

Mr. Sleeman: Give us one good reason.

Hon. S. W. MUNSIE: The State employs three school medical officers, for the payment of whom the taxpayers find the money. Parents of children inspected are put to no expense whatever. The medical officers examine children and often find defects about which the parents know nothing. While I was Minister it was a common experience—and I am satisfied it is still a common experience—for the medical officers to discover that a child of tender age is ruptured. The trouble is reported to the parent and the parent takes no notice. From information I received from the Commissioner of Health, and from other medical men, I am satisfied that if such children were treated while still children, only a minor operation would be required. On the other hand, if the children were allowed to grow up, the rupture might be the means of their being disabled for life. Certainly the time is almost sure to come, particularly if the individual concerned is a male who has to do laborious work, when he will be compelled to undergo an operation and in an adult it is a fairly serious operation.

Mr. Sampson: And not likely to be so successful.

Hon. S. W. MUNSIE: That is so. Such defects should be attended to in the interests of the children. After the school medical officers have notified the parent, the family doctor must agree. No prosecution can take place, unless it is agreed after consultation that an operation is necessary. When that stage is reached, it should be the duty of the parent to have the operation performed in the interests of the child. There are other complaints that the school medical officers discover in children and that need treatment, but rupture is a fairly serious one. If the State is going to be generous enough to find from revenue the wherewithal to provide three qualified medical officers to examine school children to discover defects, and if parents are then to be allowed to refuse to have the children treated, what is the use of continuing to employ the school medical officers?

Mr. Sampson: Do you think it should be taken out of the hands of parents?

Hon. S. W. MUNSIE: Yes, if they refuse to have the work done. The only other important principle contained in the Bill is that which lengthens the period of training for midwifery. To-day if a wo-

man has had no training as a nurse she is entitled to receive only 12 months training in the King Edward Hospital. If a nurse has served for three or four years, and has got a medical certificate, and she goes to the King Edward Hospital for midwifery training, she has to stay there for six months. The Bill alters the terms to 18 months and nine months respectively. That is not too long a period in either case. With one or two exceptions I support the second reading. I am not in accord with the provision with regard to the crowing of roosters, and I do not think the Minister's amendment will meet the situation.

On motion by Mr. Marshall, debate adjourned.

*House adjourned at 10.53 p.m.*

## Legislative Assembly.

*Thursday, 24th November, 1932.*

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

### QUESTION—ELECTORAL ROLLS.

The ATTORNEY GENERAL: A few days ago the member for Geraldton (Hon. J. C. Willcock) asked me a question regarding the printing of rolls and electors engaged on relief work. I said I would be in a position to answer that question before the end of the week. The position is that the roll will be printed as at the 30th November, and prints will be available during the

month of December. Some will be available quickly and others will take longer, but we hope to have them all available before Christmas. With regard to the question raised as to the position of electors engaged on relief works, the instructions issued to registrars during the last 18 months have been that, where an elector has by force of circumstances been compelled to leave his usual place of living, no action by way of objection to his enrolment is to be taken by the department. Inquiries during the past three or four months have been made on the understanding that where an elector is enrolled for a particular address, and his relatives still reside there, or it continues to be his usual place of abode, no action is taken. No departmental efforts have been made to enrol electors who have been residing at relief camps, although on representations being made on behalf of those employed at Myalup and Stonehouse camps, an officer was sent from the head office, equipped with a complete set of rolls for the whole State, and whereas it was contemplated that there would be an enrolment of over 2,000 names for the camps referred to, the actual number totalled 900. At that time (last July) there were 2,700 men located on the works in the Murray-Wellington district.

#### QUESTION—COST OF LITIGATION.

Mr. MARSHALL (without notice) asked the Attorney General: During the discussion on the motion moved by the member for Fremantle (Mr. Sleeman) for an investigation into the Legal Practitioners Act, and the cost of litigation generally, the Attorney General promised that an inquiry would be made by a Supreme Court Judge. Has that investigation commenced, and if so who has been appointed to make it? If not, when will the appointment be made, and when will the necessary inquiries be started?

The ATTORNEY GENERAL replied: The investigation has not yet been commenced, and no one has been appointed to make it. Someone will be appointed, but I can hardly say who that will be until I have consulted the Chief Justice, as is usual in such cases.

Mr. Marshall: I thought you would have made some progress. It is weeks since you made the promise.

The ATTORNEY GENERAL: I do not know that the matter is as urgent as all that. I have promised that an inquiry will be made, and it will be made, but I propose to take my own time about it.

Mr. Marshall: Do not follow the example set by your Leader in regard to these promises.

#### BILL—LOAN (£2,176,000).

Introduced by the Premier and read a first time.

#### STANDING ORDERS SUSPENSION.

**THE PREMIER** (Hon. Sir James Mitchell—Northam) [4.37]: I move—

That so much of the Standing Orders be suspended as to enable the following Bills to pass through their remaining stages at this sitting:—

- 1, Brands Act Amendment.
- 2, Municipal Corporations Act Amendment.

Mr. SPEAKER: I have counted the House, and there is an absolute majority of members present.

Question put and passed.

#### BILL—CATTLE, TRESPASS, FENCING AND IMPOUNDING AMENDMENT.

Read a third time and returned to the Council with amendments.

#### BILL—BRANDS ACT AMENDMENT.

*Report of Committee.*

**THE MINISTER FOR AGRICULTURE** (Hon. P. D. Ferguson—Irwin-Moore) [4.40]: I move—

That the report of the Committee be adopted.

**MR. MARSHALL** (Murchison) [4.41]: I remind the Minister that last night I made the request that the Bill be recommitted to give the member for Kimberley (Mr. Coverley), who is away ill, an opportunity to discuss Clause 5 which deals particularly with cattle. His electorate is composed chiefly of cattle raisers. The Minister, however, was adamant and obstinate. The day may come when he, too, will be ill and may himself be the pleader. It is hard upon the

member for Kimberley that a Bill, which is of such importance to his electorate, should be pushed through so rapidly. The Minister proposes to slip the Bill through and deprive the hon. member of any opportunity to discuss it. I do not know that there is anything very urgent about the measure. At any rate the Minister has not given the hon. member the slightest consideration. If the day comes when the Minister finds himself in the same position, he will not get any mercy from me.

**MR. SLEEMAN** (Fremantle) [4.43]: I hope the Minister will not be adamant and refuse to allow the Bill to stand over for a day or two until the member for Kimberley (Mr. Coverley) can be present. He will probably be able to return to his seat on Tuesday next. The Bill does not suit the hon. member. He specially asked me to endeavour to have a clause deleted from it, or failing that to have further discussion on the measure postponed. In the North the pastoralists, the friends of members opposite, employ aborigines to do a lot of the work. Under this particular clause it will be impossible to rely upon the aborigines to see that the slit in the ears of cattle is not more than  $\frac{3}{8}$  in. in depth or  $1\frac{1}{4}$  in. in width. If the Minister is going to insist on the Bill going through, he should insist on pastoralists in the North employing only white men. I hope it may yet be possible to defer any further stage of the Bill until a later sitting.

**THE MINISTER FOR AGRICULTURE** (Hon. P. D. Ferguson—Irwin-Moore—in reply) [4.45]: I assure the House there is no intention of doing any injustice to the member for Kimberley (Mr. Coverley). I did not know that he was ill.

Hon. S. W. Munsie: It was stated definitely last night that he was ill. The member for Murchison entered a plea for postponement on his behalf.

**THE MINISTER FOR AGRICULTURE**: I know the suggestion was made that the debate on the particular clause should be postponed, but I do not think it was intimated that the member for Kimberley was ill. I can assure the House that there is nothing in the Bill to which that hon. member can take exception.

Hon P Collier: He is the best judge of that.

**THE MINISTER FOR AGRICULTURE**: The Pastoralists' Association asked for every provision that is embodied in the measure.

Hon P Collier: The fact that the Pastoralists' Association has done so does not mean that the member for Kimberley will approve of the provisions.

**THE MINISTER FOR AGRICULTURE**: Regarding the point raised with reference to natives and the slitting of the ears of cattle, if the member for Kimberley were here I could easily satisfy him on that point. I was not asked for an explanation in that respect when the Bill was at the Committee stage. As a matter of fact, it is quite illegal for natives or anyone else to use a knife, for the operation must be carried out with the proper instrument.

Mr Sleeman: The miners are not supposed to use their teeth on detonators, but they do it.

Question put and passed.

*Third Reading.*

**THE MINISTER FOR AGRICULTURE** (Hon. P. D. Ferguson—Irwin-Moore) [4.47]: I move—

That the Bill be now read a third time.

**HON. J. C. WILLCOCK** (Geraldton) [4.48]: In view of the point raised by the member for Fremantle (Mr. Sleeman) and the member for Murchison (Mr. Marshall), the Minister should give us some assurance at this juncture, as to the necessity for passing the third reading of the Bill today. This afternoon we agreed to the suspension of the Standing Orders to enable the Government to pass two Bills through their remaining stages, and in the circumstances indicated by the member for Murchison, he would have been perfectly justified in calling "No" when the motion for the suspension of Standing Orders was put, and in that event the third reading of the Bills would have had to be dealt with on Tuesday next, at which stage an opportunity would have been afforded members to recommit the Bills. We met the desire of the Government regarding the suspension of the Standing Orders, and the Government should be reasonable. If the Minister can assure us that there is some urgent necessity for the Bill to be passed

through the remaining stages, which would outweigh any comparatively small objection an individual member might have to voice, we would be prepared to act accordingly. I remind the Government that the Bill has been before the Legislative Council for three months or more, and there does not seem any urgency about the matter.

The Premier: We will allow the third reading to be postponed. The Bill has been here for some time, and the member for Kimberley did not speak.

Hon. S. W. Munsie: But yesterday was the first day he could have spoken on it.

**THE PREMIER** (Hon. Sir James Mitchell—Northam) [4.50]: No one wishes to do any injustice to the member for Kimberley (Mr. Coverley) or to any other member who may be away on account of illness, nor do we desire to do anything that will inconvenience a member of the House.

Mr. Marshall: I did not charge the Government with that, but the inference is there in the attitude of the Minister.

The Minister for Railways: This is the first time I have heard about the member for Kimberley being ill.

Hon. S. W. Munsie: There is no question whatever about the statement having been made last night.

The PREMIER: Don't let us have any bother about the matter. I have no objection to the third reading of the Bill being made an Order of the Day for Tuesday next.

Mr. SPEAKER: To enable that to be done, it will be necessary for the Minister for Agriculture to withdraw his motion.

The MINISTER FOR AGRICULTURE: I ask leave to withdraw my motion.

Question, by leave, withdrawn.

## **BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT.**

Report of Committee adopted.

### *Third Reading.*

Read a third time and transmitted to the Council.

## **BILL—WHEAT POOL.**

### *Second Reading.*

Debate resumed from the 22nd November.

**HON. M. F. TROY** (Mt. Magnet) [4.52]: The Minister who introduced the Bill explained that the provisions of the Companies Act are not applicable to organisations that do not involve proprietary interests or shareholders. I understand the trustees of the Wheat Pool come within that category, and it is therefore desired to incorporate the Wheat Pool for the more expeditious handling of their business. No great objection can be taken to that proposal.

Mr. SPEAKER: Order! There is too much noise in the Chamber.

Hon. J. C. Willcock: The Speaker is calling members to order.

Hon. M. F. TROY: Why do not members go outside if they want to have a chat? I was endeavouring to point out that no objection can be taken to that proposal because it is necessary and proper that the trustees shall be an incorporated body, in view of the great responsibilities entrusted to them. The trustees comprise Messrs. Monger, Harper, Teasdale and Bath, and they have administered the affairs of the Wheat Pool for many years to the satisfaction of those concerned. I do not claim for them, as published advertisements assert, that they control the best selling agency in the world, because I do not think that is correct. On the other hand, I am sure the trustees have done their best in the interests of the Wheat Pool and no possible objection can be taken to those gentlemen on personal or moral grounds. Generally speaking, they enjoy the confidence of the community, although I cannot say they have the goodwill of the public at all times. The trustees, under the recently approved new constitution, have to be elected by the growers' council. They must be individuals who have placed not less than 50 per cent. of their wheat in the pool, and they must be elected by growers possessing the same qualification. That is a perfectly democratic form of elective representation. The members of the growers' council are elected by people who put their wheat into the pool and nothing could be more satisfactory than that provision. Then, in turn, the growers' council

elect the trustees. I cannot see any possible objection to that procedure. It may be said that the method for the election of trustees is not as democratic as that applicable to the growers' council, but probably it is a much safer form of selection than if that task were entrusted to an indiscriminate body of pool participants.

Hon. J. C. Willcock: Scattered all over the country.

Hon. M. F. TROY: Yes. The method has this virtue, that the members of the growers' council will be better acquainted with the workings of the pool and its administration, and at the same time will be in a better position to judge character and capacity than could possibly be enjoyed by persons not in touch with those activities. The election methods proposed are somewhat similar to those adopted in America for the choosing of the President of the United States. In that country the people select the Electoral College the members of which in turn have the right to choose the President. I may be regarded as quite unorthodox in thinking that it would be advisable for Australia if the personnel of the Federal Government were elected by the State Parliaments instead of by the people as a whole. If we had that system, it is more than possible that a number of those who now sit in authority would not be occupying their positions. I am convinced that this House would select representatives who would more fittingly fill those high posts. Getting back to the growers' council, however, the members of that body would come into contact with prominent men associated with the wheat scheme and would be able to judge the character and capacity of individuals. I cordially approve of the proposed method by which the trustees are to be elected, because I regard it as the safest in all the circumstances. Were the election to be in the hands of the growers alone, passion and prejudice might play their part from time to time, and we might not have the pool controlled by trustees who could be looked to adequately to safeguard the vast volume of wheat that goes into the pool and represents millions of pounds belonging to the farmers. While I have no objection to the method of election, I have an objection to raise to the manner in which vacancies in the trusteeship are to be filled. Should a trustee's position become vacant through illness, death or any

other cause, it may be filled by the remaining trustees and the person so chosen will occupy the trusteeship for the balance of the term for which the person in whose place he will sit at the board, had been elected. Should the former trustee die six months after being elected for a term of two years, the person succeeding him would hold office for 18 months. I think that is wrong. The trustees should not have the power to appoint another trustee. They might display prejudice in their selection and there might be wire-pulling, with the result that an individual might be appointed who would not be approved by the growers' council. That is a possibility. The proper body to elect a trustee to fill a vacancy is the growers' council.

Hon. J. C. Willcock: How many are there on the council?

The Minister for Lands: It comprises 20 members.

Hon. J. C. Willcock: It should not be hard to get a meeting of the council for that purpose.

Hon. M. F. TROY: No, and they should be entrusted with that duty. In my opinion, the growers' council should meet at least quarterly, but there is nothing in the Bill to indicate how often they are to meet. In view of the importance of the task they have to undertake, the council should meet at least once every three months.

The Minister for Lands: They can meet when called together.

Hon. M. F. TROY: Seeing that we are to confer such powers on them, the growers' council should meet at least quarterly and they should also meet to fill a vacancy in the trusteeship. The trustees might have the right to fill the position temporarily, but the vacancy should be definitely filled by the growers' council. As it is, the new trustee could be elected by three men only.

Hon. J. C. Willcock: He could be elected by two out of the three remaining members.

Hon. M. F. TROY: Yes, that is possible too, and the person so chosen might hold office for 18 months.

The Minister for Lands: No, only until the next meeting of the growers' council.

Hon. M. F. TROY: The Bill does not provide for that.

The Minister for Lands: Yes, it does.

Hon. M. F. TROY: I have not seen that.

The Minister for Lands: You will find it in the third line of Clause 11.

Hon. M. F. TROY: Oh yes. Well that meets my objection. It is only right that the growers' council should elect them. For that reason they should meet quarterly, for otherwise they cannot get the representation so desirable for the success of the pool.

Hon. J. C. Willcock: If a trustee were definitely appointed, the growers would scarcely turn him out.

Hon. M. F. TROY: Well, they might. Anyhow it would be far better that the growers' council should meet quarterly. It would not mean any hardship to them. Clause 5 of the Schedule sets out a councillor's qualification. That qualification is entirely for the trustees. The trustees shall alone be entitled to decide on the facts submitted to them by the grower or by any pool member as to whether such councillor retains a substantial financial interest or not, and their decision shall not be liable to be questioned.

The Minister for Lands: That is dealing with a relative.

Hon. M. F. TROY: With any person having a financial interest.

The Minister for Lands: That is in the case of a father whose sons are actively engaged on the farm.

Hon. M. F. TROY: That is so. We ought not to give the trustees the power to decide whether or not a man has the necessary qualifications; it should not be at the entire discretion of the trustees.

The Minister for Lands: I think you will agree to it when I explain it.

Hon. M. F. TROY: I daresay the Minister can explain it satisfactorily. I have a perfectly open mind on the subject, and if the explanation by the Minister is satisfactory I will be content. I also wish the Minister to explain the powers given to the trust in Clause 19, which reads as follows:—

All wheat delivered to the corporation for sale shall be sold as provided in the contract made by the corporation with the grower or person delivering the same, notwithstanding that he may have given security over such wheat or become bankrupt or taken advantage of any statutory provision for the relief of debtors, or that any of his creditors may have seized or attempted to seize the same under any process of law.

Hon. J. C. Willcock: That is a very drastic clause.

Hon. M. F. TROY: As far as I can see, that gives the trust power to sell wheat which is delivered to the trust by the grower, without regard to any payments against the wheat on the farm.

Hon. J. C. Willcock: If it is in the contract.

Hon. M. F. TROY: Yes. We cannot permit that. I do not say my interpretation is correct, but it appears to me as if the trust is here asking for powers which overstep the bounds of moderation and justice.

Hon. J. C. Willcock: I think the provision is ultra vires.

Hon. M. F. TROY: I can quite imagine that the Bill was drawn, not by the Minister, but by the trust.

The Minister for Lands: It was drafted in consultation with the Crown Law officers.

Hon. M. F. TROY: I am sure that at least one member of the trust is on the side of moderation.

The Minister for Lands: I do not think you can do without that clause.

Hon. M. F. TROY: I do not know. It sets aside the legitimate claims of other persons.

The Minister for Lands: No, it does not.

Hon. J. C. Willcock: If it is in the contract it does.

Hon. M. F. TROY: I do not pretend to be a lawyer and that my interpretation of this clause is correct.

Hon. J. C. Willcock: The contract overrides all law.

The Minister for Lands: No, it deals only with the wheat that has been handed to the trust. The money will go into the right channel.

Hon. M. F. TROY: That is possible of course.

The Minister for Lands: That provision must be in all contracts, otherwise you might be asked to give the wheat back to someone else.

Hon. M. F. TROY: The pool has not the power to take away the rights of other sections of the community. The institution that finances the farmers cannot be set aside for pool interests. I ask the Minister to look into that very closely and not have the Bill passed until he is satisfied that it will not set aside the rights of other people.

Clause 14 deals with the vesting of property, and reads as follows:—

All property of whatsoever nature or kind of or belonging to or held by the firm, including the reserve fund established by the firm at the request or by the authority of growers who in the past have delivered wheat to the firm, and all accumulations thereof, and all investments representing the same shall, without any conveyance, transfer or assignment, by force of this Act, be vested in and held and possessed by the corporation; and all liabilities and engagements of the firm at the commencement of this Act shall become the liabilities and engagements of the corporation, and all uncompleted contracts or engagements heretofore entered into by any person or persons with the firm shall hereafter, to the extent that the same are uncompleted, be deemed to have been entered into with the corporation.

(2.) Subject to the provisions of this Act, and the borrowing and other powers herein contained, the corporation shall hold the said reserve fund and all accumulations thereof, and all investments representing the same upon the trusts for which the said reserve fund was held by the firm.

I do not think it was ever intended by the farmers that the trustees should build up and hold a reserve fund which could be utilised in the interests of the farmers. I understand this reserve fund has accumulated as the result of undistributed fractions remaining over from payments made.

The Minister for Lands: The surplus of the last pool run by the Government.

Hon. M. F. TROY: I do not think many farmers know much about this reserve fund. I have every confidence in the trustees of the pool, but it never occurred to me that this reserve fund existed. I have never inquired into these things until lately, and when I signed a document I signed it in all confidence. A great many of the farmers have not known of this reserve fund, although some of them have learnt of it recently. I understand it amounts to £70,000 and that portion of it was utilised for experimental work in handling.

The Minister for Lands: It was only advanced for that purpose.

Hon. M. F. TROY: Well, it was advanced for the purpose. It has been said here that no interest was paid on that money.

The Minister for Lands: I do not know where the member who said it got his information.

Hon. M. F. TROY: Neither do I. I am sure that most of the farmers are quite will-

ing that the pool should utilise this fund reasonably in experiments in order to make savings, or more effectively to market wheat. There would be no objection to the reserve fund being used for the purpose of sending trustees abroad in order that they might get into touch with wheat markets in other parts of the world.

The Minister for Lands: You think their expenses should be debited against that fund instead of the usual current accounts?

Hon. M. F. TROY: Yes, they should go abroad to get into touch with the markets in other countries. Our knowledge of that subject is not very great, and it would pay to send the trustees abroad to get into touch with the other wheat-producing countries of the world and the chief wheat markets of the world. I should say that is a very proper use for this reserve fund. But the Bill gives the corporation power to do as they like with the reserve fund.

The Minister for Lands: It does not give them any more power than they have to-day.

Hon. M. F. TROY: I am not sure that if any farmer were to demand his share of the reserve fund from the pool he would get it, for I do not know that the pool has any right to hold money to that amount.

Hon. W. D. Johnson: Surely it is better than that the Government should collar it, as they did do.

Hon. M. F. TROY: Who says the Government are going to collar it?

Hon. W. D. Johnson: They did collar it to the extent of £3,000.

Hon. M. F. TROY: It does not interest me in the slightest whether the Government or the pool gets this money. I do not share in it, and not one penny of it is spent to my advantage that I know of. It could be used to my advantage and the advantage of other growers by sending the trustees abroad. Subclause 4 of Clause 15 provides that the corporation may undertake and carry on any business transactions or operations which may seem to the trustees capable of being conveniently carried on in conjunction with the objects of the corporation. That may mean anything. It might even mean the financing of political aspirants in support of the pool's ambitions.

The Minister for Lands: No.

Hon. M. F. TROY: It is there definitely laid down that the corporation may carry on any business transactions or operations which may seem to the trustees capable of

being conveniently carried on in conjunction with the objects of the corporation. Under that they could do as they liked.

The Minister for Lands: If they were to be registered under the Companies Act, they could do even more.

Hon. M. F. TROY: But they are not registered under the Companies Act.

Hon. J. C. Willecock: They could do a good deal under a memorandum of articles.

The Minister for Lands: You know what they are like.

Hon. M. F. TROY: This reserve fund amounts to £70,000, a considerable accumulation when we have regard to the poverty-stricken condition of the farming industry. I think we ought to provide that when the reserve fund reaches a sum which would cover a distribution of one penny per bushel, that should be done.

Hon. W. D. Johnson: Distribution to whom?

Hon. M. F. TROY: To those who require it and are entitled to it.

The Minister for Lands: But who are entitled to it?

Hon. W. D. Johnson: There would still be a fraction of a penny.

Hon. M. F. TROY: There may be no difficulty about it, for the pool has a register of the growers. Bawra kept in touch with growers who had been interested in the wool pool and distributed the funds that accumulated.

Hon. W. D. Johnson: The reserve has been accumulated out of fractions.

Hon. M. F. TROY: They are a mere bagatelle.

Hon. W. D. Johnson: The fractions have accumulated for 15 years.

Hon. M. F. TROY: The amount of the reserve is £70,000, and it is possible to visualise its reaching £200,000 in the course of time.

The Minister for Lands: It has reached £70,000 after ten years, and at times the trustees have a capital of £3,000,000.

Hon. M. F. TROY: The reserve covers a very large sum, and I think the trustees, after providing for the reasonable requirements of the pool, should, when the accumulation is sufficient to enable 1d. per bushel to be paid, make the distribution. There is no justification for the pool holding £70,000 when so many farmers are in difficulties. We are told that  $\frac{1}{2}$ d. or  $\frac{1}{4}$ d. per bushel amounts to a tremendous sum over the whole crop.

I have no objection to the trustees maintaining a reasonable reserve fund, but I think it necessary that the reserve fund should be expended only in the interests of the pool and not on other business. The trustees should use such funds for keeping in contact with markets and doing their best for the wheatgrowers, but they should not engage in other business as suggested in the Bill. I hope the Minister will make inquiries regarding the rights of other people who are supporting the farmers financially. I hope my remarks will have some effect, and that the amendments I have indicated as necessary will be considered by the Minister.

Question put and passed.

Bill read a second time.

#### *In Committee.*

Mr. Panton in the Chair; the Minister for Lands in charge of the Bill.

Clauses 1 to 10—agreed to.

Clause 11—Procedure on death or retirement of trustees:

The MINISTER FOR LANDS: The member for Mt. Magnet raised the question whether too much power was being given the trustees in the event of a vacancy occurring in their number. There is no objection to a vacancy remaining until the growers' council meet. That was the intention. The clause provides that any person appointed to fill a vacancy must be approved by the growers' council, but the three trustees shall be competent to act pending a meeting of the growers' council.

Hon. J. C. WILLCOCK: The procedure laid down for the election of trustees in the first instance should be observed on all subsequent occasions, even when filling a vacancy. It might happen that two trustees would be appointed without the growers' council having had any say. What would be the strength of the growers' council?

The Minister for Lands: Twenty.

Hon. J. C. WILLCOCK: It should not be difficult to convene a meeting of the council in order to fill any vacancy. An appointee might, by sheer strength of character, dominate the other trustees and do something which, though appearing to him to be right, may prove inimical. Every halfpenny in the realisation makes a tre-

mendous difference to the growers. They are the people vitally affected, and they should be consulted. I move an amendment—

That the words "the surviving or remaining trustees may in their discretion appoint some other person to be approved of by" in lines 30, 31 and 32 of Clause 11 be struck out.

Hon. W. D. JOHNSON: The member for Geraldton has correctly said that the trustees deal with large sums of money and handle the principal product of the State from the farm to the markets of the world. Therefore, great care should be exercised in framing the Bill. I took a prominent part in the framing of it. The question of filling vacancies was very fully discussed. The Bill was drafted by the growers' representatives. The growers were particularly anxious that the growers' council should be consulted in regard to the filling of vacancies. The desire was not to endanger the control of the organisation by a weakening of the trustees. A vacancy might occur at a very critical period, and it was considered that the new trustee should be drawn from among the members of the growers' council.

Hon. J. C. WILLCOCK: That is not what the Bill provides.

Hon. W. D. JOHNSON: No. The Bill provides, however, that the trustee to be appointed shall be approved of by the growers' council. The object was to ensure that there should always be at least three trustees in control of the assets and of the administration of the corporation. The proviso at the end of Clause 11 makes the position clear. I assure members that the point was fully discussed by the growers' council.

Hon. M. F. TROY: The method of appointing trustees provided for by the Bill is unsatisfactory. If a vacancy has to be filled by selecting a member of the growers' council, discord may ensue and so endanger the cordial relationship which should exist among the trustees.

The MINISTER FOR LANDS: I have an amendment that may suit the member for Mt. Magnet, that we delete the clause and substitute the following—

In the event of any trustee dying or for any reason ceasing to be a trustee, the growers' council shall meet and elect a new trustee who shall take office from the date of such meeting and shall hold office for such period as the

trustee so dying or ceasing to be a trustee as aforesaid would have held office had such office not become vacant. So long as there are at least two trustees in office, the trustees in office shall be deemed competent to act for all purposes pending the election of a new trustee or new trustees to fill a vacancy or vacancies.

Is the Committee agreeable to that?

Hon. W. D. JOHNSON: Do not do that. It is absolutely dangerous to give control to two men. I appeal to members to pass the clause as printed. If the Minister's proposal passes, it will be exactly the opposite of what the growers' council want. It will be a comparatively simple matter to communicate with the members of the growers' council by wire and ascertain their views when a vacancy occurs.

Hon. J. C. WILLCOCK: My experience is that an election can be conducted by wire in a day, but some provision should be made in the Bill for the method of conducting the election. Possibly it could be done by regulation.

Amendment put and negatived.

Clause put and passed.

Clauses 12 to 14—agreed to.

Clause 15—Powers and duties of the corporation:

Hon. J. C. WILLCOCK: In Subclause 4 we should strike out the words "or operations." The clause says the corporation may undertake and carry on any business transactions or operations which may seem to the trustees capable of being conveniently carried on, etc. I do not mind the business transactions of the pool being carried out by the trustees, but "or operations" gives the corporation too wide powers. I move an amendment—

That in subclause 4 "or operations" be struck out.

The Minister: I will accept the amendment.

Amendment put and passed. the clause, as amended, agreed to.

Clauses 16 to 18—agreed to.

Clause 19—Corporation not to be prevented from selling wheat according to contract:

The MINISTER FOR LANDS: This is a clause in regard to which the member for Mt. Magnet is so disturbed. The in-

tention is that when a person enters into a contract to sell wheat, because someone else has an interest in it, the person who is deemed to have an interest in it cannot demand the return of the wheat so as not to break the contract for sale. The money received will be paid to the person entitled to it, either by lien or otherwise.

Hon. N. KEENAN: It is obvious that when wheat is delivered to the pool it becomes entirely lost; it becomes part and parcel of the great mass of wheat, and the proceeds must be held by the trustees for the person who is entitled to receive those proceeds. The pool will have to account for the money, not for the wheat.

Hon. J. C. WILLCOCK: It all depends on what is set out in the contract. The trustees have power to make any contract and it does not matter what happens, if the contract is made the pool will have to carry it out irrespective of any statutory authority, and no process of law can touch it in any possible way. The law of the State can be overridden by the wording of the contract. The trustees are empowered to make any contract they like. If I make a contract and the proceeds of the sale are to be paid to my neighbour, the trustees can execute that contract notwithstanding anything else. All the laws can be overridden by the terms of the contract made in connection with this clause.

Hon. W. D. JOHNSON: Everybody signs the same form of contract. The Wheat Pool trustees take control and they sell the wheat. That is their job. The clause simply means that if a man puts wheat into the pool and subsequently gives a lien over it to another person, that other person cannot come along and stop the sale. The trustees must fulfil their obligations to sell the wheat. The common practice is that anyone who has a lien over the wheat receives the proceeds of the sale of the wheat, but he cannot stop the sale of the wheat. The contract must go on.

Hon. J. C. WILLCOCK: The position ought to be safeguarded in some way, and to achieve that end we should add a proviso, that the corporation shall account to any person entitled at law to the proceeds of such sale if due notice of such claim or title is given to the corporation before it has accounted to such grower or person delivering such wheat.

The Minister for Lands: That is quite unnecessary. We could not agree to that.

Hon. W. D. JOHNSON: Under the law, those who accept a lien must notify the trustees, who must then hold the proceeds of sale for distribution to the creditors of the farmer.

Hon. J. C. WILLCOCK: As I see it, the trustees are given power to make any contract, which may override any law. As, however, the pool is constituted in such a democratic manner and the election is carried out in such a democratic way, I do not think there is much probability of danger, but I cannot help thinking some safeguard should be embodied in the clause.

The MINISTER FOR LANDS: If these people could have been registered under the Companies Act they would be given still greater powers. They do not deal in wheat in the ordinary way. They market it for a number of farmers who have joined together in a co-operative way. They make contracts with shipping people, and with millers for the supply of wheat. There is only one form of contract between the trustees and the farmers whose wheat they handle. The pool acts on behalf of the grower and not on its own behalf. If a farmer has assigned the proceeds of his wheat to someone else, that is not to say he shall not dispose of it to the pool, but the proceeds may be paid to the person to whom they are due.

Hon. J. C. Willcock: But the trustees can make any contract they like.

The MINISTER FOR LANDS: Not at all. If a lien or bill of sale is registered the pool must take cognisance of it. The clause deals only with the pooling of the wheat and not with the payment side of the business.

Hon. J. C. Willcock: I foresee what may happen.

The MINISTER FOR LANDS: The Crown Law authorities do not read into the clause what the hon. member does.

Hon. N. KEENAN: In normal circumstances there would be no danger, but the member for Geraldton is correct when he suggests that normal circumstances may not always exist. Nearly all contracts provide not only for the sale of the commodity, but for payment to the person who delivers it. There is possibly a slight danger of overriding the ordinary common law, when we provide that all wheat shall be sold as set

out in the contract, which means that the wheat shall be sold and the money paid to the grower.

The Minister for Lands: The money is paid to the person who is entitled to receive it.

Hon. N. KEENAN: If I contract to sell a thing the proceeds must be paid to me. The difficulty would be overcome if the Committee added the proviso suggested by the member for Geraldton. That would prevent the possibility of any friction arising or of existing common law rights being interfered with.

The MINISTER FOR LANDS: This clause does not deal with the disposal of the proceeds of sale, but only with the delivery of the wheat. Certain documents are signed as between the pool trustees and farmers. One document deals with free wheat, and the other with wheat that is encumbered. If wheat is encumbered it is the duty of the grower to declare it as such.

Hon. N. KEENAN: I move an amendment—

That the following proviso be added to the clause:—"Provided that the corporation shall account to any person entitled at law to the proceeds of such sale if due notice of such claim or title is given to the corporation before it has accounted to such grower or person delivering such wheat."

*Sitting suspended from 6.15 to 7.30 p.m.*

The MINISTER FOR LANDS: I hope the Committee will not agree to the amendment because the disposal of the proceeds has nothing whatever to do with the clause.

Hon. J. C. Willcock: But the clause has a lot to do with the growers.

The MINISTER FOR LANDS: If this provision were embodied in a separate clause, it might be all right, but as it is, it is redundant, because provision is already made to deal with the position. The declaration attached to the receipt safeguards the position.

Hon. J. C. Willcock: That is the contract form.

The MINISTER FOR LANDS: It is really not a contract form, but a form setting out the conditions under which the pool accept delivery of wheat.

Hon. J. C. Willcock: But that is not embodied in the Bill.

The MINISTER FOR LANDS: But it is the contract referred to in the clause. At

the back of the form, the grower has to state whether any lien has been given over the wheat, and if so to whom, and so on. A contract will have to be entered into anyhow. I hope the member for Nedlands will not persist in his amendment, because it is not necessary.

Hon. W. D. JOHNSON: This matter all depends upon the point of view. The pool trustees are charged with the responsibility of fulfilling the contract entered into between them and the grower at the time of delivery of the wheat. After the farmer has signed the contract, he may find that certain interests are forcing him to give a lien over the wheat he has put into the pool. The member for Geraldton is concerned about the man who has the lien. I sympathise with him, but I do not want to throw the responsibility, under the provisions of the Bill, on to the trustees to give that man special attention, seeing that he already has his rights at common law and under the Bills of Sale Act, which he can exercise. We must be careful that we do not make such provision as may result in the trustees having to hold up wheat in the event of a lien, and thereby perhaps interfere with the loading of a ship or the sale of a cargo.

Hon. J. C. Willcock: If the contract appeared in the schedule, it would be all right.

Hon. W. D. JOHNSON: But if the contract is dictated by the wheatgrower himself, what is wrong with it?

Hon. J. C. Willcock: But the clause refers to "any" contract.

Hon. W. D. JOHNSON: Even so, the reference can be only to a contract dictated by the wheatgrower himself.

Hon. J. C. Willcock: But an individual may make a contract for himself.

Hon. W. D. JOHNSON: It is not a case of an individual contract, but a collective contract on the part of the wheatgrowers represented by the pool. The trustees cannot do as they like, because they must carry out the policy dictated by the growers' council. The right of sale is not interfered with, but the proceeds from the sale will be subject to the provisions at common law or under the Bills of Sale Act. I trust the clause will be agreed to as it stands.

Hon. N. KEENAN: I sympathise with the doubts and fears expressed by the member for Geraldton. It is perfectly true that

before the Bill becomes an Act, the position is that if a wheatgrower places his wheat in the pool and gives someone else security over the wheat for the purpose of getting money, or for some other reason, the person who obtains that security can give notice to the trustees of the Wheat Pool of his rights, and the trustees must account to that person. The member for Geraldton fears that if the Bill is passed in its present form it will override the common law rights obtaining to-day.

The Minister for Lands: Do you think it will?

Hon. N. KEENAN: I am of opinion there is a danger. As the Bill stands at present, the construction can be placed on it that it may override the common law rights. Personally I should say that the probability is that it would be held not to override them. The member for Geraldton is right in saying that there is a doubt, and the Committee should legislate to remove that doubt. The amendment will remove that doubt, but will not take away any rights that exist regarding sales from the pool. The trustees will be able to sell the wheat just the same, but the amendment will make perfectly secure the position of the person having a claim against the proceeds.

Amendment put and negatived.

Clause put and passed.

Clauses 20, 21—agreed to.

Schedule:

The MINISTER FOR LANDS: On the second reading I gave an undertaking to the member for Mt. Magnet that we would provide for the growers' council being called together a certain number of times in each year. The hon. member suggested it should be four times a year, but I understand the pool and the growers themselves consider three times a year would be sufficient. I move an amendment—

That after "places" in line 2 of Clause 11 of the Schedule the words "not less than three times in each year" be inserted.

Amendment put and passed; the Schedule, as amended, agreed to.

Title—agreed to.

Bill reported with an amendment.

### *Standing Orders Suspension.*

On motion by the Minister for Lands, so much of the Standing Orders were suspended as to enable the Bill to pass its remaining stages at this sitting.

Report of Committee adopted.

### *Third Reading.*

Bill read a third time and transmitted to the Council.

## **BILL—MINE WORKERS' RELIEF**

### *Second Reading.*

**THE MINISTER FOR MINES** (Hon. J. Seaddan—Maylands) [7.51] in moving the second reading said: At first sight the Bill may appear formidable, inasmuch as it contains 62 clauses and a schedule, but I hope to show it is not quite as formidable as it may appear. For a great number of years no provision at all was made in this State for rendering assistance to men who by virtue of their employment in the mining industry were incapacitated, sometimes practically from their youth. In 1915, by arrangement between the Chamber of Mines, representing a section of the mine owners, and the workers, particularly those on the East Coolgardie goldfield, and the Government, the Mine Workers' Relief Fund was established, and eventually became incorporated. The object of that fund was to afford relief to any mine worker incapacitated as the result of following the mining industry. Each party to that agreement contributed an equal amount, the employer an equal amount to that taken from the wages of the men employed, and the Government an equal amount to that contributed by the employer. Since that date the fund has been in operation based on a voluntary contribution by each of the three parties. But in actual practice the only voluntary contribution has been that of the mine owner, for the reason that it was practically made a condition of employment that the men employed should undergo an examination and agree to a deduction from their wages of their contributions to the fund.

Mr. Marshall: That is not quite right, because a lot of them on the Murchison have pulled out.

The MINISTER FOR MINES: That is so, but I was referring to the East Coolgardie goldfield. As I say, the employer contributes his share to the fund and makes it a condition of employment that his employee also shall contribute to the fund. But outside of Kalgoorlie and one or two other parts of the goldfields, neither the employers nor the employees have made any contribution to the fund, and so have not received any benefit from the fund. That has operated for a number of years. In 1925 the Miners' Phthisis Act, which was passed in 1922, was proclaimed, and from the proclamation of that Act men who were prohibited from employment in the mines because on examination they were found to be suffering from tuberculosis, either alone or plus silicosis, received compensation from the Government, and so the fund was relieved of its responsibility to those persons. But those who had to leave the industry because they became incapacitated from silicosis and not from tuberculosis, and therefore were not subject to prohibition of employment, obtained a benefit from this fund. Since the proclamation of the Miners' Phthisis Act, the number of those coming on the Mine Workers' Relief Fund has decreased, for a great number who should have left the industry remained on and thus obtained a more certain and better compensation when they were prohibited than they would have enjoyed if they had voluntarily left the industry because suffering exclusively from silicosis. That, of course, had a result which we ought to, and I think under the Bill we can, amend in order that we shall not in future compel men to remain in the industry longer than is necessary and thus force them into early graves through remaining in the industry until they are so saturated with silicosis that they become prone to attack by the tubercular germ, and thus early lose their lives. So, it is necessary to amend the existing law. While the Bill looks formidable, it really contains but few main principles. Clauses 17 to 44 inclusive deal with the formation of a miners' relief fund board and to all intents and purposes gives statutory authority to the Mine Workers' Relief Fund Board of to-day, and incorporates the rules and regulations under which it exists. The Bill also provides that the conditions of employment operating partly on the goldfields shall now be

made compulsory and applied to all goldfields. That is one of the main principles in the Bill. Naturally the Bill has a saving clause which provides that all men receiving benefits from the Government to-day, under the Miners' Phthisis Act, because prohibited from employment in the mines, shall continue to receive that benefit and so shall not be affected by the passing of the measure. It also provides that when the new board takes over the control of the fund, it shall take over the assets and liabilities of the existing board; in other words that those who are to-day receiving benefits from this fund shall continue to receive those benefits as though this measure had not been passed; except that it will be on a surer basis with a permanent payment, instead of the possibility of cessation of payments in consequence of the voluntary board going out of existence. Some time ago on visiting Kalgoorlie I was approached by the board controlling this fund, when the section of the board representing the mine owners said they felt that in view of the payments under the Miners' Phthisis Act there was no longer any need for them to contribute to the Mine Workers' Relief Fund, and consequently they proposed to cease making that payment. I pointed out to them that while there was no legal obligation on them to continue making the payment, they were under a moral obligation, because the men who had been contributing through the years and were still employed might, after the cessation of payment to the fund by the mine owners, find there was no money in the fund with which their claims might be met. However they insisted that something should be done in the matter, and I eventually obtained from them an understanding that, subject to the introduction of a measure to put it on a different basis so that there would be no misunderstanding in future, they would continue payments until the new provisions became law. The Bill provides for the appointment of a board under statutory authority, and the statutory authority stipulates that all employers of mine workers shall contribute to the fund on a basis to be prescribed by regulation from time to time. The mine workers shall contribute on the same basis, and the Government shall contribute their equal third share. The amount may vary from time to time according to the con-

dition of the fund, but at the outset the amount to be paid by the three parties will be that which is to-day prescribed under the regulations operating under the Mine Workers' Relief Fund.

Hon. P. Collier: But the contributions by the three parties are to be equal.

The MINISTER FOR MINES: Yes, except in some cases for which provision has been made in the Bill. In those cases the Government will be called upon to pay a slightly larger amount than will the other two parties. The reason for that I shall explain later. I observe that the Treasurer is taking notice of that remark.

Hon. P. Collier: Tell him he is getting out of it lightly.

The MINISTER FOR MINES: He will not get out of it more lightly for probably some years, but eventually the men to be paid by the Treasurer ought to become fewer in number, as well as those to be paid by the other contributors. At the moment the Treasurer still has to carry the amount now payable to those who have been and will be prohibited previous to the passing of the measure. The amount in round figures is £60,000 per annum. The first compensation receivable by a man prohibited from working in a mine unless he has T.B. only, which is not an industrial disease—that is a man suffering from T.B. plus silicosis, or silicosis in the advanced stage, will be under the Workers' Compensation Act, and after he has exhausted his right under that Act to the extent of £750, the obligation will be transferred to the Mine Workers' Relief Fund, which will be administered by the board provided for under the Bill. The Treasurer will be relieved of the payments he would be called upon to make under the Miners' Phthisis Act in respect of new mine workers who come under the terms of this measure. I wish to direct attention to some of the definitions in the Bill because they are important:—

"Mine worker" means a person employed under a contract of service on, in, or about a mine to perform manual or other labour, either on the surface or underground, in and as part of the general mining operations carried on in the course of working a mine. The term includes a tributer who does the work of a mine worker, and also a district inspector or workmen's inspector ap-

pointed under the Mines Regulation Act, 1906.

The contribution that an employer will make on behalf of a mine worker will apply to a district inspector or a workmen's inspector, except that the contribution will be made by the Treasurer. That represents the addition to the one-third share of the cost to be borne by the Government, because such inspectors are Government employees. The definition of "underground" reads—

"Underground" in relation to the work or employment of a mine worker, includes work or employment—

- (a) beneath the natural surface of the ground; and
- (b) upon or about dry crushing mills; and
- (c) upon or about rock crushers in a rock crushing station; and
- (d) in a sample crushing room; and
- (e) in an assay office or change house; and
- (f) in any tailings dump; and
- (g) any other work or employment which the Governor by Order in Council may declare to be underground work or employment.

Mr. Marshall: A man working on a dump would not be working underground.

The MINISTER FOR MINES: Ordinarily it certainly could not be claimed that a man working on a tailings dump was working underground; it could not be claimed that a man working on a dry crushing plant was working underground, but for the purposes of this measure, they are, to all intents and purposes, just as likely to get dust lodgment on the lungs—that is, silicosis—as is a man working beneath the natural surface.

Mr. Marshall: More so.

The MINISTER FOR MINES: Therefore, to define persons entitled to receive the benefits, we include all those workers as workers underground. It is merely the interpretation necessary to define the nature of underground work entitling the employees to the benefits under the measure. Instead of having to refer in every clause to a person working underground, or about a dry-crushing mill, or a rock-crushing mill, or a sample crushing room, we refer to persons underground, and include all those places in, on or about a mine that are considered to be of equal importance from the point of view of the possibility of contracting silicosis. A definition of silicosis is also included; it means silicosis of the lungs. Later, reference is made to early and ad-

vanced silicosis. In some parts of the world silicosis is defined in three stages—primary, early and advanced. We consider that early and advanced are sufficient for our purposes. I will explain later why we have adopted early and advanced stages. The Bill provides definitely that no person shall enter the mining industry unless he first of all obtains an initial certificate. He has to undergo an examination. If it is convenient, he must undergo the examination at the Commonwealth Health Laboratory, Kalgoorlie, but if he is residing on a goldfield so far removed from Kalgoorlie as to make it inconvenient for him to attend the laboratory there, he may undergo an examination by any medical practitioner approved by the Government. If the medical practitioner gives him a clean bill of health, as required under the Mines Regulation Act, he may commence mining operations, but eventually he must undergo the examination required by the Commonwealth Health Laboratory. That examination need not necessarily be made in Kalgoorlie, because there is a travelling laboratory.

Mr. Corboy: Do you stipulate any period within which he must undergo that examination?

The MINISTER FOR MINES: Yes, a period is stipulated. We also provide that the employer shall make it convenient for the worker to undergo the examination without loss of pay. We do not suggest that the employee must travel from Meekatharra to Kalgoorlie. The laboratory would travel to Meekatharra, and the employee there must be given an opportunity by his employer to undergo examination on the spot.

Hon. S. W. Munsie: That practically applies to-day.

The MINISTER FOR MINES: Yes, the worker must be allowed to attend without suffering loss of pay.

Mr. Corboy: It will not cause any hardship because it is the practice now.

The MINISTER FOR MINES: It will not vary the hardship, if any exists. It can be said that compulsory examination is necessary before a man can gain admission to the mining industry. That is provided for under the Mines Regulation Act. This measure does not actually deal with the necessity for examination so much as it deals with the conditions under which benefits shall accrue to those who suffer from miners' dis-

cases later on. The advantage of having compulsory examination and of the action taken to date is shown by the graph hung on the wall of the Chamber. It is evidence that during the years since the first examination was made, there has been a rapid reduction in the number of cases of T.B. and silicosis in the advanced stages. That is all to the good. It is in no small measure due to the fact that preliminary examination has been insisted upon to ensure that men are fit and able-bodied before they enter the industry. The examination is useful, not only because it reveals any signs of T.B., but because men are rejected if they are suffering from other ailments stipulated in the Mines Regulation Act.

Hon. P. Collier: There would be very few reactions later on.

The MINISTER FOR MINES: That is so. To-day I laid on the Table a report and comments by Dr. Lee, who has had a good deal of experience of this work. His report indicates the general reduction in the number of cases that have been prohibited, and particularly shows the very slight effect that mining operations are having on the health of those who have been admitted to the industry since the first examinations were made. The indications are that, with proper care, mining can be made as healthy as some occupations, and more so than many.

Hon. P. Collier: There is not the dry mining now that there used to be.

The MINISTER FOR MINES: I was about to add that side by side with that, we have to admit that mining practice has been improved tremendously in recent years, and the two factors are making mining an occupation which I think can be considered normally healthy. A few years ago, it was regarded as a certainty that if a man followed mining constantly for a few years, either his health and vigour would be impaired, or he would become partly or wholly incapacitated.

Hon. P. Collier: It was so, too.

The MINISTER FOR MINES: Yes. All that has been changed. I have a report from Dr. Paul Mitchell giving the figures of the last examinations, which are marked on the graph in pencil, because in the out-back portions of the goldfields, the examinations have not yet been completed. The best evidence of progress or otherwise in respect of silicosis and T.B. in the mines would be shown by a re-examination of the mine work-

ers in Kalgoorlie. However, Dr. Mitchell says it will be seen from the figures that this represents a tremendous reduction on the previous figures as a result of the examination of 3,800 men carried out this year up to and including the 24th October, 1932. The figures are given in the file laid upon the Table. There is evidence of a very singular reduction in respect of the 3,800 men examined, as compared with previous examinations. It may be said that if we provide for the compulsory retirement of men from the industry, we ought to compensate them. That principle has been accepted by the passing of the Miners' Phthisis Act, which was proclaimed in 1925 and has operated since. We provide that if, on examination, a mine worker is found to be suffering from T.B. only, he must be prohibited. T.B., however, is not an industrial disease; it is a disease that any person is liable to contract. Therefore it is not considered that the mining industry should carry the financial responsibility of compensating a T.B. miner for loss of employment. But we provide under this measure that he shall be compensated, and the payment of the compensation will fall in the first instance on the fund. The worker, of course, must make his contributions to the fund, the same as any other mine worker. Having done so, he is entitled to consideration, but the conditions of benefit are slightly different. Those conditions are set out in Clause 49. If, however, the man is found to be suffering from T.B. and silicosis, then he is prohibited, and his complaint is defined as an industrial disease. If he were so classed, he would obtain the compensation provided for under the Workers' Compensation Act. Although we have made provision under the Workers' Compensation Act for the payment of compensation to men suffering from industrial diseases, unfortunately it only operates when the worker can prove that he has been totally incapacitated by the disease. A man may have silicosis in its early stage or in its advanced stage and may still be capable of working. As a matter of fact I am providing under the Bill that notwithstanding the fact that a man has been shown by examination to have reached either of those two stages, he may continue to work in the mine, but we give him every encouragement, should he be suffering from either stage of the disease, to leave the industry. If he is suf-

fering from silicosis in its early stage he may leave the industry and without receiving compensation register with the board annually. Then he will continue his registration as he has to do to-day to maintain his right to go back into the industry on occasions. All he need do is to register and continue to register and he may at any time submit himself for re-examination. If on re-examination it is found that he is suffering from silicosis advanced, or silicosis plus T.B., he then becomes entitled to compensation. If he has silicosis advanced or silicosis plus T.B., within 12 months after leaving the industry he can, under the terms of the Workers' Compensation Act, obtain compensation, and then he will be treated in the same way as a person prohibited from working in a mine; but if more than 12 months after he has left the industry, say in three or five or seven years afterwards it is shown by re-examination that he is suffering from silicosis advanced or silicosis and T.B., he can get compensation as a person prohibited on account of T.B. only.

Hon. J. C. Willecock: From what fund will the payment be made?

The MINISTER FOR MINES: From the fund contributed to by the worker, the mines and the Treasurer. He must continue his contributions to the fund if he wants to retain his rights after he leaves the industry. He may continue the contributions to the board as an employee on a mine and in that way he retains his rights in the event of his getting silicosis advanced or silicosis with T.B., or T.B. alone. At present the payment made is 1s. 6d. a fortnight if the pay is fortnightly, or 3s. a month if the pay is monthly. He will continue to contribute that, and if he keeps up his contributions he will receive compensation no matter what period elapses between the date of his leaving the industry and the date on which he contracted silicosis advanced or silicosis with T.B. The benefits will be prescribed as they are prescribed to-day. It is felt that it would not be desirable to mention them in the Bill, that it would be better to leave them to be prescribed by regulation as is done to-day.

Hon. J. C. Willecock: If he becomes unemployed, how will he get on?

The MINISTER FOR MINES: He must keep himself financial as far as he can arrange with the board. I do not think anyone would suggest that we can make provision in the Bill for all sorts of things that might arise. All other mine workers who

desire to obtain the advantages of the Act must make contributions, and the employers and the Government will also make equal contributions. It would hardly be fair otherwise for an employee to endeavour to get benefits from the fund to which he had not contributed. We have made provision that the board can take out an insurance policy for the purpose of meeting their obligations, that is to say, to meet certain obligations that will be greater because of the smaller contributions that would be received from certain individuals.

Hon. S. W. Munsie: If a man happens to be out of work for a month and he gets a job again, he contributes to the fund only while he is at work. That is what is happening to-day.

The MINISTER FOR MINES: The board will be able to make their own by-laws. The benefits to be prescribed are in the first instance the benefits for those suffering from T.B. only. This is not an industrial disease and therefore must be treated on a different basis. Hon. members will find that that is provided for in Clause 49. If a man has T.B. and silicosis then of course it is an industrial disease and comes under the Workers' Compensation Act. Large sums of money have been paid to the State Insurance Office for the insurance of men employed against this risk, and the payments by the insurance office have been very slight. The State Insurance Office has actually made a contribution to the Treasury to enable the Treasurer to meet obligations under the Miners' Phthisis Act. I think there were two payments of £10,000 each. If a person is suffering from silicosis in its early stages, he receives notification accordingly; he may leave the industry and continue to register, but he may live and die a natural death. I am assured by Dr. Paul Mitchell that that disease in itself would not affect him except to the extent of shortness of wind, from which he would feel some discomfort. The individual should, however, still protect himself because by reason of the fact that he has silicosis he is more prone than the ordinary individual to pick up T.B. He is not prohibited from working, but when he registers silicosis advanced, he is again notified. Again he is not prohibited from working, but we make provision that he may cease work and claim and get compensation under the Workers' Compensation Act as one perman-

ently incapacitated. To-day he has to prove that he is permanently incapacitated, but the certificate he will receive will be all the evidence that he will require to enable him to obtain the benefit of the Workers' Compensation Act. If he does not choose to leave his employment as a mine worker, he may continue, unless, of course, he picks up T.B. If he continues to work for more than 12 months after having been notified that he has reached the silicosis advanced stage, he will lose the advantage of the certificate and the onus is thrown upon him to prove that he is totally incapacitated. We want to encourage a man to leave the industry after he reaches the stage of silicosis advanced. There is the full benefit of the Workers' Compensation Act after which he will come under the Mine Workers' Relief Fund, but if he continues for more than twelve months to work in the mine, he has to prove for himself his condition of total incapacity. We believe, however, that no one, after receiving a certificate that he has reached that stage, will continue to work in a mine after 12 months. That will relieve the worker of the risk to a great extent of reaching the stage of T.B. If he goes to the stage of becoming extremely prone to T.B., and he becomes affected, I am advised that life will then exist only for 18 months or two years. We give the man every encouragement to get out; we discourage him from remaining in the mine for more than 12 months. I want him to avoid reaching the stage of contracting T.B. for two reasons. One is that he may contract T.B. the week after he has been examined and he may remain in the industry for a year and infect other workers who may be free from the disease. Of course he may go on and not pick up T.B. but he becomes more prone to it. We therefore say, "It is to your advantage to get compensation under the Workers' Compensation Act," and after that is exhausted he may continue to get the benefit from the fund to which he has contributed, on a basis similar to that existing to-day. The funds of the board are to be provided by contributions made by the employers, the mine workers and the Treasurer in equal amounts. All fines and penalties imposed are to be paid into the fund. The money will not go into the Treasury. The money in the hands of the existing fund will be taken over by the new board, and also their obligations to those who are on the fund to-

day. It is proposed that the existing board shall be the board under the present Act until such time as the new board are elected. The members will be elected on conditions similar to those existing at the present time, except that under the Bill there will be wider scope in that all employers of mine workers will be entitled to vote for the employers' representatives. The same thing applies to all mine workers who will have to contribute to the fund. They will be entitled to vote for the election of the mine workers' representative. The board will consist of two representatives of the employers, and two of the employees, and one of the Government, who will be the chairman. The members of the board will be subject to re-election every two years. After the first election, the lowest on the poll will occupy a seat for only 12 months. After the first election there will be an election each year of one member representing the employers and one representing the employees. The Government representative will continue to sit as chairman during the pleasure of the Governor. He will not be changed unless the Governor consider it desirable, or unless he resigns. A feature of the Bill is that it affects tributers. In some cases, tributers may be both employers and employees. Some are mine workers only, whereas others are mine workers and employers. We make provision to meet cases of that sort in the interpretation of mine worker, as well as in the interpretation of employer. I think it will be found to meet the situation satisfactorily. I said that a man can only enter the industry by obtaining an initial certificate. He does this on his first application. If a person who has not previously been employed in the industry looks for employment in it, he must submit a certificate that he is fit and sound as required by the Mines Regulation Act. We also have two additional certificates. After the initial certificate, we have the re-admission certificate. The latter will apply to a person who is not suffering from silicosis beyond the early stage, and may thus apply for re-admission to the industry. This will be subject to his giving evidence that he has been employed in the industry before. We will not take the risk of admitting those who have been employed in the industry outside the State, lest they should become a burden upon the general taxpayer as well as upon the mine workers in the in-

dustry. Where a man has previously been employed in the industry, and has been out of it for a period of two years, he has to get an initial certificate. He may not then be able to get back into the industry, because an initial certificate would not be issued no matter how slightly dusted he might be. When the industry began to decline, men who were employed in it began to look for work elsewhere.

Mr. Marshall: Many of them left through a desire to recuperate their health.

The MINISTER FOR MINES: Many left by arrangement for the purpose of going on farms. Many others went into different industries. The tables may now be said to have been turned. The mining industry, compared with a few years ago, is now employing a greater number of men, whereas other industries are employing fewer men. Those who went to employment in other industries now find themselves out of work. They were good miners, but no provision was made for re-admitting them to the industry. These men have not been able to obtain an initial certificate, and they have been excluded from the industry. Some of them have been offered jobs as shift bosses or as underground managers.

Mr. Marshall: The mines wanted their services but could not get them.

The MINISTER FOR MINES: We are therefore providing for re-admission certificates. If a man has not gone past the stage of early silicosis, and if there is no sign of tuberculosis, he may obtain a certificate and re-enter the industry. If he has advanced silicosis or tuberculosis, it is not desirable that he should be able to re-enter it. Even beyond that we are making provision for special certificates. If in the opinion of the doctor examining the individual, he can follow the occupation of mining without injury to himself, or if in the opinion of the inspector of mines he can work on certain operations on a scheduled mine without injury to himself or those around him, he may get a special certificate. When he gets that certificate, we are not under any obligation to him. He goes back to the industry practically at his own risk. He is too far advanced for us to take the risk which would fall upon the employer and employee as well as upon the Government. In the other case, we take the risk, but not exactly to the same extent as we take it

where a man has been employed before in the industry, and has been free of all these diseases. We merely make provision for the receipt of benefits under the Act. The conditions for entering the industry are outlined under the Mines Regulation Act and its regulations. I have had framed regulations to amend the existing regulations under the Mines Regulation Act. If this Bill passes, they will be laid upon the Table of the House as soon as the Governor-in-Council has approved of them. Simultaneously with the proclamation of the new Act, these new regulations will be put into operation, so that these men may come back into the industry. How soon that occurs will be for members to decide.

Hon. P. Collier: That is a good provision.

The MINISTER FOR MINES: I think so too.

Mr. Marshall: Some of our miners have been martyred by reason of the operations of the Act.

The MINISTER FOR MINES: It was never suggested when the Miners' Phthisis Act was passed that we had completed the whole of the operations, or that it meant giving proper consideration to all the men employed in the industry. We wanted to get an idea of what was happening. Now we ought to be able to meet all those things that are likely to occur without any misgivings. I believe the Bill will have the desired effect. I have also made provision to bring prospectors under the Bill. That is quite an innovation, and I do not know whether it will meet with the approval of members. I have inserted it in the Bill because it is easier to take something out of a measure than it is to put something in.

Hon. P. Collier: It will be something to delve at.

The MINISTER FOR MINES: And cause the important matters to be left alone.

Hon. P. Collier: Is that why you have put it in?

The MINISTER FOR MINES: My own opinion is that prospectors ought to be included, for very good reasons. There are to-day employed in the industry approximately 7,000 men who will come under the provisions of the Bill. Quite apart from these, there are many who have never in their lives done anything but prospect for gold. Most people imagine that by a prospector you mean a man who goes about with a dry-blower or a tin dish. Very few are

following that method. Most of them are either leaseholders or hold prospecting areas upon which they are carrying on mining operations. Members will recall the type of case that might arise, showing the injustices of the existing Act. There were two persons named Andy Campbell and Jack Kernick. Kernick had for many years earned on prospecting.

Hon. P. Collier: Both of them died of miners' phthisis.

The MINISTER FOR MINES: Campbell gave up work as a mine worker and joined partnership with Kernick. They then carried on mining operations in the Marvel Loch district on a lease which they owned. Eventually they gave that up. Kernick's health broke down, and he died in the Woolooloo Sanatorium. Campbell's health also broke down. He was employed by his wife who held a mining lease, and was therefore an employee in the terms of the Miners' Phthisis Act. He obtained compensation until he died, and his widow obtained it after his death. Because, however, Kernick was not an employee, and only a prospector, he received no compensation, and his widow got nothing. Each of those men was just as worthy of consideration as men who have been employed in mines all their lives. Both were carrying out mining operations. I propose that men of that type should be brought under the provisions of the Act. Although they may employ labour on their mines, they may apply to the board and be registered as mine workers, subject to their paying contributions to the fund and to an equal amount being found by the Treasurer. If they do that, they may then receive the same benefits as persons who are declared to be suffering from tuberculosis only.

Hon. S. W. Munsie: What provision will there be to prevent people coming here from elsewhere knowing that they are suffering from T.B.?

The MINISTER FOR MINES: The hon. member will find that such people will have to satisfy the board that they have been carrying on prospecting for at least ten years. Prospecting includes mining in this State. If a man has been working as a mine worker or carrying on operations as a prospector for ten years, and is free from the other diseases up to the point of silicosis early, not if he is suffering from tuberculosis plus silicosis, or from silicosis in the advanced stage, he can register. If he has

been employed in the industry for ten years, he can obtain admission to the fund on making his contribution, and can obtain the benefits that are provided for others working in the industry. We can discuss in Committee the question whether it should be five, ten or 15 years.

Hon. P. Collier: The principle is right.

The MINISTER FOR MINES: Yes. I will summarise the main features of the Bill. If a mine worker, upon examination, is found to be suffering from T.B. without silicosis, or from silicosis with T.B. he may be prohibited from further employment in a mine. If he is suffering from T.B. only, which is not an industrial disease under the Workers' Compensation Act, he will be entitled to compensation upon submitting evidence to the satisfaction of the Minister, that he has for a period or periods amounting in the aggregate to two years, worked underground in a mine in Western Australia, and such compensation will be paid from the fund under this measure. The weekly rate to be fixed by the board will not exceed half the weekly rate of pay for the class of work on which he was employed, together with 7s. 6d. per week in respect to each child, but not exceeding £3s. 10s. per week, until he has received the total sum of £750. After this, he will receive an amount fixed by the board on the same basis as other beneficiaries under the fund, which amount will be prescribed by regulation, and at the commencement of the Act will be the existing payments made by the Mine Workers' Relief Fund. If he is suffering from T.B. and silicosis, he will be prohibited and will in the first instance receive compensation under the Workers' Compensation Act, as suffering from an industrial disease, and after he has exhausted his compensation under that Act he will come under the prescribed rates in the fund. If a mine worker is notified that he has silicosis in the advanced stage only, he may cease work, and obtain compensation in a similar manner; first under the Workers' Compensation Act, and afterwards under the fund; or he may choose to continue to work. In order to encourage a mine worker to leave the industry when he has reached the advanced silicotic stage, but without introducing a prohibition against work, we provide that a certificate is to be accepted as proof that he is totally incapacitated, to

enable him to obtain compensation under the Workers' Compensation Act, which shall hold good for a period of 12 months only. It will be seen that we do not leave him entirely uncared for. We say that if he continues to work for more than 12 months after receiving notice, he must then subsequently produce his own proof that he is totally incapacitated. If he fails to do that, he cannot receive compensation under the Workers' Compensation Act. In that event he can receive only the benefit of the prescribed rates under the Mine Workers' Relief Fund, to which he has contributed and from which, we agree, he is entitled to receive benefits. When, on examination, a mine worker is found to be suffering from silicosis early, he is also notified. He may, however, continue to work in a mine, and if he reaches the advanced stage of silicosis, or silicosis plus tuberculosis, he will be treated as previously explained, but he may leave the industry and have his name registered and may annually apply for renewal. Subject to his keeping up payments to the fund, he may, on re-examination, if he is found to be suffering from tuberculosis and silicosis, or silicosis in the advanced stage, be treated as if he had continued to work in the mine. If this occurs within one year after his leaving the industry, he will obtain compensation under the Workers' Compensation Act, and, after exhausting the provision for compensation under that heading, will receive the benefits under the Mine Workers' Relief Fund. If he contracts tuberculosis or silicosis in the advanced stage more than one year after he has left the industry, he will receive compensation on the same basis as a prohibited mine worker who was suffering from tuberculosis only. I have already explained that a prospector is also entitled to receive compensation subject to certain provisions. The next feature of the Bill deals with prospectors. It provides that any person who is a prospector and applies for that purpose, may be registered as a mine worker, and on making a contribution the same as other mine workers, will, if he contracts tuberculosis or tuberculosis and silicosis or silicosis in the advanced stage, be compensated in the same manner as a prohibited person with tuberculosis only. Another important provision of the Bill will enable the board to grant such benefits as may be prescribed by regulations to persons

who are employed as mine workers, including prospectors, who at the time are engaged as mine workers, or within two years after being so employed are, or become, incapacitated, or whose earning power may be materially prejudiced by any disease or malady, which may be legitimately attributed to the nature of their occupations as mine workers, subject, of course, to certain restrictions. That is an innovation which I want members to appreciate. The board will not be compelled to make such regulations, but will have that power so that if a person has been carrying on his occupation as a mine worker and becomes incapacitated so that his earning power is materially affected by any disease that may legitimately be attributed to his work, he may have ample provision made for him.

Hon. P. Collier: It will be in the discretion of the board.

The MINISTER FOR MINES: Yes. I think the power will be used because we have made provision that the board can provide cover for such persons by means of insurance by payments from their own funds. Thus the board will not be under any serious financial obligation in making provision for such cases. There will be a few of them, and it will be agreed that such workers should be compensated if they suffer from any malady legitimately attributable to their occupation.

Mr. Marshall: There are such cases in the mining areas.

The MINISTER FOR MINES: Undoubtedly the worker may be engaged in the industry for a long time and may lose his sight. Then there is the position of men suffering from arsenical poisoning.

Mr. Marshall: Yes, that is another instance.

The MINISTER FOR MINES: Such men are not provided for under the provisions of the Miners' Phthisis Act, and so I have provided a method that men who join the industry when in good physical health may feel that whatever happens they will not throw their lives away at an early stage. They will also know that if they do contract a disease due to the nature of their employment, they will not be left stranded and their dependants thrown upon charity. I believe this legislation will make the mining industry worth while for able-bodied men. We shall clean up the industry and

make provision for men who fall by the wayside.

Hon. P. Collier: The pity of it is that we did not have legislation of this description 25 years ago.

The MINISTER FOR MINES: I have outlined the provisions of the Bill. I hope the members of the Opposition will not misunderstand me when I say no one on the Government side of the House can be advantaged by the passage or non-passage of legislation of this description. The goldfields members who can make and unmake Governments sit on the Opposition side of the House.

Hon. P. Collier: We will not do anything in that direction arising out of this legislation.

The MINISTER FOR MINES: We should not consider legislation of this description from a political angle at all.

Hon. S. W. Munsie: Hear, hear!

The MINISTER FOR MINES: I have given a lot of thought and consideration to the drafting of the Bill because I know from actual experience in my family what the ravages of these diseases mean. In those circumstances, I want members of the Opposition to help me, if they think they can, to improve the measure. I even went to the extent of conferring with some Opposition members before I commenced to draft the Bill in order to see if I could achieve something satisfactory in the interests of the men employed in the industry. I believe we can do so without any undue cost to the gold mining industry or to the taxpayer. If we can do that it will be all to the good, and therefore I have the greatest pleasure in moving—

That the Bill be now read a second time.

On motion by Mr. Marshall, debate adjourned.

## **BILL—FINANCIAL EMERGENCY ACT CONTINUANCE.**

### *Second Reading.*

Order of the Day read for the resumption of the debate from the 17th November.

Question put and passed.

Bill read a second time.

*In Committee.*

Mr. Panton in the Chair: the Attorney General in charge of the Bill.

Clause 1—agreed to.

Clause 2—Continuance of Act:

MR. SLEEMAN: The Act was introduced to restore financial prosperity and it has not had that effect. It has done more harm than good. Employers who should not have sought the advantages of the legislation have benefited in a direction never anticipated. Merely because one or two small companies have been able to prove to the court that their position demanded relief, big companies like the rich oil concerns and others have derived benefits. Before we agree to the clause we should receive some assurance from the Government that there will be no repetition of that sort of thing. Workers have been sent to prison under the provisions of the Act. Like the wheatgrowers to-day, the workers were driven to desperation and took action that resulted in some of them being sent to the Fremantle prison. Before we agree to the clause, the Government should give us an assurance that that sort of thing will not be permitted in the future.

HON. S. W. MUNSIE: During his speech in moving the second reading of the Bill, the Attorney General said that the Government would consider anything that the members of the Opposition desired to bring forward. It is true he did not promise to adopt any suggestions we made, but he did say he would consider them. We cannot amend the Bill in the form presented to Parliament. The Attorney General said that if we could show that real hardship had been caused by the operation of the legislation, the Government would consider the position, although he did not say he would rectify it. I want the Attorney General to consider the position of Government employees in the goldfields areas where undoubtedly cases of hardship have occurred. Following upon the passage of the Act and the amendment of the Industrial Arbitration Act by which quarterly adjustments of the basic wage were substituted for the annual revision, there was a drop of 8s. per week in wages as a result of the first quarterly adjustment. That reduction applied to all Government employees throughout the State. On the other hand, the Chamber of Mines and the

employees in the goldmining industry conferred and arrived at an agreement which was registered with the Arbitration Court, whereby the employees in the goldmining industry did not suffer that reduction in their wages. The next quarterly adjustment of the basic wage brought about a further 2s. reduction in the metropolitan area, but left it untouched on the goldfields. The last quarterly adjustment brought about a further 1s. 6d. reduction in the metropolitan area, but an increase of 1s. on the goldfields. That is the position to-day, the basic wage in Perth being £3 10s. 6d. and in Kalgoorlie £3 18s. or a difference of 7s. 6d. But the Government employees in Kalgoorlie are not getting the basic wage prescribed for Kalgoorlie, but are 7s. 6d. per week basically worse off than are private employees in any other part of the State; and, still worse, they lack the other 8s., which puts them at a disadvantage of 15s. 6d. as against the employees of private firms or mining companies. Before that 8s. reduction was made, the basic wage in Perth was £4 7s. and in Kalgoorlie £4 6s., chiefly because rents in Kalgoorlie were cheaper than those in the metropolitan area. But since then, rents in Kalgoorlie have been increased by from 100 to 300 per cent.; houses that when the basic wage was £4 6s. in Kalgoorlie, were rented at 10s. 6d. are to-day bringing in 35s. per week. When the reduction of 1s. 6d. was made in the basic wage in the metropolitan area, the basic wage in Kalgoorlie was increased, chiefly because of the increase in rentals. Surely, then, the Attorney General, who promised that any concrete case would be considered, will endeavour to get the Government to consider the position of Government employees on the goldfields. Take a water supply worker on the goldfields, doing practically the same work as a surface man on a mine, but being paid 15s. 6d. a week less than the man on the mine. That does not lead to contentment in the Government service. I have cited only the water supply workers, but the same applies to practically all the Government employees, not only in Kalgoorlie, but in Wiluna and on the other goldfields.

THE ATTORNEY GENERAL: The Government are already considering the matter raised by the hon. member. Owing to developments on the goldfields which could hardly have been foreseen, an unexpected

situation has arisen, due entirely to the revival of mining, helped by the exchange and the added price of gold. This revival has resulted in an increased demand for houses on the goldfields and a consequent rise in rentals. The Minister for Labour has had this matter in hand for the last week or 10 days, and we will endeavour to adjust the position. The member for Fremantle referred to certain persons who, he said, were imprisoned as the result of this measure. They were prosecuted at the instigation of the Arbitration Court for taking part in a strike, and were fined 5s. each. They elected to take it out.

Mr. Sleeman: You took your pound of flesh and put them in prison for the night.

The ATTORNEY GENERAL: I do not put people in gaol.

Mr. Sleeman: You, as head of the department, put them in gaol, or at all events you prosecuted them.

The ATTORNEY GENERAL: Possibly my department prosecuted them, because the President of the Arbitration Court invited us to do so. However, declining to pay the small fine, they elected to take it out. I understand they went to gaol at 8 o'clock in the morning and were released at 11 o'clock the same morning.

Mr. Sleeman: I think they spent a night in there.

The ATTORNEY GENERAL: I do not think so. The grievance under which they suffered arose from an order made by the Arbitration Court, not under this measure, and I think that on a subsequent date the Arbitration Court, on appeal, modified that order.

Mr. Corboy: Would the court have made that order had this measure not been in existence?

The ATTORNEY GENERAL: No, it could not have done so.

Mr. Corboy: Well, it is due to this Act.

The ATTORNEY GENERAL: That is not quite right. The Act empowered the court to make an order and the court in its discretion did make an order.

Mr. Sleeman: The men were induced by their leaders to go back to work on the promise that it would be rectified.

The ATTORNEY GENERAL: And the court did rectify it or had power to rectify it. The hon. member asked for some assurance. I assure him that I will try at all times to do what appears to be right.

Mr. Marshall: You have done a lot under this legislation that appears to me to be comparatively wrong. You have departed from the basic principles laid down at the Premiers' Conference you attended.

The ATTORNEY GENERAL: I should be suspicious of my judgment if the hon. member began to applaud me.

Mr. Marshall: And I should consider it an unholy alliance if you and I were mixed up together. I did not realise that the second reading was being passed.

The ATTORNEY GENERAL: We can say all we have to say now.

Mr. Corboy: But we have the wrong Chairman to permit us to make second reading speeches in Committee.

The ATTORNEY GENERAL: Everything that has been said on this Bill was said a year ago when the original measure was introduced. I understand from a perusal of that mysterious record that we are not allowed to quote that I was accused of misstating the facts.

Mr. Marshall: You are quoting from "Hansard."

The ATTORNEY GENERAL: I have never suggested that that portion of the measure dealing with the wages of persons outside the Government service finds a place in the Premiers' Plan legislation in any other State. What I have said was that I persuaded the Government and they agreed with me—

Mr. Kenneally: You persuaded them and your persuasion was effective.

The ATTORNEY GENERAL: I do not know that many needed persuasion. The very basis of the Premiers' Plan was the reduction in the Federal basic wage of 20 per cent. since the 30th June, 1930. That was the basis taken by the so-called experts whose scheme was more or less adopted finally. My argument was that reduction had not been made in Western Australia, whereas it had been made substantially in every other State. In Western Australia it was not made because the Federal basic wage did not cover more than a small percentage of the workers here. In the Eastern States the view was taken that the ordinary non-Governmental employee had already suffered in the main a 20 per cent. reduction and therefore it was reasonable to ask Government employees to accept a similar reduction. It could not be said that the Government employee in Western Australia had

fallen into line with the outside employee, because he had not had the reduction of the outside employee. As that appeared to be logical, proper and fitting to the Plan, we said we would give the Arbitration Court, which was bound by more or less rigid formula, power to make the reduction that was to be inflicted upon Governmental employees applicable to outside employees. I resent the statement that I have misled the House or repeated untruths. I have said nothing else at any time than what I have said to-night. I have said that the Queensland Labour Government, not long since returned to power, opposed the Premiers' Plan at the election, but that Premier Forgan Smith had since attended the Premiers' Conference, had started off by making some dissent and had then fallen into line with the Premiers' Plan.

Mr. Kenneally: No; the Premiers fell into line with him by adopting his amendment.

The ATTORNEY GENERAL: I did not read it that way.

Mr. Kenneally: Of course you would not.

The ATTORNEY GENERAL: At the conference the Queensland Premier raised some little objection and, as I understand it, then fell into line, and the Queensland Government are in line in that they have continued the reduction of Governmental expenditure and the remuneration paid to Government employees, as prescribed by the Premiers' Plan. I have not misrepresented the purport of this measure at any time. I have always made it perfectly clear that the measure in respect of one portion is not similar to the measures introduced in the other States because of our peculiar position, but apart from that portion, it is in line with the measures in all the other States. The existence of the Act at the moment is a definite benefit to Government employees who are on the basic wage. If the measure were wiped out to-morrow, Government workers on the basic wage would immediately lose 10d. per week. Under the Act we gave a margin of two per cent., the difference between 18 and 20 per cent., before the reduction made in the basic wage should affect their remuneration.

Mr. Sleeman: They would be better off without the Act.

The ATTORNEY GENERAL: They would be 10d. worse off. In my opinion

they are the citizens who ought to be considered more than anyone else.

Mr. Corboy: When considering wages?

The ATTORNEY GENERAL: Yes.

Mr. Sleeman: Another section deserve equal consideration—the poor devils working for sustenance.

The ATTORNEY GENERAL: I would give them first consideration.

Mr. Kenneally: That is why you reached out to apply the 4½d. tax to them.

Hon. J. C. Willcock: The Attorney General does not agree with that.

Mr. Corboy: I do not think he was in favour of it.

The ATTORNEY GENERAL: Does anybody favour any taxation?

The CHAIRMAN: We are getting away from the Financial Emergency Bill.

Mr. Marshall: Were the Federal Government parties to the Plan and has it operated in respect to their employees as it has operated here for 18 months?

The ATTORNEY GENERAL: Of course; Mr. Scullin attended the conference.

Hon. J. C. Willcock: Did they put it into operation?

The ATTORNEY GENERAL: Yes; the Commonwealth and every State put every portion of the Act into operation except that portion dealing with wages outside of Government employment, and they had no need to do that because it had already been done.

Mr. Hegney: Not in New South Wales.

The ATTORNEY GENERAL: I should have made an exception of New South Wales, because at the time that State had done nothing.

The Minister for Lands: It was in a state of flux.

Mr. Sleeman: It had not done anything to injure the worker.

The ATTORNEY GENERAL: I think the Government there have done incalculable harm, and I believe the member for Fremantle in his heart agrees that they had reached a state of chaos.

Mr. Sleeman: You are a bad judge.

The ATTORNEY GENERAL: Probably the hon. member's spiritual home is in New South Wales.

The CHAIRMAN: Order! The Attorney General must return to the Bill.

The ATTORNEY GENERAL: I shall do that by resuming my seat.

Mr. KENNEALLY: I make bold to say the Attorney General knows full well that his statement regarding the attitude of the Queensland Premier to the Premiers' Plan is not correct. He was closely associated with the business of the Premiers' Conference. The present Premier of Queensland attended the first conference after his election. He threw a bombshell into the meeting by moving an amendment which the Prime Minister declined to accept. That was linked up with the question of absorbing the unemployed, and indicated how the money allocated was to be used. After some time, when Mr. Stevens had become Premier of New South Wales and supported the proposal, the Prime Minister said he would accept it. Those are the facts of that case. The Attorney General also said there had been a reduction in the other States. That took place only in the case of people who are governed by Federal awards. In the other States there are many more people governed by Federal awards than there are here, but the percentage would be about the same.

*[Mr. J. H. Smith took the Chair.]*

The Attorney General: Not at all. In the Eastern States the number is about 75 per cent. and here about 5 per cent.

Mr. KENNEALLY: The transport workers here constitute that number, without any others being included. I have already indicated the attitude of the Attorney General both at the Premiers' Conference and amongst his colleagues in Cabinet here, concerning his desire to place private employees in the same category as Government employees with respect to the reductions of 20 per cent., as provided by the Act.

The Attorney General: I do not mind you saying that, but I do not want you to say I have misrepresented anything in what I have said.

Mr. KENNEALLY: A wage-reducing apostle should not be afraid to stand up for his own arguments.

The Attorney General: Do you think I am likely to be afraid?

Mr. KENNEALLY: The Attorney General seems to be wanting to come in out of the wet now. He is adopting an attitude he has not previously adopted.

The Attorney General: I have not changed my attitude in the last two years.

Mr. KENNEALLY: The Attorney General also said that because the 20 per cent. had been taken off certain employees in the Eastern States, it was decided to take it off the Government employees here, and give the court an opportunity to deal with applications for deductions in the case of private employees. That was not the case. As it was introduced here, the measure applied automatically to both sets of employees, and only by the action of this Chamber was it altered to exclude the private employees. We know that because of the actions of the Full Court the Arbitration Court does not now come into the question. The common rule has been made to apply. Because a baker in the employment of Millars' Timber and Trading Co. was reduced in wages, bakers throughout the State, no matter what their circumstances may be, automatically suffered a reduction through the application of the common rule. We know how the oil companies have taken advantage of the common rule principle, seeing that they were not obliged to go before the court and disclose their balance sheets. The Attorney General also said the basic wage of those affected by the reduction would be 10d. a day lower than it is now but for the existing law. If the Attorney General will drop the Bill, we will take the risk involved. We know who will benefit in the long run. I regret that the Bill has not been brought down in such a way that we are able to move amendments which are so vitally necessary. We are not even given an opportunity of moving an amendment so as to make provision that the workers on the goldfields shall receive the 1s. increase to which they are entitled under the quarterly adjustment of the basic wage by the Arbitration Court. Such an amendment, if moved, would be ruled out of order.

Hon. S. W. MUNSIE: If the Attorney General makes inquiries, he will find that it is very difficult to get copies of the Financial Emergency Act. Each time I have gone to Kalgoorlie lately I have been besieged by the workers there asking me when they are going to get the extra 1s. that the Arbitration Court has awarded to them. I explained to them that they could not get the increase because of the provisions of the Financial Emergency Act. Ninety per cent. of the workers did not believe me, so I sent them copies of the Act and marked the clauses in question. I have had to type the clauses

out because I could not get any more copies of the Act.

The Attorney General: Do you want some more copies?

Hon. S. W. MUNSIE: No.

The Attorney General: That is a point we promised to look into.

Hon. S. W. MUNSIE: I did not mention it before.

The Attorney General: It is mixed up with the same thing.

Hon. S. W. MUNSIE: Yes. It shows how unfair the Act is.

Mr. MARSHALL: I oppose the Bill, because it will continue a measure which I consider is of a revolting character. I might have accepted the Attorney General's expressions of sympathy for the people affected by the Act if he had given us some opportunity to remedy the anomalies which exist under it.

Mr. Hegney drew attention to the state of the Committee.

Quorum formed.

Mr. MARSHALL: It is no use trying to convince the Government. No matter what arguments one advances, they have the numbers and are prepared to vote for the Bill.

Mr. SLEEMAN: One of the funniest things I have heard in this House is the Attorney General's argument for the retention of the 10d. which it is proposed to deduct from the wages of the workers in the metropolitan area. The Financial Emergency Act has not done what it was claimed it would do when it was introduced. It has not restored prosperity. It has had the opposite effect. Every cut that has been made in wages under the Act has made things worse. Things will become worse still with every cut in wages made in the future. The wording of the parent Act was such that members thought no employer could derive relief from its provisions unless he had the approval of the court. The very week the oil companies took advantage of the legislation to rob their employees of a few shillings, they increased the prices of oil and petrol. It is time the Government woke up. A large body of workers would benefit if the Bill were rejected.

Mr. Kenneally: It would give them some full-time work.

Mr. SLEEMAN: Yes, but at present the hands of the Arbitration Court are tied. The

Attorney General spoke about the Government taking action at the instance of the Arbitration Court. They were prompt in taking action to have workers fined or sent to prison, because of action taken as a result of the emergency legislation, but when the court desired the Government to bestir themselves in another direction, the Minister declined to act.

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

Ayes	..	..	..	..	18
Noes	..	..	..	..	15
Majority for					3

#### AYES.

Mr. Barnard	Mr. McLarty
Mr. Church	Sir James Mitchell
Mr. Davy	Mr. Piessé
Mr. Ferguson	Mr. Richardson
Mr. Griffiths	Mr. Sampson
Mr. Latham	Mr. Scaddan
Mr. Lindsay	Mr. Thorn
Mr. H. W. Mann	Mr. Wells
Mr. J. I. Mann	Mr. Doney

(Teller.)

#### NOES.

Mr. Collier	Mr. Pantou
Mr. Corboy	Mr. Sleeman
Mr. Hegney	Mr. F. C. L. Smith
Miss Holman	Mr. Wansbrough
Mr. Johnson	Mr. Willcock
Mr. Kenneally	Mr. Withers
Mr. Munsie	Mr. Marshall
Mr. Nulsen	

(Teller.)

#### PAIRS.

AYES.	NOES.
Mr. Keenan	Mr. Cunningham
Mr. Angelo	Mr. Coverley
Mr. Parker	Mr. Lamond
Mr. J. M. Smith	Mr. Millington
Mr. Brown	Mr. Raphael
Mr. Patrick	Mr. Troy
Mr. North	Mr. Wilson

Clause thus passed.

Title—agreed to.

Bill reported without amendment, and the report adopted.

### BILL—HEALTH ACT AMENDMENT.

#### Second Reading.

Debate resumed from the previous day.

MR. MARSHALL (Murchison) [10.9]: The Bill is particularly drastic in some of its provisions but I do not propose to vote against the second reading. It is essentially a measure to be dealt with in Committee.

The Minister for Health: The Health Act is a very harsh measure.

Mr. MARSHALL: Some of the clauses, although drastic, are necessary. Other clauses will require explanation by the Minister before I can support them. The member for Hannans (Hon. S. W. Munsie) introduced a somewhat similar Bill, but not always do he and I agree.

The Minister for Health: And he is nearly always right.

Mr. MARSHALL: I know he is. Incidentally some of the clauses are very drastic. One of the objections I have occurs quite early in the Bill, where plural voting is provided for. In a democratic country the time is overdue when all concerned in legislation or in elections should have the right to say what shall be done. Some years ago, in the Road Districts Act we tried to get plural voting abolished. In many countries not credited with being nearly so democratic as is Australia, a full franchise has been adopted.

Hon. S. W. Munsie: And in practically all countries outside of Australia plural voting has been wiped out.

Mr. MARSHALL: Plural voting has for long been recognised as an error, and I will oppose it in the Bill. Provision is made for compelling parents of afflicted children to have those children properly treated. I think it would be a crime if this were not insisted upon. The Minister was out of order in saying that the proposed amendment on the Notice Paper is designed to cover Wiluna. Wiluna is not mentioned.

The Minister for Health: I have discovered that I was in error, and I withdraw.

Mr. MARSHALL: Very well, but there are other places where that provision in the Bill will apply, for it is to have a State-wide application in areas that may be proclaimed. I do not wish to delay the passage of the Bill, for although I find in it one or two anomalies, it contains also a lot of merit.

The Minister for Health: There is that provision about noise.

Mr. MARSHALL: That was an amendment inserted in another place, and I do not know that I can support it. However, I will vote for the second reading.

Question put and passed.

Bill read a second time.

### *In Committee.*

Hon. S. Stubbs in the Chair; the Minister for Health in charge of the Bill.

Clauses 1 to 4—agreed to.

Clause 5—New Section:

Mr. MARSHALL: I find in this clause a little foreign language, and to be consistent I must object to it. There will be administering this measure men far from any authority that could give them the correct interpretation of these Latin phrases. It is an insult to the English language to suggest that we cannot find in it the words we require to express our meaning.

Hon. P. Collier: Some foreign languages are better than English.

Mr. MARSHALL: Then let us adopt them as a whole, instead of running along in English and suddenly dropping into Latin. I move an amendment—

That in line 2 of Subclause 2 “*mutatis mutandis*” be struck out and “with all necessary changes” inserted in lieu.

The Premier: It will spoil the look of the Bill.

The MINISTER FOR HEALTH: If the amendment be agreed to it will read very humourously as follows:—“Section 20 of this Act shall apply with all necessary changes to sanitary boards.” No doubt that is why “*mutatis mutandis*” has been used. I hope the Committee will not agree to the amendment.

Amendment put and negatived.

Clause put and passed.

Clause 6—agreed to.

Clause 7—Amendment of Section 34:

The MINISTER FOR HEALTH: This clause was inserted in another place, but we have already sufficient power in the existing legislation to do what is proposed. Moreover, this clause would be quite unworkable, and so I ask the Committee to vote against it.

[*Mr. Panton took the Chair.*]

Clause put and negatived.

Clause 8—Amendment of Section 43:

Hon. S. W. MUNSIE: There has always been objection to retrospective legislation: yet the proposed new subsection is to apply to existing advances on overdrafts to local authorities.

The Minister for Health: That is only to ratify what has been done.

Hon. S. W. MUNSIE: Still, it has retrospective effect. At the same time, I agree that the power sought should be granted.

The Minister for Health: Money has been advanced to health boards, and we propose to ratify the action.

Clause put and passed.

Clause 9—agreed to.

Clause 10—New section:

The MINISTER FOR HEALTH: The clause was inserted in another place, but it has merely local application. If sewerage works costing £1,000 were constructed and only one person had his premises connected, he would be liable for the whole cost. Provision is made for a re-adjustment of charges when other premises were connected, but the clause, in the opinion of the officials, would be unworkable.

Clause put and negatived.

Clause 11—Amendment of Section 56:

Hon. S. W. MUNSIE: Is this clause necessary?

The MINISTER FOR HEALTH: It is necessary because we have given power to local authorities under Clause 9 to construct sewers for the drainage of limited areas.

Clause put and passed.

Clause 12—Owner may be required to connect premises with public sewer:

Mr. SLEEMAN: When a sewer passes within 300 feet of premises, the owner will be compelled to connect. I understand the Government are not arranging for connections on the instalment plan, and hardship may result.

The MINISTER FOR HEALTH: The new section will not apply to the Government system. It will apply only to local authorities, and they are empowered to make advances to owners to finance the work of connecting their premises.

Hon. S. W. MUNSIE: I consider that the proposed new section will apply to all sewerage systems. It certainly should do so. The Bill I introduced some years ago contained a similar clause, and the reason for its inclusion was that residential hotels in Perth had not been connected, although the sewers passed their allotments. The local authorities should have power, in such in-

stances, to undertake the work and charge the cost to the owners. I hope the proposed new section will apply to all sewerage systems.

Mr. SLEEMAN: I do not object to people being compelled to connect their premises, but if the Government are not making provision for the instalment plan, there will be hardship.

The Minister for Health: Money is being provided for that purpose.

Clause put and passed.

Clause 13—Amendment of Section 81:

Mr. SLEEMAN: I understand that this proposed new section applies to septic tanks.

The MINISTER FOR HEALTH: This is a consolidation of Section 81, but it has been extended to apply to holiday resorts.

Clause put and passed.

Clauses 14 to 26—agreed to.

Clause 27—Amendment of Section 147:

The MINISTER FOR HEALTH: I think the Act provides for all that is necessary in this case. It says that where any animal is so kept a nuisance shall be deemed to be created in any of a number of cases. "Bird" is included in the word "animal." The clause might well be struck out.

Hon. S. W. Munsie: If we strike out the clause will Section 2 of the principal Act still hold good?

The MINISTER FOR HEALTH: Yes.

Clause put and negatived.

Clauses 28 to 36—agreed to.

Clause 37—Amendment of Section 240:

The MINISTER FOR HEALTH: Under Clause 2 of the Bill we make provision under the definition of infectious diseases for tuberculosis. It makes it a notifiable disease. Section 232A of the Act states that a person occupying the building where the affected individual is shall notify the local authority, and Section 232C provides that the medical man shall notify the Commissioner. The clause is therefore unnecessary.

Hon. S. W. MUNSIE: I do not want to see any laxity in this regard. Since the Commonwealth Acts have been amended to make it compulsory to notify cases of tuberculosis, the disease throughout Australia has decreased. To-day it ranks only as fourth or fifth on the list. What is the opinion of the department with regard to having the

necessary notifications made if we cut out the only remuneration the medical man gets for notifying the Commissioner? In my opinion the provision is designed for the purpose of securing uniformity. I am not opposing it, but would like to know whether the Minister has an assurance from the department that there will be no difficulty in obtaining the notification if the two paragraphs are deleted.

The MINISTER FOR HEALTH: I am advised that medical practitioners must notify this disease in the same way as they must notify other diseases. If we find they will not make the notification without payment, we have the power to pay for their services and will have to pay. I quite agree that we cannot allow ourselves to be lax in this matter.

Clause put and passed.

Clauses 38 to 41—agreed to.

Clause 42—Amendment of Section 292:

Mr. Sleeman: What is the £5 fine to be inflicted for?

The MINISTER FOR HEALTH: The preceding subclause deals with the matter. The original penalty was £20, but we propose to reduce it to £5, as we think that amount is high enough.

Clause put and passed.

Clause 43—New sections:

Mr. J. I. MANN: I move an amendment—

That the following proviso be added to Section 292A:—"Provided also that this section shall not apply to or affect those who practise the religious tenets of their church without pretending a knowledge of medicine or surgery."

The MINISTER FOR HEALTH: The reason for the inclusion of these new sections is to avoid the necessity for taking proceedings under the Criminal Code, under which the penalties are very severe. We consider that the drawing of the attention of parents to a minor penalty under the Health Act will ensure compliance with the orders of the Health Department.

The Principal Medical Officer has written to me on the matter as follows:—

This new section is designed to compel parents to obtain medical or surgical attention when they have been notified that a child requires such. Under the Criminal Code, Sec-

tion 302, it is provided that any person who, being charged with the duty of providing for another the necessaries of life, fails to do so where the life of that person is or is likely to be endangered, or whose health is or is likely to be permanently injured, is guilty of a misdemeanour and is liable to imprisonment with hard labour for three years. The Crown Law Department express the opinion that the term "necessaries of life" include medical and surgical attention and treatment.

That is very definite. We are not introducing something new, but are relieving the department of their obligation to institute proceedings under the Criminal Code. We do not wish to be harsh with people who have religious objections. We will give them reasonable time in which to show they can improve the health of a child and will call in a second doctor before we take proceedings. For instance, I cannot believe that any intelligent person will maintain that it is possible to cure hernia except by operation. If a child is suffering from hernia, it will be a social derelict all its life unless the hernia is treated.

Hon. S. W. MUNSIE: The Bill goes hardly far enough. It should be amended, but in the opposite direction to that suggested by the member for Beverley. The Bill does not prohibit parents from holding certain beliefs, but I never will be convinced that if a child has a broken finger, that finger can, without surgical attention, heal except in a deformed fashion. All the faith in the world will not cure a child that is suffering from hernia. I know of an instance in which a child 6½ years of age was suffering from the largest boil I have ever seen. It was on his knee and I heard his mother tell him that he should not cry as he had no boil and that he had to believe that he did not have one. That boil should have been treated. I hope the amendment will not be agreed to. Once we start making exceptions, we do not know where it will end.

Miss HOLMAN: Does the Minister intend to force parents to provide surgical or medical attention for their children, at the instance of a medical practitioner, without giving consideration to the means possessed by the parents?

The Minister for Health: We shall have to provide hospital accommodation.

Miss HOLMAN: If it is compulsory, it should be free. In my electorate it is difficult to get medical attention and if an

order were served on a parent, it might be necessary for him to take his child to Perth or Bunbury to procure the necessary attention. Not many parents in that part of the State could afford to do so.

**THE MINISTER FOR HEALTH:** In such instances, the department, after arranging for the necessary accommodation at the Children's Hospital, has provided the railway fares to enable the parents to bring the child to Perth. We will not take action where accommodation is not available.

Amendment put and negatived.

**Mr. SLEEMAN:** In the majority of instances, parents will accept the advice of doctors, but in country districts in particular there are some doctors who are fond of using the knife. I do not think parents should be forced to accept the advice of doctors in those circumstances.

**THE MINISTER FOR HEALTH:** Members should understand what happens in such instances. The school medical officer first examines the child. It will not be suggested that the doctor would be influenced by the considerations mentioned by the member for Fremantle. The school doctor would not use the knife. He would notify the parent that the child should receive treatment. On the occasion of his next visit, the child not having received attention in the meantime, he may find that the condition is worse and the doctor will then send another notice to the parent requiring the child to have the necessary attention. Before action is taken against the parent, the Commissioner of Health has to approve of that course being adopted, and the child has to be further examined by a doctor in consultation with the private doctor.

**Hon. S. W. Munsie:** So that four doctors have to examine the child before any action is taken.

**THE MINISTER FOR HEALTH:** Yes. The member for Fremantle will surely see that we are affording ample protection that should satisfy his objections.

**Mr. SLEEMAN:** The trouble is that at the present time action is not being taken along the lines suggested by the Minister. I know of an instance in which the doctor ordered a child to have attention for adenoids and tonsils. The parents took the child to another doctor who said there was nothing wrong with him. When the school doctor examined the child later on, he wanted to know why he had not received at-

tention and on hearing what had happened, he sent a second notice to the parents with a small printed slip attached intimating that if the child had not been operated on within a certain period the parent would be prosecuted, and that he would be liable to six months imprisonment.

**The Minister for Health:** The amendment will prevent that sort of occurrence.

**Mr. SLEEMAN:** Why are the school doctors doing that sort of thing now? Is it possible for a parent to be sent to prison for six months in such circumstances?

**The Minister for Health:** Yes, under the Criminal Code.

**Hon. S. W. Munsie:** Proceedings could be taken against that parent—if the department were silly enough to do so.

**Mr. SLEEMAN:** It may be all right if the Minister is satisfied that the interests of the child will be safeguarded. I would like to know what will happen in the country districts I have referred to. Will the school doctor and two other doctors be present at the latter examination?

**THE MINISTER FOR HEALTH:** We are trying to further the viewpoint of the hon. member. We want to give the parent a little more protection and at the same time have the child looked after. At present the parent can be charged with an indictable offence. We do not desire that, and so we are leaving it to the discretion of the Commissioner and two other doctors in consultation. There will be no prosecution.

**Miss HOLMAN:** It is not enough to furnish the parent and child with railway passes. I am not complaining of the Minister's treatment of the country hospitals, but he has made no provision for children to be medically treated in any timber centre that has not a hospital. If a medical officer goes to Wellington Mills and orders a child at the school to have medical treatment, the parent has to take that child to Bunbury, entailing railway fares, board and lodging and medical expenses. I have no objection to the children being treated, but the clause does not provide the wherewithal for that treatment when the parents have not the means to pay for it.

**THE MINISTER FOR HEALTH:** We are compelling the hospitals to care for the indigent sick. Frequently have we had to find railway passes for children coming to Perth to be specially treated. Under the clause, no prosecution can be instituted

without the approval of the Commissioner. Anything which the Bill says has to be done by the Government will be paid for by the Government. We give an undertaking that any child whose parents cannot afford to pay shall have free hospital treatment, and if necessary we shall transport the child to the city, or to the nearest hospital.

Mr. SLEEMAN: We require an interpretation of what is meant by a parent being unable to afford to pay for the medical treatment of the child. No one on the basic wage having two or three children can afford to pay for their medical treatment.

Miss HOLMAN: The Minister says the child will get free treatment in the hospital. But if the parent has to bring the child to Perth, they will both have to live while in Perth. I move an amendment—

That a second proviso be added to proposed new Subsection 1 as follows:—"Provided that the expenses of any such examination or operation shall not be chargeable to parents who are not in a position to pay."

The CHAIRMAN: I cannot accept the amendment, for under the Standing Orders no private member is entitled to move an amendment that will impose a burden on the people.

Miss HOLMAN: At present the Government are administering very severely the sustenance allowance, and in consequence country parents are not in a position to pay for the maintenance of themselves and their children in the city. The railway fare would probably be the least part of the expense. The Government should make provision for a parent who cannot afford to meet the expense of waiting for the child to be treated. People should not be liable to prosecution and imprisonment for not carrying out order which they are financially unable to comply with.

Mr. KENNEALLY: The Minister could rectify the position.

The Minister for Health: Not under this Bill. It is worse under the existing law.

Mr. KENNEALLY: I am not complaining of the clause, but if a parent is not in a position to meet the expense incidental to the treatment required, provision should be made.

The Premier: Hundreds of people who are not in a position to pay now receive attention. They are not left untreated because they are without means.

Mr. KENNEALLY: Some people would have to travel long distances in order to get surgical and medical treatment.

The Minister for Health: If we do not pass the clause, they will still have to obtain treatment.

Mr. KENNEALLY: No, under the existing law it is more or less optional. It is right to provide that when medical officers point out defects, the children should receive attention, but side by side with that, provision should be made for the Government to meet the expense if the parent cannot afford it.

The Minister for Health: I have already told you there is power under the Hospitals Act to do that.

The Premier: No Government would allow people to go short of necessary medical attention.

Miss Holman: I know of people who cannot afford to take their children to get teeth extracted.

The Minister for Health: I do not care if the clause is negatived.

Clause put and passed.

Clause 44—agreed to.

Clause 45—Amendment of Section 309:

Hon. S. W. MUNSIE: Section 309 empowers the Commissioner or any local authority to cancel or suspend the license issued to or the registration of any person who has been convicted of an offence. The clause provides for the addition of the words "and may refuse any subsequent application from such person for a similar license or registration." I am prepared to give the additional power to the Commissioner, but not to the local authority. Local authorities might be influenced by spite or spleen, and might refuse a license for that reason.

The Minister for Health: Suppose a person were convicted three or four times, it would be awkward.

Hon. S. W. MUNSIE: No, the Commissioner would have the power to refuse, and the person would not get a license.

The MINISTER FOR HEALTH: A person may be prosecuted under the Health Act and immediately afterwards may make application for re-registration, and re-registration must be granted unless the power provided in the clause is conceded. Suppose a nurse in charge of a hospital were convicted of a certain offence.

Hon. P. Collier: If the local authority refused, should not she have the right of appeal? She might be refused through jealousy.

The MINISTER FOR HEALTH: I have no objection to that safeguard. I move an amendment—

That the following words be added:—"but there shall be an appeal to the Commissioner against any such refusal by the local authority."

Mr. Kenneally: All subsequent applications for re-registration ought to go to the Commissioner.

The MINISTER FOR HEALTH: That may not be necessary.

Amendment put and passed; the clause, as amended, agreed to.

Clause 46—agreed to.

Clause 47—Amendment of Section 323:

Mr. SLEEMAN: Will the Minister explain the meaning of these funny words, "*pari passu*," in the middle of the clause?

Mr. MUNSIE: If the word "registered" is inserted in Section 323, it will not read correctly without proper punctuation.

The MINISTER FOR HEALTH: I quite agree with the hon. member. The clause will require the insertion of a comma. The words "*pari passu*" mean "ranking equal with," or "with equal pace."

Mr. SLEEMAN: Why not use English words? The clause looks like a Chinese puzzle. I move an amendment—

That the words "*pari passu*" be struck out, and the words "with equal pace" be inserted in lieu.

Amendment put and negatived.

Clause put and passed.

Clause 48—Amendment of Section 328:

Mr. SLEEMAN: The onus of proof of innocence is being placed on the defendant. That is opposed to all British justice. I have always objected to that sort of thing, and always will do so. Every man is innocent until he is proved guilty. The clause says that a person must first prove his innocence otherwise he is deemed to be guilty.

The MINISTER FOR HEALTH: The intention of the clause is to simplify the procedure in respect to proceedings that are instituted against parents for failure to

keep the children's heads clean. It will also have the effect of reducing costs to parents in unfortunate cases. There is no question about anyone having to prove his innocence.

Mr. KENNEALLY: If a complaint is made, it will be accepted, and the onus of proof to the contrary will be thrown upon the parent or guardian. Some expense may be involved in this, but the parent will get nothing from the Crown.

The MINISTER FOR HEALTH: I am prepared to let this clause go, although it will be of assistance to parents. Certain things are done under Section 328 when legal proceedings are taken. The object is to relieve parents of the necessity of obtaining birth certificates at the Registrar General's office. They will then not be obliged to pay the fee for the certificate.

Clause put and passed.

Clause 49—agreed to.

New Clause.

The MINISTER FOR HEALTH: I move—

That the following be added to stand as Clause 28:—

A section is inserted in the principal Act, after Section 158, as follows:—

158A. (1) Where any trade process, whether an offensive trade or not, has been established in any district, and is of such a nature that the carrying on thereof will unavoidably result in fumes, dust, vapour, gas, or other chemical elements which, in the opinion of the Commissioner, are likely to be injurious to health, escaping into the air, the Governor may, on the recommendation of the Commissioner, by proclamation—

(a) define any area surrounding the place where such trade process is carried on, within which, after the issue of the proclamation and whilst the same remains unrevoked, no dwelling-house shall be erected or used for habitation; and

(b) define any area surrounding the place where such trade process is carried on, within which, after the issue of the proclamation and whilst the same remains unrevoked, no rainwater tanks shall be erected or used, and no rainwater shall be collected or stored for human consumption:

Provided that, where any dwelling-house has, prior to the issue of a proclamation under this subsection, been erected within the area defined by such proclamation as an area within which dwelling-houses shall not be erected or used, the Commissioner may, notwithstanding the proclamation, grant a permit in writing

signed by him to any person to use such dwelling-house for purposes of habitation, upon and subject to such conditions as the Commissioner may deem fit to impose and which are specified in the permit so granted.

The Commissioner desires that clause to be inserted in the Act.

Mr. MARSHALL: Water is found to be poisonous in the vicinity of the stack at Wiluna. That is likely to be the case whenever refractory ore is in process of treatment. Fortunately for the people of Wiluna, it was discovered in time to save their lives.

New clause put and passed.

Title—agreed to.

Bill reported with amendments.

*House adjourned at 11.35 p.m.*

## Legislative Council,

*Tuesday, 29th November, 1932.*

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

### STANDING ORDERS SUSPENSION.

*Close of Session.*

THE CHIEF SECRETARY (Hon. C. F. Baxter—East) [4.31]: Several Bills are due to come forward to-day from another place. If we followed the usual procedure these

would be read a first time to-day, and read a second time to-morrow or at some later date. As there is very little business on the Notice Paper, and the session is coming to a close, I shall be pleased if the House will agree to my moving without notice for the suspension of Standing Order 181 for the remainder of the session to allow of the second reading stage of Bills to be taken without delay, and messages from another place to be dealt with immediately upon their receipt. I move—

That leave be granted to move, without notice, for the suspension of Standing Order 181.

Question put and passed.

THE CHIEF SECRETARY (Hon. C. F. Baxter—East) [4.34]: I move—

That Standing Order No. 181 be suspended for the remainder of the session so as to allow the second reading stage of Bills to be taken without delay, and messages from the Legislative Assembly to be dealt with on being received.

Question put and passed.

### BILL—COMPANIES ACT AMENDMENT.

Introduced by Hon. J. Nicholson, and read a first time.

### BILL—FINANCIAL EMERGENCY TAX ASSESSMENT.

*Assembly's Message.*

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

### BILLS (3)—THIRD READING.

- 1, Traffic Act Amendment.
  - 2, Tenants, Purchasers, and Mortgagees' Relief Act Amendment (No. 1).
  - 3, Swan Land Revesting.
- Passed.*

### BILL—MINING ACT AMENDMENT.

*First Reading.*

Received from the Assembly and read a first time.