies only to mortgages in existence prior to the 31st December, 1931, which had their interest rates reduced by 22½ per cent., or to a maximum of 5 per cent., whichever was the greater, and although it is unlikely that an interest rate in excess of 5 per cent. would be charged now, it would be most unwise to discontinue the provisions of this Act at this time.

It is likely to be asked, just what effect the National Security Regulations would have on a measure of this sort. The first thing to be pointed out is that the National Security Orders and Regulations, if allowed solely to control such a matter as this, would go out of existence six months after the war and therefore, to protect the position of mortgages prior to 1934 in this particular, it will be necessary to have something to substitute for this piece of legislation. In addition, the effect of the National Security Regulations is only to apply to bank interest rates, and to moneys loaned by pastoral companies. Under those regulations the Treasurer has control, by

approval, of mortgages, to the limiting of the sums that may be borrowed, but in the case of ordinary borrowing there is no imposition under the National Security Regulations Act in regard to the limitation of interest. So, as this Bill has been introduced annually and is to control the interest chargeable on mortgages prior to 1931, it is absolutely necessary that it should be continued. If members will trace the annual debates concerning this Bill they will find that members of all parties in this House have supported it in an unqualified manner year by year, although it is likely that when the war ends this and other similar pieces of legislation might be absorbed in those Acts which one could anticipate in the early post-war period. The Bill needs no lengthy explanation. As I have stated, it affects the interest on mortgages by circumscribing the rate that may be charged on those mortgages in existence prior to 1931. I move—

That the Bill be now read a second time.

On motion by Mr. Thorn, debate adjourned.

BILL—PUBLIC SERVICE APPEAL BOARD ACT AMENDMENT.

Second Reading.

THE MINISTER FOR LABOUR [4.48] in moving the second reading said: This Bill proposes to amend Section 3 of the Public Service Appeal Board Act. That section sets out the personnel which constitutes the Public Service Appeal Board for the hearing of appeals by members of various classes of officers employed by the Government. The main classes of officers are the civil servants and the school teachers. The personnel of the Appeal Board varies according to the class of officers whose appeals are to be dealt with. Under the Act, as at present worded, the chairman of each appeal board, no matter which class of officer is being dealt with, must be a judge of the Supreme Court.

Members will be aware that in recent years the Supreme Court judges have been fully occupied with their ordinary Supreme Court duties and other special duties, with the result that they have not been able to make any time available to deal with appeals that have come to them in respect of the classifications of civil servants and teachers. The number of Supreme Court judges in recent years has been one fewer than was previously the case. This has contributed to the inability to have a judge made available at any time for the purpose of having these appeals heard and decided. As a result of this difficulty, a substantial number of appeals has been held up for quite a long period. Consequently the Public Service Commissioner has also been held up in the making of adjustments necessary in respect of many classifications. More important still is the fact that many officers have possibly been prejudiced in respect of both position and salary because their appeals against classification have not been heard and decided, despite the fact that they were lodged a considerable time ago.

When the number of appeals had accumulated to quite a considerable extent and when the hearing of those appeals had been delayed for a fairly long period, the Government made an approach to the Civil Service Association and the Teachers' Union with a suggestion for the appointment of a stipendiary magistrate to act as deputy chairman of the board, on the understanding that the deputy chairman would act only when called upon by the judge so to do. The Civil Service Association was quite agreeable to the suggestion and was quite willing that an amending Bill should be introduced for the purpose of making the appointment of a deputy chairman legally possible. The Teachers' Union, on the other hand, was not favourable to the suggestion. Representatives of that union informed the Government that they would much prefer to allow the appeals of their members to stand over, no matter how long the delay might be, until such time as the judge could make his services available as chairman of the board. As a result of this approach by the Government to the Civil Service Association and the Teachers' Union, the Bill has been introduced.

The measure makes provision for the appointment of a stipendiary magistrate to act as chairman of the board when requested by the judge concerned to do so, but the stipendiary magistrate will be entitled to hear appeals only from civil servants and not from teachers. This will mean that appeals against classification by civil servants will be heard reasonably soon after the passing of this Bill, but the appeals against classification by teachers will have to await the convenience of the judge concerned, and it is not possible

even to guess when those appeals might finally be decided.

Mr. McLarty: Why did the teachers object?

The MINISTER FOR LABOUR: I think the main point of objection is that the present system of hearing and deciding appeals with a judge as chairman of the board was granted to the teachers following some dispute with the Government many years ago. They regard the right won on that occasion as a hard-won right, and they do not desire it to be interfered with or weakened. Rather than have it interfered with or weakened, they are prepared to allow delays to take place until such time as a judge is in a position to make his services available to act as chairman of the board. If the teachers are willing to accept that arrangement, the Government considers that it is not entitled and that Parliament would not be entitled to impose upon them a legal system of deciding their appeals different from the one they wish to have continued.

A judge of the Supreme Court will still be able to act as chairman of the board at any time to hear appeals not only from teachers but also from civil servants. If the judge finds it convenient to act as chairman of the board, he may do so at any time and may hear and decide appeals from teachers or civil servants. On other occasions the judge will be in a position to call upon the deputy chairman to hear appeals from civil servants. The proposed deputy chairman will be empowered to deal not only with appeals lodged after the passing of this amending legislation but also with appeals lodged by civil servants before the passing of the measure. This is necessary because there is a fair accumulation of appeals from civil servants. When the Bill becomes law, it will be essential for the judge to call upon the stipendiary magistrate appointed as deputy chairman to deal with this fairly large accumulation of appeals by civil servants. Therefore the deputy chairman, when appointed and when called upon by the judge, must be empowered to hear and decide appeals already lodged as well as those that may be lodged in future. I move—

That the Bill be now read a second time.

On motion by Mr. Shearn, debate adjourned.

BILL—FARMERS' DEBTS ADJUSTMENT ACT AMENDMENT.

Second Reading.

THE MINISTER FOR LANDS [4.59] in moving the second reading said: The original legislation was introduced and assented to in 1930 and was limited in its operation till the year 1932. The Act has been extended from time to time until the last Bill introduced made it operative till March, 1944.

The last time the Bill was introduced was in September, 1940. Under the provisions of the original Act it was possible for farmers in serious financial difficulties to have their positions reviewed and, under separate arrangements, to have a composition made of their debts and under two sections of the parent Act to have stay orders issued. On the one hand, in Section 5 it is provided that a stay order may be issued and a receiver appointed to control the assets and proceeds of the farmers. Under that section not many farmers are now operating. On the occasion of the last introduction of the measure, there were 24 farmers operating under Section 5; on this occasion only 10 farmers are doing so. But Section 11, which provides for the issue of stay orders without the appointment of a receiver, and authorises the farmer or creditor to submit proposals for the adjustment of the debts, is the section under which most of the work of this legislation comes into being.

It is very interesting to note the progress which has been made in the composition of farmers' debts under this legislation. Some have not made the progress that was anticipated at the time of the composition of their debts. Others have made substantial progress. The amounts that have come into the fund of this State now total £1,283,000. For the 12 months of this year we received £24,000. The total number of applications dealt with since the inception of the Act is approximately 42,600, and those that have received approval and have had their debts adjusted come into the following groups in agriculture:—

Wheat and sheep	3,203
Agricultural and pastoral	308
Orchards and mixed farming	50
Dairying	142

Members will recollect that when the funds were running low the trustees were able, by negotiation, to make arrangements for farmers who were placed in difficult cir-

cumstances, to carry on without the issue of a stay order under Section 11 ; and very much good work has been done by the trustees in that respect. If a farmer has a trustee and is induced to apply for a stay order by the fact of embarrassment caused by a creditor firm or institution, it often has been the case that the farmer's prospects and operations have not needed to be tied up because of the pleading of the farmer's case with the creditor concerned. Members will recall an amendment introduced into the Rural Relief Fund Act last year.

Mr. Watts : Does this measure take the place of the Rural Relief Fund Act, 1935 ?

The MINISTER FOR LANDS : It works in conjunction with that Act. The interests of both Acts are interwoven, and both work freely with each other. This particular measure is really the one that sanctions the continuance of the Farmers' Debts Adjustment Fund, and makes possible the continuance of payment of moneys into the fund, whether from recoup or from Commonwealth advances.

Mr. Watts : The Relief Fund Act is a separate measure.

The MINISTER FOR LANDS : That is so.

Mr. Watts : Does this Act cover a renewal of the Rural Relief Fund Act ?

The MINISTER FOR LANDS : No, that is a permanent measure. I think that at the period mentioned by the Leader of the Opposition the Rural Relief Fund Act was incorporated with this Act in the sessional volume of statutes of 1939–40 ; but the principle behind the introduction of this Bill is to make it possible for advances and compositions to continue, and possible to go on receiving into the fund moneys from the Commonwealth. Small sums are still due to this State from the amount originally allocated to it by the Commonwealth, which has been paid year by year. Last year an amendment to this Act made provision for the writing-off or the releasing of farmers from the previous measure, rather than that the farmers should be held up in their financial operations, if the trustees thought it necessary and advisable in the interests of the farmers themselves to arrange for the writing off of certain sums.

As members are aware, considerable numbers of farmers coming within the purview of this legislation are Agricultural Bank clients, and the Agricultural Bank mortgage and the operations of the farmer under the provisions of that mortgage were subject to the conditions of a release from Farmers' Debts Adjustment and the Rural Relief Trustees. The amendment made last year has had very good results in that connection. Approval has been given to the writing-off, out of funds, of £11,437, and part of advances in several other cases ; 26 cases being involved in the first sum. Applications for 18 additional farmers are under consideration. The Rural Relief Fund Act in connection with the Farmers' Debts Adjustment Act and advances from the Rural Relief Fund total £1,260,674. That leaves a balance outstanding to the fund by farmers and sale of assets of £19,540. Because of repayments, however, the fund at present stands in the vicinity of £41,000. There is a sum still outstanding of £17,000 on account of the total of £1,300,000 allotted to this State out of the first allocation. There is, therefore, £17,000 to come under this allocation ; and in addition, the State is entitled to a pro rata share of a further £2,000,000 to be apportioned between the States in such a manner as the Commonwealth Treasurer may decide. It forms the subject of special legislation introduced by the Commonwealth Government.

In view of the fact that the funds we anticipated will be supplemented by the payment of the balance due and also by some repayments of farmers and on account of cases under the control of the trustees, it is necessary that the parent Act be continued. The number of operations from pastoralists has not been large ; but it was possible during last year to make adjustments of a very substantial nature, by small advances from this fund. Whether any more can be done in that connection, as is the case with the farmers, depends on the amount in the fund. There are, however, few further applications. This year there have only been three or four additional applications to come under the control of the trustees and to have debts adjusted under the Act. I consider that the operation of the Act and the directors under the Farmers' Debts Adjustment Act, and of the Rural Relief Trustees, are well known to members. Although, as I said earlier, there have been substantial reductions in some cases, due to the circumstances obtaining a few years ago, there also has been considerable retrogression in other cases. The Bill, I believe, needs no further explanation. I move—

That the Bill be now read a second time.

On motion by Mr. Watts, debate adjourned.

BILL—MAIN ROADS ACT (FUNDS APPROPRIATION).

Second Reading.

THE MINISTER FOR WORKS [5.12] in moving the second reading said: Members will recollect that in the 1941 and 1942 sessions Acts were passed for the purpose of transferring to Consolidated Revenue the 22½ per cent. of the Metropolitan Traffic Trust Account previously payable to the Commissioner of Main Roads in pursuance of Section 33 of the Main Roads Act. These Acts were restricted to license fees received in the metropolitan traffic area in relation to the licensing years ended the 30th June, 1942, and 1943. The amount received by Consolidated Revenue by reason of these Acts totalled £30,199 in 1942 and £26,860 in 1943. The provisions in the Bill now before the House are precisely the same as those of the 1941 and 1942 Acts, except, of course, for the period covered. The present Bill is restricted to the metropolitan license fees in relation to the licensing year ending the 30th June, 1944; and it is estimated that an amount of £30,000 would thus be diverted to Consolidated Revenue. As previously, it is provided that an amount equivalent to that diverted to Consolidated Revenue by this Bill shall be made available from petrol tax funds to the Commissioner of Main Roads for the purposes specified in Section 33 of the Main Roads Act; namely, the improvement, reconstruction, etc., of roads and bridges within the metropolitan traffic area.

It will be remembered that in the Commonwealth Grants Commission's reports it was definitely stated by the Commission that substantial amounts—£65,000 in one year—had been deducted from the amount assessed as payable to Western Australia, because of the failure of the State to bring its road finances more into line with those of the non-claimant States by applying some of its motor license revenue to payment of loan servicing charges on loan funds expended on roads. As a result of the passing of the 1941 Acts, no adjustment was made in the Commission's ninth report on account of road debt charges. The Commission was advised that this decision was governed by special circumstances affecting road finance, including reduced Federal road grants, declining motor taxation, and action of the Government in using part of license fees to meet annual charges on road debt—I ask members to bear these last words in mind. It can therefore be established that the State revenue has gained not only the amounts diverted under the 1941 and the 1942 Acts, but also a substantial amount by reason of the Commission's recommendation and without any loss or inconvenience being suffered by any local authority. The total amount expended in Western Australia from loan funds on roads as at the 30th June, 1943, was £3,443,985 and the charges on Consolidated Revenue in connection therewith amounted to £167,307 for the year ended the 30th June, 1943. The relatively small amounts involved in the Bill will make no appreciable difference so far as the State's road programme in the country districts is concerned.

In this connection I have previously explained that for the 10 years ended the 30th June, 1940, of the total of £5,406,424 expended from petrol tax on roads, 91 per cent. was in districts outside the metropolitan traffic area and of the total—for the same period—of £1,113,660 expended from general loan funds on roads, 97 per cent. went to the country districts. It is clear that from the inception of the Federal Aid Road Scheme, the country districts have received fair and proper treatment in regard to the expenditure of the petrol tax allocated to this State. Admittedly this is only right as the road scheme was instituted for the development of Australia as a whole, and for this reason the basis of allocation is on the factors of area and population.

The passing of this Bill would make available a small proportion of the State's road license fee revenue for payment of loan servicing charges on loan expenditure on roads, and would to some extent meet with the oft-stated requirements of the Grants Commission. I shall not labour the Bill on this occasion. It now amounts to a continuance Bill. It was approved by both Houses in 1941 and 1942, and there is equal need now that the amounts should be transferred to the Treasury. It has also to be remembered that the measure conforms to the requirements of the Grants Commission.

Mr. Doney: Is the Treasurer still in need of this extra amount?

The MINISTER FOR WORKS: I will leave the Treasurer to explain that when he introduces his Budget but I will be very

much surprised if he is not still struggling, having regard to the demands being made by members for additional services and for various requirements. I think I can safely anticipate the Treasurer's Budget in saying that the amount is very seriously needed, and also that the passing of the Bill will have an effect on the findings of the Grants Commission. I should say that this measure has become the established policy of the State.

Mr. Doney: I would not regard it so.

The MINISTER FOR WORKS: I move—

That the Bill be now read a second time.

On motion by Mr. Doney, debate adjourned.

BILL—INDUSTRIES ASSISTANCE ACT CONTINUANCE.

Second Reading.

THE MINISTER FOR LANDS [5.20] in moving the second reading said: This Bill should require very little introduction. As members know, its principal purpose is to continue making financial assistance available to farmers, particularly for seasonal requirements, and for those farmers who are in less fortunate circumstances and in the main are not the subject of first mortgages so far as this Bill is concerned. The main moneys advanced under this Bill are not advanced against first mortgages. They are advanced under Section 15 of the Act under crop lien and also against stock, but are not advanced against wool proceeds. The history of the measure is well known to members. Although at times it has met with opposition it is a very important Act inasmuch as it gives assistance to very necessitous farmers. There are many farmers who have come within the provisions of the Act, whose financial resources are such that they cannot get any further moneys by way of advances from the institutions or persons holding the first mortgage. It has been necessary in years past to pick up many worthy cases whose credit has been exhausted with other institutions.

The number of settlers who have been helped year by year under the provisions of this Act has varied materially. In 1941–42, 2,157 settlers were so assisted. Last year the number fell to 1,079, and this year it was 585. There are no associated bank clients in that number. Of the 585 applications only 222 were for general assistance. The balance consisted of difficult cases carried on year by year by the Trustees under the provisions of the Act. It is noteworthy that there have been considerable repayments in the last year or two. Also, there have been considerable writings off. A large sum was written off during the current year, the amount being £265,000. Generally it can be said that those who normally—that is in the last four or five years—would have come within the provisions of this legislation are being financed from other sources. I am advised that very many people who for several years have been assisted by this Act are arranging their finances in other places this year through the equity they have in stock and in other ways, and consequently the number of applications for assistance under the measure has materially declined. The superphosphate position is also indicative of the trend in that direction. There have been years—during which superphosphate was available and farmers' finances were much worse than they are today—when tens of thousands of tons of super. were financed from this fund. This year has witnessed the smallest number of applications from farmers for assistance in that connection.

In the past much has been said of the merits and demerits of this measure. I think I can recollect some observations in connection with its demerits. But I suggest to the House that this is the only piece of legislation which secures for the farmer an opportunity of seasonal help when he is most in need of it. On the other hand it does make provision for the protection of property possible of mortgage. As I said previously in connection with another Bill—the first one introduced this afternoon—it may be that when rural and other debts are being adjusted, and consideration is being given to adjustments necessary for a better continuance of such operations in post-war years particularly, there will be a considerable re-adjustment in methods. It may be that facilities will be easier of attainment by those who temporarily need assistance. In the meantime it is necessary that this Act should be continued, and I move—

That the Bill be now read a second time.

On motion by Mr. Boyle, debate adjourned.

BILL—TRADE UNIONS ACT AMENDMENT.

Second Reading.

Debate resumed from the 26th August.

MR. SEWARD (Pingelly) [5.26]: As was explained by the Minister when introducing this measure, the object is to give three unions the power to take legal action against any of their members in order to recover debts, levies, fines, and so forth. It also gives members of the three unions the power to take legal action should a union fail to make any payment to them of benefits enumerated in the schedule or rules of the union. If the Bill proposed to introduce something new I might be inclined to express opposition to it but, as the Minister pointed out, it merely gives to the members of the unions and to the unions themselves legal rights that are already possessed by unions and members of unions coming under the Industrial Arbitration Act. That raises a question consideration of which I would commend to the Minister, namely, why cannot those three particular unions be brought under the control of the Industrial Arbitration Act? It makes for great difficulty, especially to a layman like myself, to know that a certain provision is incorporated in the Industrial Arbitration Act providing legal power for the recovery of fines, levies, etc., but that three unions are not included in the provisions of that Act.

Surely it would be much more convenient for all concerned to have all the unions operating under that particular Act! The Minister said that some former holder of the office of Lord Chief Justice in England passed some comments on trade unions about 70 or 80 years ago. I do not know that it was necessary to make that statement, because we do not need to go back so far. We find that this Act was introduced in 1902 and has remained on the statute-book unamended, with the exception of one small amendment, for the whole 41 years. I think there has been a considerable change in our ideas of trade unions in that time. During that period the only amendment to the Act was the alteration of the term "Registrar of Friendly Societies" to "Registrar of Industrial Unions." The legislation seems almost redundant and, in my opinion, could be incorporated in the Industrial Arbitration Act. On perusing the report of the Industrial Registrar, which was laid on the Table recently, I find that the total number of members affected by this Bill is 1,223, out of an aggregate of 54,000 unionists in this State. Those affected are the Western Australian branch of the Electrical Trades Union, with 84 members, the Eastern Goldfields Tributers' Association, with 25 members, and the Railway Officers' Union, with 1,114 members. The object of the Bill is merely to confer upon those organisations and their members rights already possessed by other organisations and unionists. I support the Bill.

MR. McDONALD (West Perth): I see no occasion to raise any objection to the Bill. As the Minister pointed out, there are some unions precluded from the exercise of the power to collect, by legal action, dues or contributions payable by their members. I see no reason why they should not have that power if there are circumstances, as possibly there are, which make it difficult for those organisations to become registered under the provisions of the Industrial Arbitration Act and they are thereby unable to recover their subscriptions under that enactment. The Bill now before the House will enable the members of the trade unions concerned to recover benefits, if any, that may become payable to them. I do not know that there have been any occasions when benefits that became due to members of trade unions have been improperly withheld. In any event, no harm will be done if, by the passing of the Bill, power is given to any member of an industrial organisation to recover any benefits that may be due to him. However, I am not too sure about the implications of the Bill, which may have a much wider application than would at first sight appear.

A trade union is not merely a body of employees engaged in a particular trade for the purpose of protecting mutual interests. Under the definition included in the Trade Unions Act of 1902, bodies very different from that are embraced. For example, a trade union may mean any combination between employers and employers. In other words, the union may mean a combination consisting entirely of employers. Again, under that definition a union may mean a combination of the imposing of restrictive conditions on the conduct of any trade or business. As is known to members of this House, there are bodies that are established for the purpose of imposing restrictive conditions upon trades and businesses. There are associations of manu-

facturers or of merchants that, by agreement amongst themselves, impose certain restrictions upon the sale of articles. It may be that they impose restrictions upon sales below certain prices, as to the class of people to whom their goods may be sold, or upon the areas within which those goods may be disposed of. Those bodies will also be affected and, by virtue of the amendment embodied in the Bill under discussion, we are not merely giving to the unions of employees mentioned by the Minister the right to collect levies, fines and penalties, but are also giving to combinations of employers the same right to sue for, and recover subscriptions and penalties which may become payable by their members under their rules.

The Premier: But the courts will have to decide the question.

Mr. McDONALD: Yes. But respecting the scheme of the Act, bearing in mind the genesis of the legislation, we must consider public opinion at that early stage. When the Trade Unions Act was passed in 1902, the object was to make lawful beyond any question combinations of workers and of employers alike, the legality of which might have been challenged or questioned in a court of law. When the Legislature by that Act made lawful these combinations of employers and of employees it did so with certain reservations. While Parliament allowed them to be lawful and not subject to penalties, it provided that the organisations should not be able to enforce certain rights that normally would have been possible of enforcement against their members or against each other. So, by Section 5, it is not only provided that a trade union may not recover any subscription or penalty by process in a court of law, but it provided that the courts shall not entertain any legal proceedings with the object of enforcing or recovering damages for the breach of any of the agreements therein mentioned. These include—

(a) any agreement between members of a trade union as such concerning the conditions on which any members for the time being of such trade union shall or shall not sell their goods, transact business, employ or be employed.

So, also, an agreement made between one union and another cannot be subject to an action for damages for the breach of the agreement. The reason why I raise these points is so that I may make it clear, so far as I am concerned, that, while the Minister's Bill will receive my support, I think the implications of the measure go beyond merely giving to the unions mentioned and any union of employees not registered under the provisions of the Industrial Arbitration Act the right to approach the court to recover subscriptions and penalties and the right to members to approach the court to secure the payment of any benefits that may become due to them. I want to add—it is a matter that I think should be mentioned—that the time is overdue to reconsider our legislation regarding trade unions, their legal status, and the rights of their members as against their unions and between one another. This Act of 1902 is more than 40 years old, and was passed at a time when the importance of trade unions in the economy of the country was not recognised and when their influence was comparatively small. The Act itself is a very perfunctory piece of legislation dealing with such an important subject.

Since the Act was passed which dealt, amongst other matters, with combinations of employers formed for the purpose of imposing restrictive conditions on trade or commerce, the Commonwealth Government has passed legislation known as the Australian Industries Preservation Act, which deals in part with the subject-matter of our Trade Unions Act as far as restrictions upon trade and commerce are concerned. The Federal Act, however, is limited to transactions of an interstate character and does not affect transactions that are merely within a State. I felt, therefore, that it was just as well to take advantage of the introduction of the Bill embodying an amendment to an Act that was passed 40 years ago in order to indicate that, in my opinion, anomalies exist in the principal Act. I wish to point out, further, that the Bill may have repercussions beyond what it was really designed to effect. The matter dealt with by the Act must receive consideration by Parliament before many years have elapsed, so that our legislation regarding the trade union structure, which was passed in the interests of unions and their members, may be overhauled and embodied in a workable and useful enactment, commensurate with the status and importance that the trade union movement holds in the economic life of Australia. I support the second reading of the Bill.

Question put and passed.

Bill read a second time.

In Committee.

Bill passed through Committee without debate, reported without amendment and the report adopted.

RESOLUTION—DAYLIGHT SAVING.

Council's Message.

Message from the Council received and read requesting concurrence in the following resolution :—

That in the opinion of this House, daylight saving should not in future be applied to Western Australia.

BILL—FREMANTLE MUNICIPAL TRAMWAYS AND ELECTRIC LIGHTING ACT AMENDMENT.

Second Reading.

Debate resumed from the 26th August.

MR. NORTH (Claremont) [5.47]: This is a Bill to clarify certain obscurities and anomalies regarding the powers of the Fremantle Municipal Tramways and Electric Lighting Board. In particular there are three points. The first is to ensure that the board has the power set out in Section 2 of the Act to act as agent for the City of Fremantle and the East Fremantle Municipality. The second point is to enable the board legally to supply North Fremantle and, because of the physical fact that the Swan River flows between that municipality and Fremantle, to provide a legal interpretation of the word "adjoining." The third point is that of supplying Rockingham with electricity which means that lines of current have to go through intermediate territories and the lawyers insist that the power to do this should be specifically set out. The carrying of the Bill would, therefore, be useful because it would enable certain agreements which are now pending to be ratified in the certainty that the law is in order. I support the second reading.

On motion by Mr. Tonkin, debate adjourned.

BILL—CRIMINAL CODE AMENDMENT.

In Committee.

Mr. Marshall in the Chair ; the Minister for Justice in charge of the Bill.

Clause 1—agreed to.

Clause 2, new section—Negligent use of a vehicle by reason whereof the death of a person is caused :

Mr. F. C. L. SMITH: I regret that when the speech on the second reading was being made by the Minister I was not able to hear him from my seat. I was able to hear him but not what he said. I understood, however, that the general tenor of his remarks was that there were reasons for altering the Criminal Code as this particular clause proposes to alter it, because juries were loath to convict seeing that the penalty for causing death by gross carelessness with a motor-car might be as much as imprisonment for life with hard labour. No member of the Committee can advance one tittle of evidence to support that contention. Apparently this Bill is designed to get convictions, and hon. members are asked to subscribe to a change that will bring about more convictions. It seems to me that that idea is the outcome of a human characteristic that was once stated by a philosopher in these words—

There is something in the misfortunes of even our best friend that is not altogether displeasing to us.

If there has been any miscarriage of justice in connection with these cases in this State through juries being loath to convict, let us have some examples of it. There is no more merit in trying to influence juries to bring in a verdict of guilty against the weight of evidence by a lesser prescribed punishment than there is in influencing them to bring in verdicts of not guilty because of the possible punishment. The duty of every member of a jury is to deliver a verdict upon the evidence laid before him. Juries are sworn to deliver such a verdict. This Bill is said to be justified on the ground that in the past juries in this State have been recreant to the trust laid upon them, that they have been false to the oaths they have taken, and that they have brought in verdicts against the weight of the evidence placed before them. I say definitely that there have been no such cases.

The Premier: That is only your opinion.

Mr. F. C. L. SMITH: And the opposite opinion may be only the Premier's. It is a reflection on the juries that have sat on such cases in this State for the Minister to try to justify a measure of this kind on the ground that juries are loath to convict. What have they got to do ? They have all to conspire together, to be recreant to their trust.

The Premier: They have given the benefit of the doubt.

Mr. F. C. L. SMITH: They have to violate their oath.

Mr. Patrick: The judge determines the sentence.

Mr. F. C. L. SMITH: The jury has to determine the verdict on the evidence laid before it. In the Bill there is a suggestion that juries in the past have not done that. Such a contention cannot be supported. There is not a tittle of evidence in support of it. The whole of the evidence that such a thing has happened amounts to nothing but the conjectural assertions of people who are ill-placed to make them. They cannot produce one item of evidence to support their contention. It is a good thing for accused persons, whatever be their alleged crime, that we have the jury system to determine their guilt rather than it shall be determined by public opinion, particularly by public opinion as it exists near the time when the crime is committed. The jury is directed by the judge to give the prisoner the benefit of any doubt that may exist in connection with the charge against him. In cases such as those with which this Bill deals there are very often grave doubts, as many motor drivers can testify, as to whether the driver of the vehicle in injuring or killing a person showed carelessness that contributed in a greater degree to the accident. Particularly is there difficulty in cases where a person is killed, because he is not there to give his version of the accident. The version of the accident is very often given by eye-witnesses who frequently contradict one another. It is a grave reflection on our juries that have returned verdicts of not guilty in cases of this kind to infer that some of them have been false to their oath, and have brought in verdicts against the weight of evidence. It will constitute in this State a further reason why men will be reluctant in the future to serve on such juries.

Why should there be any possible distinction between the charge against and the possible punishment of one who through gross carelessness or negligence kills another in a motorcar, and one who kills another not deliberately but accidentally and unintentionally with a chair or an axe, or by the careless use of firearms or by "socking" him on the jaw and knocking him down on a granolithic pavement? Why should there be any distinction between such cases and cases where a man kills another through gross negligence in the driving of a motor car? If there are grounds for believing that juries are loath to bring in verdicts of guilty because of the possible punishment, the same grounds exist in every case of manslaughter. The facts are, of course, that juries concern themselves with the evidence. If, because of the punishment, they are more exacting in their deliberations, they are then no more exacting than they would be in any other case. If, in their opinion, there are mitigating circumstances, they almost invariably bring in a recommendation to mercy.

I do not believe there has been one case in this State where a jury has brought in a verdict of not guilty against the weight of the evidence because of the possible punishment. It is an absurd contention for people to advance that 12 good men and true, sitting as a jury, are not aware of the fact that the judge has discretion with regard to the severity of the sentence to be imposed. The judge can free a man on a recognisance; he can sentence him to four years imprisonment, or to four months or four weeks. I have too much respect for the juries of this State to suspect them of anything of the kind. Assume, for a moment, that there is something in the contention that juries are false to their oath and do bring in verdicts of not guilty against the weight of the evidence, and that they do so because the law prescribes the maximum penalty of imprisonment for such crimes, could not the judge calm their fears —assuming they have any—by drawing attention to some cases which I shall cite?

In one case a person was killed in circumstances of gross and criminal negligence; the sentence imposed on him was two years imprisonment. In another case, two persons were killed in circumstances of gross carelessness—it was a hit-and-run case; the sentence imposed was three years imprisonment. In another case a young man returning from a party, in an intoxicated condition, killed a man; he was sentenced to 15 months imprisonment. In still another case, a boy on a bicycle was killed through a motorist driving on the wrong side of the road in Subiaco; the sentence imposed was ten months imprisonment. In another case, a man was killed by a motorist who was driving at excessive speed and his body was thrown a distance of 60 feet by the impact. The motorist received a sentence of four months imprisonment.

Mr. Sampson: Six months.

Mr. Kelly: He served four months.

Mr. F. C. L. SMITH: I thought he was sentenced to four months imprisonment. Let the judge also tell the jury that in every one of those cases representations were made to the Minister for Justice for a remission of part of the sentence. More pressure was brought to bear upon the Minister in the case of the man who got six months than there was in any of the other cases. Not a person sentenced to imprisonment in this State is so poor and of so little standing in the community that he has not someone to exert pressure to secure a remission of part of his sentence, a sentence which, in the view of the judge, was a just one. At one time there was an Attorney General of this State who so embarrassed his Government by remitting sentences without reference to Cabinet that the Government had to call his attention to the matter. He actually freed a man who had received a long sentence and who in the next year was hanged in Victoria for committing a similar crime.

Mr. J. Hegney: It was some years after, but he was hanged.

Mr. F. C. L. SMITH: I know of another Minister for Justice in this State who always referred such applications to Cabinet, even the six cases I have mentioned. He was conspired against and voted against because Cabinet refused to make remissions of those sentences. Let us have no hypocrisy over this Bill. If the Criminal Code needs revising, let us revise the whole of it, not do it in this piecemeal fashion. The only ground for differentiation in sentences for manslaughter is, I submit, to be found in the reasons which impel a judge to make a distinction between one case and another, either on the facts or on the facts plus a recommendation by the jury to mercy. There are no grounds for supposing or indirectly alleging or indirectly accusing any jury of being recreant to their trust or false to the oath they take when they are sworn in as jurors. When persons are found not guilty, the verdict is unanimous. We have no majority verdicts in this State, such as 11 for and one against; all the jurors must be in favour of finding a person not guilty. Yet we have an argument for an alteration of the Criminal Code on the ground that 12 jurors, despite the evidence against an accused person, have violated their oath—have put their heads together—to bring in a verdict of not guilty owing to the possibility—the remote possibility—of a judge sentencing the accused person to life imprisonment with hard labour, because the Act says that he may do so. I submit that is the height of absurdity and that there is no justification for this amendment.

Mr. McDONALD: I regret that, by inadvertence, the second reading of this Bill was passed without debate, because it involves a matter of principle and of great importance. At this stage, I do not feel prepared to support the Bill.

The CHAIRMAN: I remind the member for West Perth that we are dealing with Clause 2 only.

Mr. McDONALD: At the moment I am not prepared to support Clause 2, because I think a great deal more consideration should be given to its wording. At present, under our law offences are divided into three classes: Simple offences, usually dealth with in the police court; misdemeanours, which are more serious and can go to the Supreme Court on indictment; and, finally, serious offences which in England are generally termed felonies, but in our State are known as crimes. The offence proposed by this clause is to be made a crime and the punishment is fixed at five years imprisonment. The offence is the failure to use reasonable care and take reasonable precautions in the use and management of a motor vehicle. To me it seems that a very wide offence has been created and that there might be some difficulty in determining it. It does not necessarily apply to a moving vehicle, although the vehicle must move afterwards to cause the death of a person.

It may possibly be that I own a car and have not had my brakes adjusted often enough; somebody else takes the car out and a person is killed by reason of the faulty brakes. Then I might be guilty of a crime. That might or might not be desirable; but I feel the matter needs much more consideration. I do not preclude the possibility that the Criminal Code may need some revision in the light of the fact that it was compiled in 1913, when motorcars were almost no particular factor in the road traffic of the State. The position has undergone a great change since then.

Sitting suspended from 6·15 to 7·30 p.m.

Mr. McDONALD: The position regarding offences by people in charge of motorcars

is that they may be charged under Section 30 of the Traffic Act, which provides—

> If any person drives a vehicle on a road recklessly or negligently, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition, and use of the road and to the amount of traffic which actually is at the time, or which might reasonably be expected to be, on the road, that person shall be guilty of an offence under this Act.

The penalty for a first offence is £20 and for any subsequent offence £50 or imprisonment for three months. Apart from that specific provision as to the driving of a car in such a way as possibly to injure people on the road, the next jump in our criminal law is to manslaughter where the death of a person is occasioned. There are some sections of the Criminal Code that might be invoked but they do not relate specifically to the reckless or dangerous driving of a vehicle. Therefore at the present time, by our Traffic Act, we have said that a man who drives a vehicle to the danger of the public or recklessly should not be liable for more than three months imprisonment. That may or may not be a right view, but in this Bill we make provision that a man who does much less than drive dangerously shall be liable to five years imprisonment, because this Bill does not even say a man who drives a vehicle dangerously or recklessly shall be liable to five years in gaol. It simply says that if he fails to use reasonable care in the use and management of the vehicle he may be so liable.

The difference between the two provisions is that in the case of this Bill the consequence is the death of a person, whereas under the Traffic Act a person may not be killed at all. But when it comes to the quality of the offence, apart from the consequences, we penalise dangerous or reckless driving under our Traffic Act with not more than three months gaol, and by this Bill seek to impose for a lesser act of negligence a penalty of five years imprisonment. While much that the member for Brown Hill-Ivanhoe said is true, there is always a feeling of responsibility on a jury when they come to deal with any offence which involves a very heavy penalty, any offence which may be termed a serious offence. But I do not propose to attribute, so far as my knowledge goes, any particular blame to juries for a certain care in recording convictions, because obviously in connection with manslaughter they must be satisfied that the case is one which comes within that very serious crime.

I would refer to a comparatively recent case considered by the English House of Lords, which pointed out that a jury and the judge who instructs the jury should be very careful to ensure that a man is not convicted merely for what might be called a simple act of negligence. It must be negligence of some extreme kind. I refer to the case of Andrews against the Director of Public Prosecutions, the report of which may be found in Vol. 2 of "The All England Law Reports, 1937." At page 556 it is stated—

> Simple lack of care such as will constitute civil liability is not enough.

That is to say simple lack of care is not enough to create the offence of manslaughter. The judgment goes on—

> For purposes of the criminal law there are degrees of negligence, and a very high degree of negligence is required to be proved before the felony is established. Probably of all the epithets that can be applied "reckless" most nearly covers the case.

So the House of Lords considered that juries must require proof of a very considerable degree of negligence before they are justified in convicting a man of the crime of manslaughter. In England the law is somewhat different from here. Here with regard to negligence in relation to the driving of a car the only specific offence relating to negligent driving is to be found in the Traffic Act, and it is a simple offence punishable by only three months imprisonment. We have not inserted in our Criminal Code a specific provision dealing with the driving of motorcars to apply to cases where the offence should be deemed beyond the offence covered by the Traffic Act. In England they have endeavoured to do that because they provide for driving in a manner dangerous to the public. That is a simple offence similar to the one under our Traffic Act, and is made punishable in England by a fine or imprisonment up to six months. A simple offence can be constituted although nobody is hurt, as well as when somebody is hurt. In England they have gone further in an endeavour to meet an intermediate stage and have provided that a man is guilty of a misdemeanour who, having charge of any carriage or vehicle by wanton or furious driving, or racing or other wilful misconduct, or by wilful neglect does or causes to be done to any person any bodily harm. The penalty for that is two years' imprisonment. Where bodily harm is done in consequence

of want of care in driving which goes beyond slight negligence, but can be characterised as furious driving or wilful misconduct or wilful negligence then they are prepared to see him sent to gaol for two years.

Mr. F. C. L. Smith: Bodily harm, I suppose, would include killing.

Mr. McDONALD: I am not sure whether that section could be brought into operation where the bodily harm resulted in death. In England when they want to deal with a driver who should be punished more severely than can be done in the traffic courts, and whose negligence has caused bodily harm or injury to a person, they impose a more severe penalty, namely two years. But they require specifically that the man should be guilty of a much greater degree of negligence. The defect in our Bill is that we seek to raise the penalty for negligence in driving the car from three months in the traffic court to five years in the criminal court. But we do not protect the individual by saying that to come within the ambit of the serious crime involving five years penalty he must have been guilty of negligence beyond simple negligence. Our Bill would expose a driver to the heavy penalty, possibly, on proof of a comparatively slight degree of negligence—at all events less than is laid down by the English Parliament to justify a sentence of two years.

Apart from the provision in the English legislation involving two years gaol for furious driving there is nothing that I can find comparable with the wording of this Bill. Nor can I find any legislation in any of the other Australian States on similar lines. We, therefore, propose to break new ground to which I have no objection, but the Bill in its present form is not a suitable piece of legislation. Much more care needs to be given to the wording of the proposed new offence. I do not rule out of consideration what I think is the object of the Minister, namely, to provide for an offence committed by a negligent driver somewhere between gross negligence, which is required to justify a conviction of manslaughter, and the comparatively slight negligence which is sufficient to justify a conviction under the Traffic Act. I think there is room for an intermediate offence such as has been found to be the case by the Parliament of Great Britain, but I cannot support the Bill in its present form.

The Premier: You would approve of a lesser charge than the Bill provides for.

Mr. McDONALD: The whole clause requires to be re-drafted. I would be reluctant to do that on the spur of the moment. Anyone who attempts to formulate a new charge in our criminal law should give a great deal of consideration to similar legislation in other countries, and consult the Crown Law officers and traffic officers who are most in touch with such offences.

Mr. Watts: But the new charge need not necessarily include homicide.

Mr. McDONALD: No. As in England it should include a charge in which the driver does bodily injury to the victim. I would not attempt to alter the clause without having the opportunity to consult those whose opinions would be of value in determining what would be a reasonable amendment to protect the public and at the same time the drivers of cars, who must not be exposed to extreme consequences as a result of what might be comparatively slight negligence on their part.

Mr. WATTS: I am substantially in agreement with the views which have already been expressed in opposition to this clause. The law dealing with manslaughter is already fairly well settled. The judges are well able to state when, in their opinion, a certain set of circumstances indicates that a person charged with an offence ought to be convicted of manslaughter. When it comes to the question of penalty they have ample discretion which, as the member for Brown Hill-Ivanhoe in effect said, they usually exercise in a proper and judicial manner. They can in their discretion use the penalty of imprisonment and, in the alternative, inflict a fine if they consider that imprisonment is not warranted.

The Premier: Juries are not prepared to convict under the present law.

Mr. WATTS: In all cases where the evidence definitely shows that a conviction for manslaughter is warranted, a verdict of guilty is returned. It is a well-established principle of British law that, if there is any reasonable doubt, the accused must be given the benefit. I have no hesitation in saying that in the great majority of cases that have come before our courts where a charge of manslaughter was involved, there has been a conviction whenever the evidence warranted a conviction.

The Premier: Then a lot of people have been very lucky.

Mr. WATTS: Probably some would still be lucky even if there was a prospect of their

receiving five years instead of 20 years imprisonment. In most cases the jury would not return a verdict contrary to the evidence. We cannot frame our laws on the basis of an occasional miscarriage of justice. Section 19 (3) of the Criminal Code provides—

> Except when it is otherwise expressly provided, a person liable to imprisonment, either with or without hard labour, may be sentenced to pay a fine not exceeding five hundred pounds in addition to or instead of such imprisonment.

I believe that was the attitude taken by a judge when the jury convicted an accused person. There may have been other cases. But the discretion is there. Whether the judge elects to exercise it is entirely a matter for him.

The Minister for Justice: This proposal would remove the stigma of manslaughter.

Mr. WATTS: The proposed new section seems to aim at bringing in an altogether new kind of offence. A jury will not convict on a charge of manslaughter unless there has been gross carelessness.

The Minister for Justice: There have been acquittals because there was a possible penalty of 20 years imprisonment.

Mr. WATTS: That statement amounts to no more than a suspicion. There has been no investigation into the feelings that prompted jurymen. I have a suspicion, which is just as good as that of the Minister, that the reason why juries have not convicted is that the negligence was not satisfactorily proved, or that there was reasonable doubt as to whether the accident could have been avoided. So long as we retain the jury system and ask for a unanimous verdict, we have to let juries come to the conclusion whether there is reasonable doubt. However, there is a belief that juries do not convict when they should because they are unwilling to subject the accused to the possibility of 20 years imprisonment.

The Minister for Justice: And the stigma of conviction for manslaughter.

Mr. WATTS: However, the offence provided for in the Bill opens up an altogether new line of legal thought. It asks us to subscribe, without sufficient consideration or reason, to a new type of offence based on the handling of a motor vehicle different from that where manslaughter is proven. I am not prepared at this stage to agree to a new section for that purpose.

The Minister for Justice: Can you suggest anything better?

Mr. WATTS: I am somewhat in agreement with the member for West Perth. I think provision should be made in the Traffic Act. There we have a specific penalty with a maximum of three months imprisonment. If provision were made for a special charge of negligence whereby someone was injured but not killed, I think it would receive support. My point is that an amendment of the Traffic Act would be the proper place to provide a heavier penalty for the negligent handling of motor vehicles than the present provision suggests. I hold that juries are to be relied on substantially in the great majority of cases, although they may occasionally be too generous in extending to an accused the benefit of the doubt. We have no evidence that the existing provisions of the Criminal Code relating to motor vehicles are not satisfactory. I shall vote against the clause.

Progress reported.

BILL—PENSIONERS (RATES EXEMPTION) ACT AMENDMENT.

Second Reading.

Debate resumed from the 26th August.

MR. DONEY (Williams-Narrogin) [8.3]: I do not think any member is likely to go to a great amount of trouble to search for reasons for delaying the passage of this Bill, which has for its object the making a little easier in the future the lives of destitute or near-destitute widows. The purpose of the Bill, on its merits, I regard as wholly commendable. The measure seeks to round off in a sympathetic and sensible way the benefits conferred upon such widows as have been able to substantiate their claims to assistance under the Widows Pensions Act, Commonwealth, 1942. It can safely be agreed that the widows who pass the searching and rather exacting examination imposed on them by the principal Act can but seldom be in a position comfortably to pay road board or municipal rates.

Old age and invalid pensioners and service pensioners already, if they wish it, are exempted from payment of local rates, subject to the proviso, however, that such unpaid rates remain a charge upon the property and are payable by the next non-pensioner holder. It is difficult to see just exactly why widow pensioners should not enjoy a like privilege. The only bodies

from which any objection is likely to come would be interested boards and municipalities, which of course would have to forego, anyhow for a period, a small proportion of their incomes. We have the Minister's word for it that only a very small proportion indeed of local governing bodies is likely to raise any objection to the measure. For those reasons I offer no opposition whatever to the passage of this highly beneficial little measure.

MR. WATTS (Katanning): I support the Bill because it carries over another stage the principle which has been followed in regard to other types of State pensioners. We have said, progressively, to old age and invalid pensioners, and now we are saying to widow pensioners, "We consider that you should not be asked to pay to local authorities the rates on the homes which you possess, as the payment of such rates would in many cases involve substantial expenditure which you can ill-afford." The principle is well substantiated, and is a highly worthy one. In my opinion we cannot do better than pass the measure. Nevertheless, one aspect of pensioners' rates exemption laws which seems to require earnest consideration is the position of persons who have for a lengthy period drawn an old age, invalid or widow's pension, and who own small properties, particularly in places where rates are fairly high. In a few years such pensioners might find themselves in this situation, that the accumulated rates had become quite near to, if they did not exceed, the value of the property owned. Thus the owners would find themselves without any assets at all to leave to their children, who probably for many years had been helping to the utmost out of their own earnings, in many cases not too large, towards the support of their parents.

I am very hopeful that we shall in time to come, and not too long a time at that, be able to evolve some method whereby accumulated rates will not become an obligation or liability upon the small properties of these people, or that we shall be able to make some arrangement in our law for a limitation in the way of the obligation. It does not apply equally in all places within the State. Take the man who has a small property worth, say, £300, in town A, where rates are low, and the annual accumulation is small. A similar pensioner, having property of the same value in town B, finds that the rates are too high, which is a common occurrence in towns in various parts of this State. Hence, the man in town B loses in half the time the equity which the man in town A still retains. Therefore, the law in that respect appears to me to be inequitable. However, as I have said, I propose to support the Bill. There is no reason why I should stand here and offer any objection to it; but I hope consideration will be given to some method which will in future prevent the obligation being heaped upon these pensioners' properties, so that ultimately in some cases there remains no asset at all; indeed, if the property were realised some liability would be remaining which the local authority would have to write off.

HON. N. KEENAN (Nedlands): We support the measure.

Question put and passed.
Bill read a second time.

In Committee.

Bill passed through Committee without debate, reported without amendment and the report adopted.

BILL—COAL MINE WORKERS (PENSIONS).

Second Reading.

Debate resumed from the 26th August.

HON. N. KEENAN (Nedlands) [8.13]: This Bill is practically the same measure as one which was passed by this House last session and sent to another place, but which, owing to some disagreement there, was lost. The provisions of this Bill are similar to those of the Bill dealt with last session with one exception, to which I shall draw attention before the Bill passes the second reading stage. I ought to say that my personal knowledge of the matter is limited. I did not take any part in the discussion on the former Bill. But the main point—and not the only point—of difference in the two measures relates to the contributions of the Government and of the coal-mining companies to the fund which will provide the pensions. Under the present Bill, the Government's contribution is equal to one-quarter of the total amount required for the first year or the sum of £2,000, whichever is the lower; so that in any event the Government will not be called upon to pay more than £2,000 in that year. In the suc-

ceeding year the Government will be called upon to pay no more than £2,500, with a maximum in the third year and all subsequent years of £3,000.

On the other hand, the variation that this Bill provides for contributions by the companies is as follows:—The companies have to find two-thirds of the balance after the £2,500 or the £3,000 has been paid by the Government. Under the previous Bill the companies were called upon to meet out of their profits 50 per cent. of their total contributions; they would pay two-thirds of the balance, while the remaining third would be paid by the workers. Under the Bill of last session the companies were called upon to meet 50 per cent. of the total contributions out of their profits, and they were permitted to pass on to the preference shareholders so much of the contributions as became necessary. That Bill also enabled the companies to finance their payments out of dividends, which would be payable to preference shareholders were it not for the intervention of that measure. Under that Bill there is no maximum, which was a matter of very great importance from the companies' point of view. They were liable to find a very large proportion of their contribution out of profits. The illustration given by the Minister was, in effect, that if 4d. were necessary to provide the amount which the companies were called upon to pay, then they had a maximum contribution of 2d. to pay out of their profits. In the present Bill, the principle is that this maximum of 2d. remains, but the companies will never be called upon to pay out of their profits any more than that amount. Consequently, there has been an omission which I presume will be one of some gain or advantage as compared with the Bill that we passed through this House last session.

In view of the small elements of diversion between this Bill and the one which this House passed and which was given full consideration, and also in view of the fact that this Bill will, I understand, be adjourned and taken through the Committee stage later, when the matter can be fully considered, I do not propose to offer any further observations on it or to take any steps whatever to oppose the second reading.

Question put and passed.

Bill read a second time.

BILL—PUBLIC AUTHORITIES (POSTPONEMENT OF ELECTIONS) ACT AMENDMENT.

Second Reading.

Debate resumed from the 26th August.

MR. DONEY (Williams-Narrogin) [8.19]: The Minister for Works, when moving the second reading of this Bill, commenced with these words: "This small Bill is for the purpose of clarifying a few matters." That naturally created in my mind the view that I had to deal with a simple and quite straightforward piece of legislation. Actually, that is not so, for on examination of the related Acts—the Road Districts Act, the Municipal Corporations Act, the Public Authorities (Postponement of Elections) Act, and the Public Authorities (Retirement of Members) Act, I find they disclose a terrible mixture of interpretations, regulations, postponements, further postponements, variation of terms of office and so forth, which are tanglesome in the extreme. It takes a great deal of study—or at least it took me a great deal of study—to come to an understanding of what was aimed at through what the Minister termed a small Bill for the purpose of clarifying a few matters.

I will admit that the Minister did his best in the language adopted by him in his second reading speech to simplify the position but unfortunately, in my mind, he led members astray by indicating in the course of his remarks that the Bill was designed to terminate a conflict of expressions between two Acts which he named the Postponement of Elections Act and the Retirement of Members Act. This is not a very serious matter except that it adds a little to the confusion that already existed. Instead of saying the Retirement of Members Act the Minister should have said the Municipal Corporations Act. Section 6 of the principal Act provides that the term of office of all members shall terminate on election day, a decision that conflicts with the more desirable method set out in the Municipal Corporations Act. It was, I think, the Perth City Council which pointed out that under the Municipal Corporations Act the mayor and the councillors did not retire until several days after the election. That being so, and for that reason, the Minister decided it was desirable to amend the Postponement of Elections Act so that mayors and councillors might continue to retire according to the terms of Sections

43 and 44 of the Municipal Corporations Act.

The point to be remembered is that under the terms of the Postponement Act, the mayor and councillors would necessarily go out on election day and that that would create a most awkward position for such municipalities as happened to be involved, which the Minister properly pointed out. It might be explained, too, that under the Retirement of Members Act the term of office of a member had necessarily to be postponed for two years. This, in the case of 115 of our 127 road boards, meant that their elections were postponed for two years from April, 1942, to April, 1944. It happened that in April, 1942, the elections for all our road boards were postponed to April, 1943, by proclamation under National Security Regulations, and at the end of 1942 the Postponement of Elections Act came into force. I presume that the necessary notice was then sent out by the Minister naming further postponements until April of 1944. As 115 of the 127 road boards did not appeal to have their elections held at that point those 115 road boards naturally have a period of two years between elections.

It can be seen, therefore, that besides permitting the Perth City Council—and all municipalities throughout the State for that matter—to return to their old terms of office, the Bill also rectifies the disparities between paragraph (a) of Section 3 of the principal Act and the action taken by road boards to postpone elections for a further 12 months. That is all I need to say with regard to the Bill. I admit that I hesitated to go too deeply into this matter because the Bill is so fearfully involved, but I do feel safe so far as I have gone. My examination of the Bill and related Acts was such as not to enable me to explain some matters clearly but gave me confidence that the Bill is a safe and desirable one, and for that reason I am glad to support it.

MR. WATTS (Katanning): There are one or two points I would like to raise in order that the Minister may, if he will, clear them up for us. The Bill makes provision for the confirmation of the election of chairman and vice-chairman where a board saw fit to hold an election. If I remember the Road Districts Act aright it provides that the chairman and vice-chairman shall be elected in each year at the first meeting of the board after the annual election. In a great number of instances, of course, there was not an annual election and some boards elected their chairman and vice-chairman at the first meeting held after the time when there should have been an election in the normal way. Others did not elect a chairman and vice-chairman. I understand they allowed the gentlemen holding those offices to carry on as they were on the basis that the road board election had been postponed, and that therefore the sub-election of chairman and vice-chairman should also be postponed.

In some instances, however, boards did elect a chairman and a vice-chairman, and I think that action was taken on the advice of the local government office at the Public Works Department. The Bill provides that where such men were elected their election is made lawful and confirmed. But the difficulty seems to me to arise as to whether it is necessary to confirm a chairman and vice-chairman in office, especially in view of that particular provision in the Bill when a board did not see fit to have an election; that is to say when it decided that since the election of the board had been postponed the election of chairman and vice-chairman should also be postponed. That is the point in connection with which I think an amendment of the Bill might be required. I feel sure the Minister and his advisers have considered it, and if they are satisfied that notwithstanding the provisions of the Bill the position of chairman and vice-chairman not re-elected is still good I would be satisfied to take that opinion. If, however, the Minister has not gone into the matter I trust he will be good enough to do so. There is an old saying—

> Oh! what a tangled web we weave,
> When first we practise to deceive.

Of course there is no deception in this measure. But we certainly have woven a tangled web in regard to the postponement of elections of local authorities! I took the opportunity to have a few words with the Local Government officer in the Public Works Department in regard to two aspects of the matter. One was as to when the members of the board would retire in cases where there has been a complete postponement of elections since 1942. The other was: What basis would be used where there had been an election postponement in 1942, but where some boards had made application for permission, and did have an election in 1943 under the provisions of one of the measures that we have passed?

In regard to the first one, where there had been a general postponement, there appears to me to be no difficulty. The persons who should have gone out in 1942 will go out next year. Those who should have gone out in 1943 will go out in 1945 and those who normally would have gone out next year will go out in 1946. I understand that that is the position and that there is little, if any, doubt about it, but in the case of those few boards—some dozen in all—who did hold an election last year, the members who should have gone out in 1942, apparently, were the ones who went out last year, and whether or not those who should have gone out last year go out next year, or those who should go out next year go out next year, or whether they both go out together did not appear to me, in discussing it with the Local Government officer, to be at all clear. He told me that he understood there was another piece of legislation under consideration by the Minister in regard to finalising those various aspects of the matter. I always like to know, if possible, and I know that the Minister will say, if he can, what exactly is proposed finally to clear up these things. I have raised these points in the hope that he will be good enough to answer them.

Question put and passed.

Bill read a second time.

PERSONAL EXPLANATION.

The Minister for Mines and the Mine Workers' Relief Act Amendment Bill.

THE MINISTER FOR MINES [8.33]: I desire to make a personal explanation in regard to the Mine Workers' Relief Act Amendment Bill. When moving the second reading, according to the Press and in fact to what I have seen of "Hansard," I made a very obvious and foolish mistake. I stated that if a man was cured of tuberculosis and was fit to return to the industry, when he was cured and obtained employment the board could pay him up to the rate of the basic wage. That is what the Press reported and the pull of "Hansard" that I read, although it did not use the same words, meant the same thing. I went further and said that in the event of being cured, but not being sufficiently strong to earn the ruling rate of pay, the board would be empowered to pay him the difference between what he was earning and the basic wage. That is quite wrong. The board would be empowered to pay him compensation, or in the event of his getting work and not receiving that amount, it would have the power to pay him the difference between what he was earning and the amount he would have been receiving by way of compensation.

BILL—MINE WORKERS' RELIEF ACT AMENDMENT.

Second Reading.

Debate resumed from the 26th August.

MR. PATRICK (Greenough) [8.35]: I do not intend to speak on the points just raised by the Minister. I thoroughly agree with the principle of the Bill. Its main effect is to delete Subsection 3 of Section 13 of the principal Act. That is the subsection which prohibits a mineworker, who has received notice that he is suffering from tuberculosis or silicosis, from returning to work on a mine, subject to an appeal to a medical board. This amending Bill proposes to add a new subsection, retaining the right of appeal to a medical board, but also allowing re-employment if a cure is effected. Provision is also made, as the Minister has stated, for maintenance expenses while the cure is being effected. I understand that under this Bill these men with tuberculosis must compulsorily retire from employment, but not those with silicosis. But a great number remain in employment, and there must be some reason for that. I would, therefore, like a goldfields member, who should know more about this subject than I do, to say whether the expenses payable, when they are compulsorily retired, are sufficient. There must be some reason why men continue to work. In fact, I have received a letter from a goldfields resident. He starts off by saying—

> Dear Sir,—Do you know what you are talking about in the dusted miners' cases? I am a dusted miner, been on machine mining underground for 30 years (can be proved). For 13 years the dear Government has sent me a ticket to get out and starve. Every year early silicosis, exactly the same.

The Minister for Mines: Is his name "Rowe"?

Mr. PATRICK: Yes. Evidently the expenses allowed him are not sufficient to maintain himself and his family. This Bill, as the Minister has stated, will deal only with very few men as the number of cases of tuberculosis is not great. Even if it effects a cure only in the case of one or two, it is well worth while. This disease is, of course, a most insidious one. I knew one

man who was on the Murchison. He left there, apparently in perfect health, and took on a farming proposition, of which he made a great success. After farming for 15 years he was suddenly stricken with T.B. and died in Wooroloo.

The Premier: Was it T.B. or silicosis?

Mr. PATRICK: I do not know which, but he seemed to be in perfect health when he was suddenly stricken down. The first symptom was that he could speak only in a whisper and then he finally collapsed altogether. If a cure could be effected in only one or two cases it would be well worth while. At the same time I trust that medical science will soon be able to tackle the main problem of silicosis, which is the one affecting the greatest number of miners. I have pleasure in supporting the second reading.

MR. MARSHALL (Murchison): At the outset I must say I am particularly sorry that the Minister did not see fit to call the goldfields members together and give them some warning that legislation of this sort was to be introduced. I do not know if other goldfields members had any indication prior to the introduction of the measure, but personally I had none and was quite surprised when the Minister introduced the Bill. It would probably have saved a great deal of debate had we been advised of the contents of the measure, and I think the Minister was unwise in springing it upon us as he has done.

The principle in the Bill has been established by law for many years. Although that is a fact, it is equally true to say it has never been enforced. The member for Greenough endorsed the principle of compulsory treatment for tuberculosis, and probably he and all of us would favour it for other contagious diseases, but the fact remains that outside of one disease I know of no provision for compulsory treatment having been enforced. Venereal disease is the exception; victims of other diseases are accepted for treatment in a voluntary way. The patient suffering from the disease I have mentioned knows full well that in a short space of time the treatment will finish or he himself will come to the end of his existence. That, however, is not the case with tubercular complaints, many victims of which live for years after contracting the disease. So the position is somewhat different.

I take exception to the measure because of its sectional character. I do not know why we should deal with a few miners, while we leave other tuberculous individuals alone—individuals employed in industries that provide every-day necessaries for the community. We find them in butchers' shops and bakehouses and in other places, from which the disease has every chance of being spread. The Minister, in reply, will probably say that the men catered for by this Bill are receiving compensation, but there is much in the Bill that the Minister evidently has not noted. If we are going to grapple with the principle of compulsory treatment, it should have general application. We should not single out a few men in one industry and say that that is the extent to which the principle shall be applied. More particularly is this so when we realise that these men do not labour in an industry from which the malady might be spread amongst the community to the same extent as those other industries I have mentioned.

The Mine Workers' Relief Act regards tuberculosis as not being an industrial disease, and I think we all agree with that, because tuberculosis may be contracted almost anywhere and is being contracted in the most unlikely places. Therefore it is not accepted as an industrial disease, not even by our own compensation law. The Mine Workers' Relief Act, however, does provide for compensation for simple T.B. cases when it has been discovered by examination that men are suffering who, on entering the industry, were what is termed "clean" men. Those are the cases that will be dealt with under this measure. The Minister told us that only about twenty men were concerned. I have no reason to doubt the accuracy of his figures. They would all be on the Mine Workers' Relief Fund because they cannot get relief elsewhere. Those who are suffering from tuberculosis plus silicosis first take their £750 under the Workers' Compensation Act, but the men affected by this Bill receive their compensation from the Mine Workers' Relief Fund.

I remind members that when this legislation was passing through Parliament in 1931–32, it was argued that for two reasons the men suffering from T.B. should be taken from the industry, firstly because young men were contracting the disease from those affected, and secondly for the welfare of the

affected individual. It was suggested that a tubercular man was more susceptible to silicosis than a person whose lungs were normally healthy. To that we can subscribe. If that is so, however, it cuts both ways. I suggest that if a man has suffered from tuberculosis, even though it is assumed he has been cured, he would be more susceptible to contracting silicosis; in other words, the silica would have a greater affect on him and show its effects more quickly than on a person with normally healthy lungs.

Doctors are not too sure of their ability to cure tuberculosis and I have no objection to their experimenting a little. After all, this is only an experiment. Doubt has been expressed regarding the possibility of effecting a permanent cure, because provision is made in the measure for further treatment in cases where tuberculosis recurs. Therefore we may assume that the doctors are none too sure of being able to effect a permanent cure. This being so, there are provisions in the Bill that will inflict great hardship upon some of these men. The Minister told us that he proposed to do much by way of regulation. That is a very unwise principle to adopt. If the Minister now knows of all that he proposes to do and all that is necessary to be done, it should be provided for in the Bill. Then we would be in a better position to judge and could be more honest with ourselves. To say, as the Minister did, "There is the framework of the measure and, when it is passed, I will make regulations," is not right. Members agree that there are certain measures passed from time to time in which it would be impossible to include everything, simply because we cannot foresee how the application of such legislation will affect the community. Therefore much is left to chance in such a case, necessary corrections being effected by regulation.

The Minister himself said, in moving the second reading, that all the detail work under the measure would be done by regulation. For men in receipt of compensation under the Third Schedule the maximum is £3 10s. per week; that is, for a married man with at least two children. If these pensioners are to be compelled to accept treatment, I assume they will also be compelled to go to the place which the Minister considers to be the correct place for treatment—presumably the Wooroloo Sanatorium. Those men would thus be away from home while under treatment. Now, any wife would naturally feel obliged to spend some of the compensation payment on purchasing those little comforts of life that are so desirable even though a patient is being paid his medical and transport expenses. Thus the patient proves a heavier drain on the family income than he would if living at home. I have grave doubts as to the justice of the measure from this aspect.

I do not know, and there is not time to find out, how many of these men have already absorbed their £750. If they have exhausted the amount, they are in receipt of benefit from the Mine Workers' Relief Fund Board. If they are beneficiaries after exhausting their £750, they are beneficiaries from the Mine Workers' Relief Fund. The man would be receiving 25s. a week, plus 20s. for the wife; a total of £2 5s. per week. There is nothing in the Bill to say that the patient is to receive £1 per week while undergoing medical treatment, or indeed to receive any payment whatever during that period. I am not too sure that regulations have not been made for a reduction of the amount payable to the patient while he is in a Government institution. If one of these beneficiaries were able to work—according to the Bill, which I have gone through a dozen times or more—he could proceed to do so.

The Minister will recognise that the 25s. and 20s. will be the maximum provided by his Bill, and that any additional relief would have to be found by the Mine Workers' Relief Fund Board. When the man receives a certificate of normalcy and ability to work, he may decide not to return to the mining industry but to seek employment elsewhere. Providing he contracts nothing more than T.B., he can afterwards return to what would remain of the benefits provided under the Mine Workers' Relief grant of £750 if he had not absorbed that or the other benefits. An examination must take place every 12 months or sooner. If he does not return to the mining industry but contracts silicosis along with T.B., or recurring T.B., he will not be entitled to any further benefits whatever.

The Minister for Mines: That is not so.

Mr. MARSHALL: That is what the Minister's Bill provides.

The Minister for Mines: No.

Mr. MARSHALL: It is so under Clause 5. A man with tuberculosis and silicosis cannot possibly benefit under this measure; he

could not even absorb the balance of his £750. We have had miners who have gone down to work on the waterfront at bulk handling; in which occupation you, Mr. Speaker, have often said there is a high percentage of silicosis. If the man had a tuberculosis record and exhibited silicosis on his return for treatment, his compensation under this Bill would vanish completely. I shall have more to say on the point in the Committee stage. There is another point on which I desire the Minister to be clear; he and I seem to differ on it. Take the case of a sufferer who is recorded as being cured and does not return to the mining industry! He may go elsewhere, but is under an obligation to be examined every six months.

Mr. Patrick: Not if he is working in a mine.

Mr. MARSHALL: There is already provision in the parent Act for compulsory examination of men working in the mining industry. I have read this Bill again and again, and when we get into the Committee stage we shall have a better chance of deciding whose ideas are correct.

The Minister for Mines: A man in the mining industry is examined every six months, whether the Minister likes it or not.

Mr. MARSHALL: The trouble with our mining Ministers is that they always seem to regard Kalgoorlie and Boulder as constituting the mining industry; but men drift away from Kalgoorlie and Boulder to isolated places where they cannot receive immediate medical attention.

The Minister for Mines: Bring them down to be examined.

Mr. MARSHALL: Who will pay the cost?

The Minister for Mines: The Mine Workers' Relief Board.

Mr. MARSHALL: I doubt it. I know there will not be a great many of such men, but who will pay their transport, so that they may be medically examined? Miners are nomadic. They travel long distances. There is nothing in the Bill to provide for payment of their transport in order to be medically examined.

The Minister for Mines: If the man is not in the industry, he will not be called up for medical examination.

Mr. MARSHALL: According to my reading of the Bill, injustice will be done to some miners. Sufficient authority is not given by the Bill for the Mine Workers' Relief Board to shoulder responsibility. I am not saying the board would take advantage of any loophole that might be found in the measure and treat these miners harshly. Nevertheless, we should not permit such a Bill to pass this House. These people should in all cases receive fair and equitable treatment. They should be assured of receiving at least the basic wage for the district in which they live when called up for compulsory treatment. I cannot say whether the Minister is correct or not, but all these points can be thrashed out more fully in the Committee stage. I am not taking up the attitude that these men should not be treated; we should do our utmost to restore them to normal health, if that is at all possible. The Minister should, however, have given us a chance to confer with these persons to ascertain what they think about the Bill. Surely, they are entitled to some choice in the matter, not that many of them would argue that they ought not to undergo treatment. I support the measure.

MR. TRIAT (Mt. Magnet): This Bill, as it is introduced by the Minister, is rather misleading. I was one of those who were prepared to let it go through, but the Minister explained he was making certain alterations to portions of the Bill.

The Minister for Mines: No.

Mr. TRIAT: But he made explanations in his speech. I agree with the member for Murchison that it is not right to select only a few men for treatment. I hope the time is not far distant when every person, man or woman, suffering from tuberculosis will have the opportunity to receive free treatment. That should be our object. This Bill will provide for the free treatment of 20 people while suffering from a tubercular complaint.

The Minister for Mines: And everyone else who comes along suffering from the complaint.

Mr. TRIAT: We hope there will not be any others. No one suffering from tuberculosis should be working in the mining industry. If the examination is sufficiently strict, I am of opinion that no man suffering from the disease will be allowed to work in the industry.

Mr. F. C. L. Smith: They come along every year.

Mr. TRIAT: Yes. They go to the laboratory and are examined, and within six weeks

of passing the examination they are found to be suffering from tuberculosis. They must have had the disease when they were examined. I say the examination was wrong; the doctor did not know his job, or the men were among those unfortunate ones who bribed themselves into the industry with £10 or £20. A man in Kalgoorlie got a clean certificate while actually suffering from the disease and the doctor was dismissed when it was found out. But then it was too late; the man was in the industry. Some of these 20 men are in that position; but, as the Bill provides for free treatment, I am prepared to support that portion of it. We should make every endeavour to clarify the position.

There are some portions of the Bill I do not like; for instance, where it is stated that once a man has received curative treatment and resumes work, the Mine Workers' Relief Board will pay him the difference between what he is earning and the amount provided by the Act. Now the maximum he can receive is £3 10s., but there are special circumstances under which families can get as much as the basic wage for the district where the worker lives. But in ninety-nine cases out of a hundred the maximum allowance for a man, his wife and two children will be £3 10s. When that is exhausted, as was explained by the member for Murchison, the man will come down to 25s. a week for himself, £1 a week for his wife and 7s. 6d. for each child under the age of 16. If he is a single man he will be reduced to 25s. a week. Yet the Bill provides that if he is not able to earn the amount prescribed in the schedule of the fund, the board shall make up the difference.

The Minister for Mines: Suppose the Bill had never been introduced. What would have happened?

Mr. TRIAT: He would get the money set out in the schedule. At all events that is the portion I do not like and I suggest it be deleted altogether. Why should the fund be called upon to pay a man the difference between what he is receiving and 25s. per week? No man should be employed if he cannot get 25s. per week or more. That provision should come out. Let him be paid everything from the fund or let us see that the employer pays him what the fund would pay—£3 10s. a week or a minimum of 25s. I also want the Minister to clear up this particular point: When a man is discharged as being cured, who is going to provide for him until he obtains employment?

The Minister for Mines: The fund!

Mr. TRIAT: That needs to be clarified. It is not in the Bill and it should be. If that is done, I am prepared to support the measure. I know the Minister's intentions are honest and good and that he is trying to do something for the people but, when the measure is passed, those controlling the Mine Workers' Relief Fund, no matter how much sympathy they may have for a man and his family, cannot go outside its provisions. What is in the Bill will be the law under which they will operate. The member for Murchison has pointed out that a man who has been reported to be cured may get a position, say, working in a brickworks or on the wharf or somewhere else. If he then gets dust on the lungs he is not entitled to compensation through being away from the mine. That is what the measure provides and it is a dangerous thing to have in the Bill. The man's lungs would probably have been weakened on account of a tubercular infection acquired originally in the mines, and he should not have to suffer the penalty because he subsequently goes to work on a wharf or in a brickworks. There are 20 men in the mines with T.B., but I am of the opinion that nobody else will get into the mines with T.B.

The Minister for Mines: There are none in the mines with T.B.

Mr. TRIAT: There have been 20 in the mines. Of course there are not any in the mines now.

The Minister for Mines: They are not allowed.

Mr. TRIAT: If there were an examination, cases of T.B. would probably be discovered. Men should be treated for T.B. and during the treatment they should have the right to compensation. If subsequently a man goes out to work in the world outside the mines and becomes infected with T.B. he should have the right to further treatment and compensation, and to benefits from the fund. If the alterations I have suggested are agreed to I am prepared to support the measure.

THE MINISTER FOR MINES (in reply): There are one or two matters to which I wish to reply, particularly the points raised by the member for Murchison. The whole idea of the Bill seems to have been

overlooked. Ever since the Miner's Phthisis Act has been in operation, a man found to be suffering from T.B. in a mine has had to leave that mine and has been paid compensation up to £750 under the Act. If still alive when the compensation is exhausted he goes on the Mine Workers' Relief Fund. Nobody cares and nobody has cared up to date whether or how he is treated. If he obtains treatment he has to provide it for himself and pay for it. That is the position today and that is the position that has appertained all along. It has been so only because it was argued all along the line that there was no cure for tuberculosis. The member for Murchison is quite wrong when he says that, because we have made provision for a man to come back for treatment after he contracts tuberculosis subsequent to having been cured, the doctors are not too sure about it.

I do not suppose any medical officer is too sure of anything, but the doctors are perfectly satisfied that they can cure tuberculosis if they catch it in time. The reason this provision is in the Bill is not because the medical profession suggested it, but because we believe and those controlling the Mine Workers' Relief Fund believe—and all this legislation has come from the Mine Workers' Relief Fund officials who are in control of the Act—that if a man is cured or proclaimed cured by the medical profession, his lungs, as the member for Murchison stated, may be weakened and probably would be, and if he contracts tuberculosis again it would be particularly unfair to say, "We have cured you, but because of your lung being weak you have contracted the disease again. However you cannot come back again on the fund." That would be unfair and we have made provision to obviate that. That is one reason the provision is in the Bill and not because the medical profession has any doubt of its ability to cure the disease.

Mr. Leahy: Do they quote any cases?

The MINISTER FOR MINES: This is not a measure introduced all in a moment. We have been on it for months. We have obtained information from America, from South Africa—the home of tuberculosis in the mines—and the Eastern States of Australia and all members of the medical profession dealing with tuberculosis are of the opinion that the disease, when taken in the early stages, can be and is being cured: I have no specific case in Western Australia, but that is the information we have received from those various places. The member for Murchison dealt with the whole of the Bill and his chief argument seemed to be that we are taking something away from these men. I have already said we are not taking one iota away from them.

Mr. Marshall: We are not giving them too much, either!

The MINISTER FOR MINES: We are giving them the opportunity to be cured and, in the name of goodness, is there any man walking this earth who is not prepared to have an opportunity to be cured of tuberculosis?

Mr. F. C. L. Smith: You are compelling them to take the opportunity.

The MINISTER FOR MINES: I have the right under the Health Act today. If we liked to take the opportunity of putting the Health Act into operation we could force any man or woman suffering from tuberculosis to enter an institution for treatment, because such people are a menace to the country.

Mr. F. C. L. Smith: Why has the Act been abortive?

The MINISTER FOR MINES: Probably for the same reason that measures were abortive when the hon. member was a Minister—because there were no means of paying for these things. If the Commonwealth Government brings down its social legislation providing for the sustenance of a man's wife and family we will have the opportunity to do something. I would never have thought of compelling these men to go into an institution if medical expenses and everything else were not being provided. The member for Murchison said that somebody might be in Wiluna and dragged out for examination. If a man is not working in the industry he is not compelled to be examined. The Bill provides that he may be examined at such a place as the Minister approves. The Minister's approval must be obtained.

Mr. Triat: The Bill states that he shall be.

The MINISTER FOR MINES: It says he shall be entitled to further medical examination on such occasions as are approved by the Minister. It goes so far as to state that the Minister must give approval. But if he goes back to the mining industry, he must be examined every six months. Today it is every 12 months. The member for Mt. Magnet disagrees with the Bill for giv-

ing a man anything if he is not able to earn even the amount that is provided for. Is there any specific reason why the hon. member should say to a man, who is being cured of tuberculosis, and may not be quite as strong as otherwise, "Under no circumstances must you earn anything"?

Mr. Triat: He should earn more than 25s.

The MINISTER FOR MINES: If he earns less than that, he shall be paid the difference.

Mr. Triat: Why should he earn less?

The MINISTER FOR MINES: If the hon. member is prepared to put into the Bill that such a man shall not work until he is able to earn the full wage, I am quite agreeable, but I think it is silly. Today we inaugurated a meeting for a colony in Wooroloo. A big scheme of occupational therapy is being started, and it provides for every person, who can work and is prepared to do some work, to be paid for whatever he does. The member for Mt. Magnet would deny to these people the very thing that the medical profession is trying to introduce.

Mr. Triat: He is getting compensation while being treated.

The MINISTER FOR MINES: I am not talking about that. If the hon. member would keep cool——

Mr. Triat: I am cool.

The MINISTER FOR MINES: The hon. member will admit that even though a man is cured he may, after having suffered from tuberculosis for a considerable period, be too weak to earn even 25s. a week when the doctors say that his lung is again normal. If such a man wants to work himself in gradually, we should do all we can to help him. It is of no use to say that because of our examinations there will be no more T.B. Under those circumstances, I would not be bothered with this Bill. I would take over these twenty men and say, "We will compensate you."

Mr. Triat: How long since you have had a T.B. case from the mines?

The MINISTER FOR MINES: The hon. member would be surprised!

Mr. Triat: I think I would.

The MINISTER FOR MINES: They must be protected, and that is our job. The member for Murchison wants to know why these men should be picked out. The reason is because there is a fund prepared to pay for the medical treatment and travelling expenses that may be incurred. If the hon. member will find any fund to provide for the wives and families of these people, or the men who are suffering, I will be quite prepared to put the Health Act into operation again tomorrow, but we have not got such a fund and that is why these men are picked out, particularly as the Mine Workers' Relief Fund only deals with miners or men working on mines. It has no right to deal with anyone else. This board, which is composed of representatives of the union and of the employers, together with a chairman appointed by the Government, is anxious to do its job and has asked me to introduce legislation, and because it has the money the legislation is being introduced. Members must get out of their minds that anything is being taken away from these men. All we are doing is to try to cure them. If anyone objects to being cured of tuberculosis, then he ought to be sent to that place over the river—Heathcote!

Question put and passed.

Bill read a second time.

MOTION—ELECTRICITY ACT.

To Disallow Cinematograph Regulation.

MR. MARSHALL (Murchison) [9.35]: I move—

> That regulation No. 114A made under the Electricity Act, 1937, as published in the "Government Gazette" on the 21st May, 1943, and laid upon the Table of the House on the 10th day of August, 1943, be and the same is hereby disallowed.

Here we have a fairly good example of legislation by regulation. Although this is, comparatively speaking, a new Act and consists of about fifty sections, there are already over 200 regulations made under it. I possibly would not be so hostile to this amendment to the regulations were it not for the fact that it conflicts materially with many other regulations pertaining to the same people, and brings about complications when we have regard to the scarcity of this type of labour in the more remote parts. It may easily so affect the conduct of the picture-show business, or what are called cinematograph theatres, as to deny to people in the more isolated districts even this small amount of amusement. I suppose that members have not taken the trouble to check up on the regulation, but it applies to the right of an individual to operate in the cinematograph cabins where pictures are

produced. If members look at the regulations which this particular one seeks to amend they will find that the position is most conflicting. This regulation is in direct opposition to some of the other regulations applicable or related to it. Regulation 114—and this is No. 114A—is as follows:—

> No person other than a registered operator shall be granted a license to operate a cinematograph and every license shall be granted subject to such conditions as the Board may impose and shall be in the form No. 28 in the Appendix hereto.

Under that regulation the obligation is on the individual. He is not to operate unless he complies with that regulation. Regulation No. 114A differs from that in that it seeks to impose some responsibility, not on the employee, but on the employer. It reads as follows:—

> No person shall employ or permit or suffer to be employed as a cinematograph operator in charge of a projection cabin of a cinematograph in a public building any person who is not registered and does not hold a current license as a cinematograph operator, or who does not hold a current temporary license to act as a cinematograph operator issued under Regulation 122A of these Regulations.

In the first place, Regulation 114 prevents the individual operator from acting, and then this regulation seeks to impose a similar responsibility upon the employer. If this regulation is not disallowed, it will give the board the right to prevent individuals who now operate under what is termed a permit from continuing. In the new regulation there is no provision for a permit, whereas previously it has been possible for an individual to operate a cinematograph machine provided he had a permit. This is provided for in Regulation 116 as follows:—

> Where the board for any adequate reason is unable to consider any application for registration forthwith, the board may, on application being made in Form 29 in the appendix hereto, on production of evidence that the applicant fulfils the requirement of this part in respect of training and competency, grant a permit in the Form No. 30 in the appendix hereto to operate subject to such conditions as to period, currency, place, and apparatus as the board may impose.

Under that regulation people, far removed from the city where it is difficult to obtain labour, operate. Only recently at Wiluna the principal operator was removed, and the young man who has assisted him for a couple of years would no doubt get a permit to operate but, if this new regulation is allowed, he will not be able to do so. The regulation provides that the employer must not allow any person to operate a cinematograph machine unless he holds a current license or a current temporary license. There is no mention of a permit. So the employer has to say to the individual at Wiluna, "You do not hold a license and therefore, under the regulation, I cannot employ you."

Mr. McLarty: And he would have to close down the picture-show.

Mr. MARSHALL: Yes. To get lads with some little experience to operate these machines is very difficult.

Mr. Styants: What is the difference between a permit and a temporary license?

Mr. MARSHALL: There are about ten different kinds all of which are described in Regulation 122A. Under that regulation there is provision for examination for a permit. Under the new regulation a permit holder may not be employed, and an employer could not allow an operator to work the machine unless he complied with the regulations. If the regulation becomes law, a man must hold a current license. Under the previous regulation it was possible to get a permit, and an examination was prescribed for applicants for a permit. If the board is not very careful and this regulation becomes law, we in the country shall find ourselves without picture-shows, at any rate until the board takes a more merciful view and decides to re-issue permits.

I have been through most of the regulations dealing with licenses and permits, and have been unable to find any that would give the board authority to grant a permit to operate a cinematograph machine if this regulation is passed. I hope the Minister will not press it. He has lived on the goldfields and he knows the conditions prevailing there. The officials might say, "This is the regulation, but we will see what can be done." Meanwhile, however, the people in the back country will be without any amusement whatever. The picture-shows are about the only form of amusement left to them. Most of the young people who could provide other forms of amusement are serving with the Forces in some capacity or other. I wish to emphasise that under existing conditions a permit could be obtained. The young fellow at Wiluna has been there two or three years and is operating under a permit but, if this regulation is agreed to, the employer will have to dismiss him, and I do not know where he will be able to get another operator.

The Minister should consider the matter with a view to overcoming the difficulty. We should not deny these people in the isolated parts of the State the last bit of amusement left to them.

MR. TRIAT (Mt. Magnet): I second the motion and strongly support the sentiments expressed by the member for Murchison. In quite a number of outback centres picture-shows are held once or twice a week, but this regulation will definitely bring many of them to an end and inflict great hardship on the people. So far as I know there is no way of overcoming the difficulty if the regulation becomes law. I hope the Minister will give the matter sympathetic consideration.

On motion by the Minister for Works, debate adjourned.

House adjourned at 9.37 p.m.

Legislative Council.

Wednesday, 1st September, 1943.

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

ADDRESS-IN-REPLY.

Ninth Day.

Debate resumed from the previous day.

HON. J. CORNELL (South) [4.34]: Before dealing with the Lieut.-Governor's Speech I wish to make a few remarks on a question raised by Mr. Thomson, respecting the possible total abolition of this House. I can best illustrate how I view that possibility by telling a story which, in my view, has much point relatively to the abolition of this Chamber. A very old friend of yours and mine, Mr. President, a Boulder identity who in recent years has been gathered to his fathers, returned to Ireland some 30 years ago, and there renewed acquaintance with a brother of his who in the meantime had become a priest.

Sitting by the fireside at night they discussed Western Australia, and the priest said, "James, Western Australia must be a wonderful country." The brother replied, "Indeed it is, father." The priest continued, "You must have highly public spirited men there." The brother said, "We have indeed, father. I will give you an instance of one man whom I know. Some two years back he was on the hustings for the Legislative Council"—and, by the way, in those days the Labour Party stood for abolition of the Legislative Council—"and he stated on the hustings that if he was returned and the day after he was returned there was a vote taken on the abolition of the Upper House, he would vote for abolition." The priest meditated for a moment or two, and then said, "Is there any salary attached to the position?" The reply was: "Yes, father; I think £300 or £400 a year." The priest meditated again for a few moments, and then said, "James, tell me, are there any lunatic asylums in Western Australia?" I think that comes down to the final analysis here. A candidate who would vote for the abolition of the Legislative Council would be a fit candidate for the lunatic asylum.

Turning to His Excellency's Speech, the choice and range of subjects to which one could address oneself is practically unlimited. However, I shall deal first with mining. The Speech says—

> *The agreement with regard to goldmining* reached last year between the Prime Minister and the Premier has been strictly observed, with the result that approximately 4,300 men are still employed in this industry. With the exception of about 100 essential key men, these are all military rejects or are married men over 35 years of age. It is anticipated that production for 1943 will be approximately 500,000 fine ozs., worth over £5,000,000. Every endeavour is being made to preserve this great industry, so that after the war it will be able to play the valuable part expected of it in absorbing men and producing wealth.

My comment on this paragraph will be confined chiefly to the South Province. Other members whose constituencies are affected can speak for their own provinces and tell their own stories. The production of gold in Western Australia is now about half of what it was two years ago. Business in towns such as Boulder, Southern Cross, Norseman, Coolgardie and Ravensthorpe and many other small places is less than 50 per cent. of what it was two years ago. In those towns more than half the shops are closed and empty. When my colleague, Mr. Williams, and I said on the floor of this Chamber a little over a year ago that the