

merely to be leased how were the finances to be recouped, how did the Minister propose to balance if the revenue which came to us now under the system of selling the land was to be denied to us under the system of leasehold? Again, it was provided that holders of conditional purchase land might convert. If those people were to convert, much of the revenue the Minister now derived would disappear. Then the member for Katanning (Mr. A. E. Piesse) had raised the question of private finance, and asked how the leaseholders were to obtain advances. All these were important questions and should be minutely replied to by the Minister. It was essential that a man who went out into the backblocks to develop the country should be able to borrow money for improvements. What would the Minister do to make it possible for the leaseholders to carry on the work of improvement now that they would not be able to go to private financial institutions? We could not believe that the Minister had not in some way made provision to meet the difficulties that would be occasioned by the substitution of leasehold for the freehold. The Committee should be informed on this point.

Progress reported.

House adjourned at 11.32 p.m.

Legislative Council,

Wednesday, 13th November, 1912.

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

PAPER PRESENTED.

By the Colonial Secretary: Annual report of the Woods and Forests Department to the 30th June, 1912.

BILL—JETTIES REGULATION ACT AMENDMENT.

Read a third time and transmitted to the Legislative Assembly.

BILL—WORKERS' COMPENSATION.

Second Reading.

Hon. J. E. DODD (Honorary Minister) in moving the second reading said: The Bill which we have before us is one to amend the law with reference to compensation for injuries, and its object is also to try to bring this State into line with the legislation of some of the other States and some of the other English speaking parts of the world. Last year at the Imperial Conference a resolution was carried affirming the desirability of bringing about uniformity in regard to the law for compensation for injuries, and that resolution was sent to the various English speaking parts of the British Empire, and an endeavour made to bring about uniformity. I am not going to say that the Bill is entirely uniform with all Bills that have been introduced in various parts, but at least I can say that in many respects it is uniform. The Workers' Compensation Act at present in existence was passed in 1902 and its purpose was to remove the disabilities which workers were suffering from in respect to the Employers' Liability Act and

also in respect to the common law provisions regarding accidents. I may say here, if there was any law that operated cruelly against the workers it was the common law provision in relation to compensation for injuries. Since large industrial concerns have come into being the employer can usually pass his responsibility on to a manager and since the enunciation of the common employment doctrine, the worker has practically been put out of court in regard to the compensation he may recover at common law. It is very rarely indeed that a worker can recover any compensation at common law except from a small employer. The common law provisions act not only detrimentally to the worker but also to the small employer, inasmuch as a man who is in charge of a small work is in direct contact with his employees and may become directly responsible for the accident, but in a large industrial establishment, such as a mine or a ship, the superintendence is delegated to a manager or perhaps to an attorney, and as a consequence the employer has been absolved of his responsibility in that respect. In order to overcome that defect the Employers' Liability Act was introduced in England in 1880 but that Act did not provide all that it should have done in regard to injuries. I might just explain briefly what the Employers' Liability Act does do, because it is almost word for word the same in this State as the English Act. It provides that an employee can recover compensation by reason of the negligence of any person in the service of the employer entrusted with the superintendence, or by reason of an Act done in obedience to by-laws or rules of the employer, or in consequence of the negligence of any person in charge of signal points, locomotive engine or train upon a railway, but the employer is not liable if there was any contributory negligence on the part of the worker or if it could be shown that the worker knew the plant, machinery or works were not in proper condition. Here again, however, it is very difficult for the worker to fasten responsibility on the right person. Sometimes he can but

more often than not it is impossible to fix any responsibility on the employer. The Workers' Compensation Act was introduced in order to remove those disabilities from the worker and also to some extent to give a little more justice to the small employer. Now the Act of 1902 was no doubt a very great advance upon all previous legislation, and despite all that may be said about workers' compensation I know of no other Act that has given more extended benefits to workmen than that Act of 1902. I have had a considerable amount of experience in dealing with this measure, and I know what I am saying. However, after the lapse of 10 years we are enabled to see where the Act may be improved and I think the principle has been laid down that all workers, whether engaged in hazardous employment or not, should be entitled to some compensation when they become injured or maimed in the course of their employment. That is the reason the Government are seeking to extend the provisions of the Workers' Compensation law as it now exists. I would briefly draw the attention of members to the principal alterations in this Bill as compared with the Act of 1902. First of all we have an extension of the provisions of the Act to almost all workers. The present Act limits the benefits to some classes and some kinds of workers; it excludes some, such as labourers in the agricultural industry and workers on ships at sea, and various others, but this Bill, as far as it can possibly do it, extends its benefits to all workers. It has application to ships at sea and also to tributers, and the reason for including the latter I shall explain before sitting down. There has also been an increase of the benefits provided for, but perhaps the most important alteration that has been made is the inclusion of industrial diseases. We further provide for the abolition of assessors, so that the court to deal with claims for compensation will be the local court presided over by the resident magistrate. Provision is also made giving the worker the right to ask the court to fix a lump sum in compensation. Under the present Act the worker

has not that right; it is limited to the employer. We have also provided fixed amounts for permanent injuries as in New Zealand. There is a schedule in the Bill providing that so much shall be paid for the loss of an eye, so much for the loss of a limb, and so on for any permanent injury. The resumption of work will not affect the compensation under certain conditions; that is, a man may resume work and if he finds that he cannot continue, that resumption of work will not affect his right to compensation. The defence of serious or wilful misconduct, which at present exists, has been abandoned in cases where death or permanent injury results. The Bill provides that all compensation due at the time the Act comes into force shall be paid. The repeal of the present Act does not affect any amount being paid in compensation now. In the interpretation clause provision is made for "certifying medical practitioners" who may be appointed by regulation, and the duties of these certifying medical practitioners will be very large if the diseases mentioned in the schedules are passed.

Hon. J. F. Cullen: Why not admit all registered practitioners?

Hon. J. E. DODD (Honorary Minister): I do not think that would be workable. It would hardly be advisable. "Dependants" mean such members of the worker's family as were wholly dependent upon the earnings of the worker at the time of his death or would, but for the incapacity due to the accident, have been so dependent. The term "employer" has been extended somewhat to mean any body of persons corporate or unincorporate and the legal personal representative of a deceased employer, and it also extends to any employer who may lend a worker to any other employer to do a certain amount of work. The meaning of "a member of a family" has been extended to include illegitimate children, and, with respect to an illegitimate worker, includes the mother and his brothers and sisters or father. In other words the Bill may be applied to an illegitimate person in the same manner as to a legitimate person.

Hon. Sir E. H. Wittenoom: Is this not an encouragement to idleness?

Hon. J. E. DODD (Honorary Minister): I do not think so.

Hon. M. L. Moss: There will be some nice questions when they try to find out where the illegitimate's father is.

Hon. J. E. DODD (Honorary Minister): I do not think those results will follow any more than the baby bonus will help to encourage population. There are certain exceptions in regard to workers, and one of those exceptions is outworkers. An "outworker" is defined as a person to whom articles or materials are given out to be made up, cleaned, washed, altered, and so on in his own home or on other premises not under the control or management of the person giving out the materials or articles. The Bill does not apply to outworkers of this description, but it applies to every other manual worker and to clerical workers in receipt of less than £350 per annum. It does not extend to anyone whose employment is of a casual nature, that is, one who is employed otherwise than for the purpose of the employer's trade or business, nor does it extend to the police force or to a member of an employer's family. Special provision is made that tributers shall be deemed to be workers in the employ of the other party to the tribute.

Hon. M. L. Moss: They are independent contractors.

Hon. J. E. DODD (Honorary Minister): No doubt a certain amount of exception will be taken to the inclusion of tributers in this Bill, but it must be borne in mind that as the mining fields develop the number of tributers is likely to increase. As the mines get worked out to the bottom levels they are usually handed over to tributers to get what they can out of them, and there is a large number of tributers engaged on the Golden Mile at the present time. I think I am safe in saying that the majority of these men are not making wages.

Hon. Sir E. H. Wittenoom: They are working for their own profit.

Hon. W. Kingsmill: As a rule it is a very hazardous occupation the way they carry it out.

Hon. J. E. DODD (Honorary Minister): It is more hazardous in some

respects than the ordinary miner's occupation.

Hon. W. Kingsmill: Very much more.

Hon. Sir E. H. Wittenoom: Why should a man be responsible for what he has no control over?

Hon. J. E. DODD (Honorary Minister): The owner of the mine has control to a very great extent. He is compelled to abide by the provisions of the Mines Regulation Act and the Mining Act, and he has to see that his lease is manned. If this Bill is not extended to tributers there is always a possibility of mines that are not in a flourishing stage of development extending the responsibility of fulfilling the labour covenants to the tributers. As long as the tributers are allowed to man the leases I can see no reason why they should not come under the provisions of the Bill, though perhaps at times there are tributers who may strike a bonanza, who may get hold of a very large sum of money perhaps by striking some new streak of gold. To say that the employer should compensate these men may seem altogether unfair, but I think we have to consider the greater number, and where there is one man who makes a rise in the manner I have indicated, I can safely say there are ninety-nine who may not be making wages, or at least are only making wages. I hope the House will agree when in Committee to the provision made for tributers remaining in the Bill. The Bill does not apply to the naval or military services of the Crown. The Minister may, notwithstanding anything in the measure, frame schemes for Government departments with a view to their being certified by the registrar. These schemes are very few indeed and I do not think that many will be formulated in connection with this measure. I believe that the great bulk of the employers prefer to deal direct with their employees through insurance societies than to formulate schemes, but there may be a scheme that, if brought into existence, will be beneficial both to the employer and to the worker. Under Clause 6, Subclause 1, it is provided that the worker may recover compensation or may sue for compensation under the Workers' Compensation Act or independently of that measure.

He may proceed at common law or under the Employers' Liability Act, or under the Workers' Compensation Act, but he can only recover under one Act, and should the case be lost the costs may be taken from any amount of compensation he may be entitled to under the Workers' Compensation Act. If the worker thinks he has a case under common law he can sue under common law; if he thinks he has a case under the Employers' Liability Act he can sue under that Act; but if he fails he may have recourse to the Workers' Compensation Act and, should he lose, the costs of the case may be recovered from what he is entitled to under the Workers' Compensation Act. In paragraph (b) of Subclause 2 of the same clause it is provided that if the injury to the worker is attributable to the serious and wilful misconduct of the worker any compensation claimed in respect to that injury shall, unless the injury results in death or serious or permanent disablement, be disallowed.

Hon. M. L. Moss: But if it does result in death or serious or permanent disablement compensation is payable. That is a very big advance on the present law.

Hon. J. E. DODD (Honorary Minister): The existing provision has acted very harshly and unjustly in many cases. I remember one case in which I sat as assessor. A lad of about 20 was killed. The party had fired a number of holes and had gone back and waited for a quarter of an hour. They thought that one hole had not exploded. The regulations provided that they should wait an hour, but they went back after a quarter of an hour into the drive to charge the hole and refire it again; but unfortunately the hole exploded while they were there. The case was decided on the ground that serious and wilful misconduct was shown on this youth's part by his going back to the hole prior to the hour elapsing. He had a mother and sister depending on him, and I think members will agree with me that it would be a very harsh and serious matter if compensation is to be disallowed in a case of that kind, especially in view of the fact that if the regulation had been strictly adhered to he might have been removed from his em-

ployment. I do not say that such would have happened, but it is possible that, with an overbearing foreman or shift-boss, a man who sits down for an hour waiting for the time to elapse may possibly be removed from the mine. It is cases like this that have induced the authorities in various parts of the world to provide that when serious and wilful misconduct takes place and results in death or serious and permanent injury, compensation should still be given. Compensation can only be recovered in one part of His Majesty's Dominions. No claim can lie here and in any other part of the United Kingdom. The rates of compensation are set out in the schedules, also the manner in which agreements may be made or cases determined. In Clause 7 proceedings for recovery under the Bill are not maintainable unless notice of the accident has been given as soon as practicable after the happening thereof, and before the worker has voluntarily left the employment in which he was engaged, and unless the claim for compensation is made within six months from the occurrence of the accident or the time of death; but it is provided that any want of or any defect or inaccuracy in the notice will not prejudice proceedings if it can be shown that the want of notice or the defect or inaccuracy in the notice was occasioned by mistake or by absence from the State or from any other reasonable cause. That is the same provision as in the present Act. In Clause 8 there is provision by which schemes, in regard to which the registrar may certify that the compensation is of a not less favourable nature than provided in the Bill, may be entered into by the employer and the worker. In Clause 9 we have a provision in reference to the liability of a contractor or sub-contractor; either of these may be deemed the employer, and from either one of them the employee may recover compensation in certain cases. They are held jointly and severally liable to pay any compensation which the contractor would pay if he were the sole employer under the Act, and the principal may be indemnified by the contractor under certain conditions. It will be found in Subclause 3

that the principal shall not be liable under the clause unless the work in which the worker is employed at the time of the accident is directly a part of a process in the trade or business of the principal, or if the worker is engaged in one of the occupations mentioned in the third schedule; that is, the worker must be engaged in one of the occupations mentioned in the third schedule, or must be engaged in a process in the trade or business of the principal. The third schedule provides that the occupations are as follows:—mining, quarrying, excavation, the cutting of standing timber, including the cutting of scrub and clearing land of stumps and logs; the erection or demolition of any building; the manufacture or use of any explosive; the charge or use of any machinery in motion and driven by steam or other mechanical power; the driving of any vehicle drawn or propelled by animal power or mechanical power; any occupation in which the worker incurs a risk of falling any distance, if the injury or death of the worker results from a fall. The worker engaged in any of these industries may recover from the principal, the contractor or the sub-contractor. If either one of these is recovered from wrongfully he has the remedy of seeking indemnity from the rightful employer. The crux of the clause is that in all cases the worker should have the right to look for his compensation. Certain provisions are made in cases of bankruptcy. Where an employer who is insured against the Act becomes bankrupt the insurance will still hold good in respect to any accident that may happen to the worker.

Hon. Sir E. H. Wittenoom: That clause is not very clear.

Hon. D. G. Gawler: He is given a prior charge in bankruptcy, as well.

Hon. J. E. DODD (Honorary Minister): The worker has a prior right in respect to compensation upon any assets or upon any insurance that may be taken out in regard to damages for compensation under the Act. It is simply giving the worker the first right—something similar to what he now has for wages. In Clause 12 we come to the application

of the Act to industrial diseases, and it is probably here that we shall strike the most criticism. The application of workers' compensation to industrial diseases is not new: it has been adopted in England since 1906, and it is also adopted in New Zealand, and I think it is the law in South Australia at the present time. There are certain diseases which may be termed industrial or occupational diseases, and if the worker should be off work by reason of these diseases, or if he should die, his dependents can claim compensation, just as if he died as a result of some accident. The Bill goes a little further, perhaps, than the Imperial Act, or the present New Zealand Act, in this connection; that is to say, it provides that certain diseases in mining shall be classed as industrial diseases. I would like to say that a man who loses a limb, or who dies as the result of industrial disease, is surely just as much entitled to compensation as a man who may be killed outright.

Hon. J. D. Connolly: How are you going to prove where he contracted the disease?

Hon. J. E. DODD (Honorary Minister): It is provided for in the Bill.

Hon. D. G. Gawler: You can leave that to the employer.

Hon. J. E. DODD (Honorary Minister): It has been done in other places, and can be done here. Regarding the application to mining, there is no doubt considerable opposition will be raised, and it is possible that I shall move an amendment making somewhat more clear the application of these industrial diseases to mining. To my mind it is not altogether clear in the fourth schedule. It applies in mining to bromide poisoning, cyanide poisoning, ankylostomiasis—that is a disease of the intestines brought about by a worm. However, I do not think such a disease is to be found in Western Australia, although there were some suspicions that in one of the mines there was a disease of this nature. The other disease is pneumoconiosis, which comprises the diseases relating to mining, such as anthracosis, a disease contracted in coal mines, fibrosis, a disease brought

about by dust on the lungs, and silicosis, which is very similar. Then of course we have tuberculosis, although I do not think that is embodied in this schedule, judging by the way it reads. We have pneumoconiosis, which comprises miners' phthisis. I am told that miners' phthisis is not a scientific term, that there really is no such disease as miners' phthisis as defined here, and, as I say, some amendment may be introduced into the Bill in order to define more clearly these industrial diseases. I know of nothing more pitiful than a man suffering from one of these diseases. Unfortunately I think they are increasing, and are likely to increase in the State as the mines go deeper. To see a man suffering from one or other of these diseases, simply sitting down and awaiting the course of twelve months, or it may be two or three years, to die, without any hope of compensation, is somewhat pitiful; I can assure you of that. It seems to me the industry should bear the burden of all those who are rendered incapable by reason of working in it, and through the industry, the public. That is the whole principle of workers' compensation, and I do not see why these diseases should not be included as well as those other diseases that have been included in the various Acts at present in existence. Anthrax is a disease arising from the handling of wool, hair, bristles, hides and skin. Lead poisoning is a disease incidental to plumbing, and the handling of paint, and also working in lead mines. I have seen some of the most pitiful cases of lead poisoning at Broken Hill which it is possible to see. It will certainly be a relief and an advantage to a large number of men that something may be done for them under such Bills as this. I am aware that hon. members will ask what about the employer, who is to find the money for all these experiments, as they may be termed; but I would point out to hon. members that Mr. B. L. Murray, the chairman of the associated insurance companies, stated in his evidence before the Royal Commission on Miners' Lung Diseases that had he a monopoly of

insurance he could reduce the rates by thirty or forty per cent.

Hon. M. L. Moss: But they will go up one hundred or two hundred per cent. under the Bill.

Hon. J. E. DODD (Honorary Minister): I do not think so. There may be some increase, but I do not think it will be anything like a hundred per cent., or even fifty per cent. But, whether or no, I believe it is right for the employer to provide compensation for all who may be rendered helpless through working in the industry, helpless whether by industrial disease or as the result of an ordinary accident. The Bill also applies to ships that are registered in the State or owned by a body corporate and established under the laws of the State, or owned by any person or body corporate whose chief office in respect to the management of the ship is in the State, or is owned by the Crown in the shape of the Government of the State. The existing Act only applies to ships which may be in port; that is to say, an accident may happen to a lumber unloading such ship, in which case the Act applies; but the Bill is made to apply whether the ship is in port or at sea. There are some exceptions made under the Merchants Shipping Act, as members may see under Subclause 3 of Clause 13. The liabilities of ships are limited in some respects to so much per ton of their tonnage; I think in some instances it is £8 per ton and in others £15. Subsection 1 of Section 503 of the Merchants Shipping Act, which is referred to in this subclause, sets out that where any loss of life or personal injury is caused to any person being carried in the ship, or where any loss of life or personal injury is caused to any person carried in any other vessel, by reason of improper navigation of the ship, they may not be liable to damages beyond the following amounts, that is to say, in respect of loss of life or personal injury either alone or together with loss of or damage to vessels, goods, merchandise or other things, an aggregate amount not exceeding fifteen pounds for each ton of the ship's tonnage: and in respect of loss

of, or damage to, vessels, goods, merchandise, or other things, whether there be in addition loss of life or personal injury, or not, an aggregate amount not exceeding eight pounds for each ton of the ship's tonnage. Despite those provisions the damages, as laid down in this Bill, must be paid; that is that limitation will not apply in respect to workers' compensation. There are other matters such as where, under the Merchant Shipping Act, the owner is responsible to pay expenses of burial; the Workers' Compensation measure will not apply in that respect. Wherever a limitation is made under the Merchant Shipping Act, that limitation will not apply to the compensation to be paid under this measure. Under Clause 14, the Minister may appoint a legally qualified practitioner to be medical referee and certifying medical practitioner for the purposes of this law, and remuneration for the same may be fixed by regulation. A ship may be detained in order that security may be given for compensation or in order that compensation may be paid. The provisions in that respect are copied from the English Act of 1906, and provision is made whereby fines may be inflicted against the master of a ship who proceeds to sea without paying the compensation or giving security for the same. I do not know that there is much more in the Bill that I can explain. The Governor may make regulations, and those regulations may be disallowed, as provided under Subclause 4 of Clause 20, which reads as follows:—

If either House of Parliament passes a resolution at any time within thirty days after such regulations have been laid before such House disapproving any regulation, the Governor shall convene a joint sitting of the members of the Legislative Council and the Legislative Assembly, and if at such sitting a resolution is passed by an absolute majority of the total number of the members of the Legislative Council and the Legislative Assembly sitting and voting together, disallowing any regulation, such regulation shall cease to have effect.

Hon. Sir E. H. Wittenoom: This House would not have much chance. would it?

Hon. J. E. DODD (Honorary Minister): Probably some of the most important parts of the measure are in the schedules. If members turn to the first schedule, they will see the amount of compensation that is to be allowed, and how it is to be obtained. Under Paragraph 1 of the first schedule, it is provided that a sum equal to three years' earnings, or the sum of £400 may be paid in cases of death, whichever sum is the larger, but in no case shall exceed £600. The amount as I have already stated, has been increased, and I think, even under this Bill it is not proportionately more than what it is in the United Kingdom. In New Zealand, I think, the total amount which may be paid is £500. The amount under this Bill is £600, and under the existing Act, £400. A sum equal to three years' earnings or £400, whichever sum is the larger, may be paid in cases of total dependency; in the case of partial dependency, proportionate benefits may be given, and in the absence of an agreement as to what those benefits shall be, the amount shall be determined by the local court, and, as I have already said, assessors are not provided for under the Bill, but it is to be determined by the resident magistrate. If a worker leaves no dependants, then reasonable expenses for medical attendance and burial under the existing Act must be paid. Where total or partial incapacity results, weekly payments, not exceeding 50 per cent. of the weekly earnings during the previous twelve months may be paid, but such weekly payment must not exceed £2 10s.. The increase there is from £2 to £2 10s.; that is the amount provided for in the New Zealand Act. The compensation will be payable from the date of the accident. Under the existing Act, the worker has to be off work for a fortnight before he can recover compensation, but under this Bill, it is provided that compensation shall be paid from the date of the accident, and for any proportional part of a week. Provision is also made that, where a worker is under the age of 21 years, and his

average weekly earnings are less than 20s. 100 per cent. shall be substituted for 50 per cent. of the average weekly earnings. That is, if he is getting under 20s. a week, the full amount must be paid. In the case of an old and infirm worker, a certain agreement may be entered into by which he may accept a lesser sum, but where death should result from any injury to such old and infirm worker, it must not be less than £100, and where total or partial incapacity results, this weekly payment during the incapacity will be 10s., or a total liability of £100. Provision is made so that old and infirm workers may not be cut out of employment altogether. For the purpose of computing the average weekly earnings, it is provided that, where by reason of the shortness of the time during which a worker has been in the employ of an employer, or the casual nature of the employment or the terms of the employment, it is impracticable to compute the remuneration, regard may be had for the average weekly amount earned during the twelve months preceding by a person employed in the trade by the same employer. That is, so far as possible, the average weekly earnings will be computed on what the man would earn, provided he was working full time. In respect of casual workers employed as stevedores, lumpers, or wharf labourers, there is special provision.

Hon. J. D. Connolly: That is the 1909 amendment.

Hon. J. E. DODD (Honorary Minister): Yes; it has been copied into this Bill. I think members will fully realise that, as far as these men are concerned, it is very difficult sometimes to compute the average weekly earnings, and consequently it is provided that the full working week's earnings at the ordinary, but not overtime, rate of pay shall be the basis on which it shall be computed. There is another provision in this Bill to which I wish to direct attention, and that is paragraph 5 of the first schedule, which states—

The payment in the case of death shall, unless otherwise ordered as hereinafter provided, be paid into the Local

Court nearest to the place of residence of the deceased at the time of his death, and any sum so paid into court shall, subject to rules of court and the provisions of this schedule, be invested, applied, or otherwise dealt with by the magistrate whose duty, for the time being, it is to preside over the court in which the sum is, in such manner as he in his discretion thinks fit, for the benefit of the persons appearing to him to be entitled thereto under this Act, and the receipt of the clerk of the court shall be a sufficient discharge in respect of the amount paid into the court.

That is a very necessary clause which will be likely to limit the cost of those seeking compensation in respect to legal expenses. I am sure the legal members of the House will not object to this clause which seeks to limit these costs. Paragraph 5 continues—

In the case of dependants, being infants, the magistrate may, in his discretion, order the payment of their shares to be made to the widow or husband of the deceased worker, or to any other member of the worker's family or husband of the deceased worker, or to any other member of the worker's family (being a dependant) who may have undertaken the care of such infants.

This is also a necessary provision setting forth that those who have the care should be entitled to some of the compensation necessary for the rearing of such infants. The same applies in respect of any legal disability, such as infancy or insanity. The order made by the magistrate or by the court may be varied at any time on account of the neglect of the children by the parent or guardian and the magistrate has a certain amount of power in making that variation in any way he may think just. That, also, I think is very necessary in matters of this kind. Very often children may be neglected, and the best use may not be made of the money recoverable under the law. Provision is also made that the investment of funds may be made if such investment is approved by the magistrate. With regard to the medical examinations and the references

to a medical referee, paragraph 14, subparagraph (a) states—

Where a worker has so submitted himself for examination by a medical practitioner, or has been examined by a medical practitioner selected by himself, and the employer or the worker, as the case may be, has within six days after such examination furnished the other with a copy of the report of that practitioner as to the worker's condition, then, in the event of no agreement being come to between the employer and the worker as to the worker's condition or fitness for employment, the clerk of a local court on application being made to the court by both parties, may, on payment by the applicants of such fee, not exceeding two pounds, as is prescribed by any rule of court, refer the matter to a medical referee.

The verdict of the medical referee in that respect is final. Provision is made that weekly payment may be reviewed either at the request of the employer or of the workman. A man suffering from an injury may have received a certain amount. He may ask that the order shall be reviewed in the case of partial incapacity—or the employer may ask for it to be reviewed if he thinks that the worker can do a certain amount of work. The court may make such award as it thinks fit. I have known cases where the employer has asked that the rate of compensation should be reviewed, and in one case, the amount was reduced because it was thought the worker could undertake some light employment. Paragraph 16 makes provision that, where a weekly payment has been continued for not less than three months, the liability therefore may, on application by, or on behalf of, either the worker or the employer be redeemed by the payment of a lump sum to be settled on agreement by the local court. As I pointed out in the beginning, under the present Act, it is only the employer that has the right of asking that a lump sum be paid in commutation of the weekly payments. Under this Bill it is stipulated that the employee should have that right. If this proposal is adopted it will afford a considerable amount of relief to

employees who are suffering from permanent injuries, inasmuch as a man may be permanently injured, and he may at the end of three months ask that the amount be lumped, and he can receive that lump sum instead of going on eating his £300 or £400, as the case may be. With that amount the injured man may be able to start some small business, or take up an industry in which he can earn a living. At the present time, unless the employer is good enough to give him the lump sum the injured man has to sit down and eat up the amount which is coming to him.

Hon. Sir J. W. Hackett: And if the small employer is not able to afford all this?

Hon. M. L. Moss: He has to go under.

Hon. J. E. DODD (Honorary Minister): The small employer will not be affected any more than at the present time.

Hon. W. Patrick: He will disappear. £600 would kill any small employer.

Hon. J. E. DODD (Honorary Minister): Every employer will insure. It is not a question of coming on the small employer.

Hon. Sir J. W. Hackett: The premiums will be raised.

Hon. J. E. DODD (Honorary Minister): There is no doubt that the premium will be raised to a certain extent, but the same opposition that may be taken to the raising of the premiums was raised at the time the Act was brought into existence when the same liability and the same obligations had to be taken on by the employers. There are also provisions made in the Bill for memorandums of agreement to be entered into by the local boards and special provisions are made in order to prevent fraud or improper means being used. This is done in order to limit the costs as far as possible, not only to the worker, but to the employer. This agreement has to be registered in order to have any effect. It is further provided that a worker may resume work, that is, he may try, and if he finds that he cannot continue it will not affect his right to compensation.

Hon. M. L. Moss: Where does that come from, it is not in the Imperial Act?

[114]

Hon. J. E. DODD (Honorary Minister): This is one of those clauses, the opposition to which by the employer I have never been able to understand. I do not believe that any employer, if he had to pay directly, would object to this provision. In most of the unions which give accident pay they are only too glad to insert such a provision as this. In the miners' union it is allowed, that a man who thinks he can return to work, is permitted to do so, and if he finds he cannot continue he is allowed after a certain time to again go on the fund. I have known men who have been suffering from injuries who have been afraid to go back to work for the reason that if they went back their whole claim to compensation would finish; many of those men would have been only too glad to go back and give the work a trial, provided they knew their compensation would not be terminated. You cannot say that will apply for months at a time, but under a limited time to my mind it is one of the best provisions that could be made not only for the worker but for the employer, because at the present time a man will not return to work until he is absolutely certain that he can continue in his employment. The second schedule is copied to a large extent from the New Zealand Act, and it provides for certain fixed amounts to be given for the loss of limbs, for the loss of eyes, or total and incurable paralysis of limbs or mental powers, or deafness or loss of any limb that may occur during the course of work. This is a provision which will do away with a good deal of litigation which takes place at the present time in order to define how it shall be paid. It is set out how it shall be paid for the injuries, and there will be no need to incur the expense of engaging solicitors to find out what the amount is to be.

Hon. Sir J. W. Hackett: Who will pay the medical expenses; do they come out of the compensation?

Hon. J. E. DODD (Honorary Minister): If a worker engages a medical practitioner he will have to pay, but if he is sent to one by the employer the employer will have to pay.

Hon. Sir J. W. Hackett: I was speaking of the second schedule.

Hon. J. E. DODD (Honorary Minister): In that case if the employer is not satisfied, he will do the same as he does now, he will pay to send the man to a medical practitioner engaged by himself.

Hon. Sir J. W. Hackett: While he is in the hospital from whom will the charges be deducted?

Hon. J. E. DODD (Honorary Minister): They will not be deducted from the compensation. I do not know that I can explain the Bill any further. The measure is an extension of the Act which is in existence at the present time, and it is almost uniform with several other acts, such as those in the United Kingdom, New Zealand, South Australia, and Queensland. An earnest attempt has been made to bring about uniformity in the Acts in the various British communities, and I hope that members will give considerate treatment to the Bill so that we may make the provisions a little better than they are at the present time. There is no doubt the clauses relating to industrial diseases are the most important in the Bill, and as I have said possibly we shall have the most criticism upon that part of the measure. If hon. members will bear in mind that the man who loses his life by industrial disease or a limb by working in some employment is entitled to as much compensation as the man who loses his life or limb by accident, then I think the provisions of the Bill will be adopted. I have much pleasure in moving—

That the Bill be now read a second time.

Hon. M. L. MOSS (West): In approaching the consideration of a question like this I think it is desirable that we should look at the position of the workman towards his master with the legislation that is on the statute-book. That would give us a better idea of what is contemplated by the measure now being submitted. There is no doubt that the severity of the common law is such that a workman was placed at a great disadvantage in being compensated for accident, or in the case of his death

his descendants receiving compensation for the loss of life, because the common law liability was one which made the master responsible to pay compensation if he failed to provide proper appliances for the use of his workmen, or if he was guilty of want of care in not selecting competent fellow workers. That was the only obligation under common law. There was under common law a doctrine which operated to the great detriment of the worker, the doctrine of common employment. It did not matter how negligent a fellow worker was, and the fellow worker who was exercising superintendence, and who in the words of the law was the *alter ego* of the master. There was then no remedy at all for the unfortunate worker and no remedy for his dependents in case of death. In fact the severity of the common law was such that if the workman died, even where there was negligence by not providing proper appliances, or negligence in not providing competent fellow workers, the severity of the common law was such that if a man died before he could get his compensation the law said that the personal action ought to die with the person, following the Latin maxim, *Actio personæ moritur cum persona*. The severity of that rule was when it was applied in the case of persons who were dependent on the person killed in the course of his employment, even though that injury resulted from failure to provide proper appliances or negligently providing incompetent workmen. That condition of affairs was altered in England in 1846 and in Western Australia in 1849, and remained so in Great Britain until 1880 when they passed the Employers' Liability Act which was copied in Western Australia in 1894. There was a great advance made in the legislation contained in the Employers' Liability Act because it was provided there that if an injury resulted to a workman as the outcome of carrying out and conforming to the orders given by the person exercising superintendence, or where there was any defect in the works or machinery used in connection with the

master's business, in these cases compensation equal to three years' earnings to a person of the same grade and employed in the same district was given. That remained the position in this State until 1902 and right up to then there was no compensation unless there was proof of negligence. Under the Employers' Liability Act negligence meant having defective works, or ways, or negligence on the part of persons exercising superintendence. Now we come to 1902. We practically copied with some slight alterations the Imperial Act of 1897 which I think Mr. Joseph Chamberlain was the author of. We adopted that Act with some slight modifications; similar to those made by the Parliament of New Zealand, and it was a great advance for this reason: it entirely took away from the master the defence that the injury had not arisen from negligence, or, to put it more correctly, it did not compel the worker to establish negligence of some kind as a condition precedent to obtaining compensation. It provided that in certain occupations of a dangerous character that the industry or occupation would have to bear the result of the injury which the worker sustained whether or no it was the result of negligence or accident. That was a great advance on the provisions of the Employers' Liability Act of 1894. Things operated most beneficially in favour of the workman and most detrimentally affected the master, considering the conditions prevailing under the Employers' Liability Act of 1894, and when we come to the Bill before the House—it was necessary to make that small resume of the position to understand it—the advance made by this measure extends to an unlimited extent beyond the advance which was made in 1902 from the Employers' Liability Act of 1894. The position under the Bill is this: in future every person who serves another, from the domestic servant, from the golf caddie, to the mechanic working in any industry, all will come within the provisions of the Workers' Compensation Act.

Hon. F. Davis: Why should they not?

Hon. M. L. MOSS: I will give my reasons. We hear a great deal in this country about the increased cost of living. This is one of the measures which adds to the increased cost of living and the increased cost of production.

Hon. J. Cornell: We are prepared to pay it.

Hon. M. L. MOSS: We will see. Under this measure everybody must insure and to-day the people of the State are in the hands of the insurance companies, a ring fixing their premiums at any rate they choose, and according to my ideas, if it is expedient in the interests of the community that this measure should find its way on the statute-book, then it should go hand in hand with a scheme of national insurance. We are dependent entirely upon the insurance companies which are foreign corporations; there is no philanthropy about them, their only desire being to make profits, and their premiums will be so fixed that they will stand no loss. Thus the cost of production will increase and with it the cost of living. The last thing I want any member to believe is that I am against giving all these facilities and benefits to workmen. If unfortunately a person is injured in the course of his employment, if we could keep that person in affluence, give him all the nourishment and all the comfort that he needs, if it were possible to do that, it would be an excellent idea. I do not for a moment say it is not desirable that persons injured while carrying on their ordinary occupations should not get compensation so as to give them all the comforts that may be necessary, and if an accident results in death something should be provided for those who have to bear the heat and burden of the day afterwards. Particularly is that the case where a man is killed in an accident and leaves a wife and family in an absolutely destitute condition. The question we have to ask ourselves is this: can all the industries and businesses of the State stand the burden sought to be placed on them by this Bill? If it can be done well and good. I am quite prepared as one of the units of the community, to

pay my share towards insuring every man I employ. But it remains to be seen if the added obligation contained in the measure can be borne. Where the obligation in case of death is raised from £400 to £600, or where the obligation for a partial incapacity is increased from £400 to £600, and to every individual, from the office boy, through all hazardous employments, to every mechanic, to all shop assistants, everybody in the community, without particularising, can the community afford to have many of these added burdens placed on them, which will increase the cost of living and increase the cost of production. The Act of 1897 in England was amended in 1906 which brought it largely to the condition of the Bill now before the House, excepting this, that the Bill before the House, besides increasing the amount, adds greater obligations on the employer of labour than does the Imperial Act. I will give an illustration: under the Workers' Compensation Act it is provided that no compensation shall be payable unless the incapacity lasts for a period of two weeks. Under this Bill when you go to the schedule you will find provided (on page 18) that if the incapacity lasts for less than one week a proportionate part of the weekly payment shall be payable. That is to say, under this Bill, from the moment of the accident, compensation is payable. In the English measure there are two references to this. The proviso in the English schedule is that if the incapacity lasts for two weeks no compensation is payable as to the first week. In another part of the English Act, Subsection 2 of Section 1 provides—

The employer shall not be liable under the Act in respect of an injury which does not disable a workman for a period of at least one week from earning full wages at the work at which he was employed.

Under the English legislation there must be incapacity for at least one week, and unless the incapacity lasts more than two weeks no compensation is payable for the first week. I have had considerable experience of cases brought under the Workers' Compensation Act, and my ex-

perience is unfortunately that this is a measure that enables men to malingering to a considerable extent. This Bill makes it much worse. This intervening period of a week is put in the English Act for a very obvious reason. It enables the employer to have some intervening period to know if there has been a legitimate accident and that the man has sustained injury, but under this measure the man gets compensation from the very moment he alleges he has been incapacitated. The point is this: the man has had work to do, and if he is one of these malingerers or desires to set up a false claim, how easy it is for him not to turn up to work next day.

Hon. J. E. DODD (Honorary Minister): He may remain off for a fortnight.

Hon. M. L. MOSS: If he remains off for a fortnight that gives an opportunity to see the man and examine him, and see if he has sustained some injury. What is going to arise under the Bill is this: if a man wants a holiday for a day or two, he complains that he has knocked his leg against a box and he does not turn up for a couple of days. The employer has to pay that man at the rate provided for in the schedule. In England it is provided that a man has to be incapacitated for a week. There is in that case seven days in which he can be examined and a certificate obtained. He will have to prove his incapacity, but here he can say that he has knocked his leg against a box and that it was so painful that he could not get to work. How can you disprove that statement? It is obvious to me that when the Imperial authorities put that provision in the measure it was as a safeguard. I would go a long way to give added benefits in this measure, but it is not necessary to go so far as this Bill goes. There is a number of men who will use this class of legislation to get money out of their employers, and perhaps their unions too. I am prepared to go as far as the Imperial measure, and I believe the proviso in the English measure is a necessary safeguard. It is a safeguard because there are many men—honest workmen will not take advantage of it—but there are many men who will

take advantage of a measure of this kind. It was always held at common law and under the Employers Liability Act that if a worker was guilty of contributory negligence he was not entitled to get compensation. The Workers' Compensation Act cast that aside and provided that the employer was not to be liable for any injury that did not disable the worker for a period of at least two weeks from earning full wages at the work at which he was employed, if the injury was directly attributable to the serious and wilful misconduct of the worker. I want members to pay great attention to that section that I have read from the present Workers' Compensation Act. Whether there was total incapacity or partial incapacity or whether the accident resulted in death, if it arose from a serious and wilful misconduct of the worker no compensation was to be paid.

Hon. C. A. Piesse: That is common sense.

Hon. M. L. MOSS: I think it was a fair thing to make the industry bear the brunt of a man's death or total or partial incapacity, but there is no reason why the industry should bear it if the worker by serious and wilful misconduct contributed to the negligence. For instance, to illustrate what I am driving at, let me say that it has even been held in some cases that if a man is injured and is drunk at the time, that is not serious and wilful misconduct. That shows what a strong case is required before the court will hold that a worker is prevented from getting compensation under the existing Act. Mr. Lynn was an assessor in a case I was concerned in where an accident occurred through a man's drunken condition. He was wandering about a ship where there were two or three holds open and he sustained an injury, and although he was drunk at the time it was argued in the court that his drunkenness was not serious and wilful misconduct under the Act. That is the position under the present Act, but under this Bill we can only raise the defence of serious or wilful misconduct if the worker is only partially incapacitated. If hon. members will look at Clause 6 of the Bill

they will find in paragraph (b) of Sub-clause 2—

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

The effect of that provision is that misconduct may be serious and wilful on the part of the worker, but if death follows compensation has to be paid. Similarly, if there is serious and permanent disablement compensation has to be paid. That is a great advance on the present legislation, and an advance on the present legislation in that respect means a very great advance in the premium that the insurance companies will charge.

Hon. J. E. Dodd (Honorary Minister): What advance is it on the English Act?

Hon. M. L. MOSS: None whatever; the English Act is exactly the same. I am pointing out the great advance on the existing Act, and with an insurance ring controlling these premiums this provision is going to mean a tremendous advance in the amount of premiums to be paid. I can tell the hon. member that I effected workers' compensation covers in England in connection with domestic servants, and out of curiosity I made inquiry as to the premiums charged by the insurance companies there in connection with workers in other walks of life, and I found they were very small in comparison with the premiums that are charged in Western Australia to-day. When we come to place this added liability on the underwriter, it is difficult to estimate what the increase in the premiums will be if this Bill passes.

Hon. J. E. Dodd (Honorary Minister): What percentage of accidents is due to wilful misconduct?

Hon. J. F. Cullen: Most of them.

Hon. J. E. Dodd (Honorary Minister): Very few.

Hon. M. L. MOSS: Take the case of a man who goes on a work when he is drunk, or who disobeys specific instructions in regard to certain things—

Hon. F. Davis: How often does a man go on a work when he is drunk?

Hon. M. L. MOSS: Numbers of accidents that occur in this community are due to disobedience of orders. I am not referring to work in mines or other very dangerous occupations, but apart from them the bulk of accidents that occur in this community could be avoided by a reasonable amount of care on both sides. So far as I am concerned, I think that serious and wilful misconduct clause should be put on the same footing exactly as it is in the existing legislation. In Clause 10 of the Bill there is absolute priority given to the worker for his compensation claim in case the employer becomes bankrupt. Assuming that an employer of labour does not insure, and insurance is not compulsory, and an accident occurs to one of his workmen which results in permanent disablement or death, and which might end in a liability of £600, there is priority given to the worker or his dependents for the whole amount of the compensation claimed. That is another important alteration that is going to add enormously to the premiums, for this reason, that under the English Act this priority only extends to the amount of £100, but the priority given in this Bill is to the extent of £600. That provision may operate to the detriment of other creditors to a very unfair extent. *An employer does not insure, and he incurs obligations towards merchants for goods supplied, and gets into arrears in the payment of the workmen he employs, but claims under this Bill are to get priority over all other persons.* I do not think that is fair, and the clause must be considerably modified before I will agree to it. When we come to page 22 of the Bill, Clause 16 in the schedule, dealing with the redemption of weekly payments, it will be just as well for the House to understand exactly what alteration is being made. Under the schedule in the existing Act it is not competent for the worker to apply for the redemption of the weekly payment; that can only be done by the employer, and it is an excellent thing that the worker has not

that power. I am not talking of the honest worker, but of the malingerer.

Hon. F. Davis: Are they all malingerers?

Hon. M. L. MOSS: Certainly not, and the hon. member cannot make me say so. But under the present Act it is provided that when the weekly payment has been continued for not less than six months the liability therefor may be redeemed in behalf of the employer by the payment of a lump sum. Under this Bill, however, after the weekly payment has continued for only three months the liability may be redeemed by the payment of a lump sum on the application of either the master or the man. Now, in the case of the malingerer who may claim compensation in a lump sum, he will have power to trade on this class of legislation in a way that is not justified.

Hon. J. Cornell: Where does the honest man come in?

Hon. M. L. MOSS: The honest man is getting 50 per cent. of his wages all the time he is incapacitated. One would think from the interjection of Mr. Cornell that when the worker is injured nobody should shoulder the responsibility but his master. The worker gets good wages and there is nothing to prevent him taking out an accident policy against one of these contingencies. Why should the master carry the baby all the time? Why should not the worker put a little by to provide for insurance against contingencies of this kind?

Hon. J. Cornell: Can they all do it?

Hon. M. L. MOSS: Yes, the majority of them can. I know as much about the average workman as Mr. Cornell does. We have only to go to the picture shows, public entertainments, and sports grounds to see the class what the ordinary average person is in this community. He is well dressed and always has money in his pockets. Why, the country is a workers' paradise, and I do not believe that every worker cannot put a little by out of his good wages for insurance against accident. My point is that we are saddling the employer with a very heavy obligation, but do not let us saddle him with everything. Let the workers save a little

from those luxuries they participate in and put something by to meet accidents which result in partial or permanent disablement. There is an excellent amendment contained in this Bill with regard to the assessing of compensation. I have been in season and out of season condemning assessors under the Arbitration Act and under the Workers' Compensation Act just the same as I have condemned arbitrators in commercial arbitration. They are never anything else but partisans. We may in one case out of a hundred get a conscientious man who will decide the question according to the evidence but in 9 cases out of 100 we find that a blind partisan is employed by the worker on the one hand and an equally blind partisan is employed by the master on the other side. Both parties are equally bad in that respect; in fact the assessors regard it as their duty to press the claims of the party they represent as far as possible. I have said that the assessors are a fifth wheel to the coach and the Government have recognised that in this measure, by providing that a thoroughly independent man in the person of the resident magistrate shall try all these cases. It is only the duty he has to perform at the present time. As the law is now, he has to be badgered in court listening to the solicitors, and then badgered by the assessors, one pulling one way and one the other. I have been engaged in a case where the conduct of these assessors was so flagrant as to call for a remark from the presiding judge. The judgment which was handed in by one assessor was found to be an elaborate typewritten document full of quotations from various authorities; the judge asked who the assessor was who had given this judgment, and it was found that he was a secretary of a union. The judge said that he suspected that somebody other than the assessor was responsible for the writing of that decision, and he remarked that it showed an acquaintance with the authorities which even he hardly possessed. Those methods make the appointment of assessors a farce, but if this amending provision gets on to the statute-book that will be the end of the assessors.

HON. J. E. DODD (Honorary Minister): I know of assessors who can do just as well as the lawyers.

HON. M. L. MOSS: Mr. Dodd may know many assessors on the goldfields who can do just as well as lawyers, but the ordinary assessor cannot do it. I have already indicated to the House the severity of the Employers' Liability Act and the severity of the common law provisions. Under the existing Workers' Compensation Act there is a provision which says that the worker is entitled, if he thinks fit, to sue his master either at common law or under the Employers' Liability Act, and if he fails to recover compensation at common law or under the Employers' Liability Act, it is the duty of the judge then to go to work and assess compensation under the Workers' Compensation Act. But under Section 15 of the present Act the costs which the master has been put to in defending the actions must be deducted from the workers' compensation. There is a great difference between that and the provision in this Bill. It is here provided that the costs may be deducted; the power is only discretionary with the judge. Now we are putting the worker in an exceptional position. Not only are his opportunities for compensation being increased in many ways, but it is here proposed to add to the master's liability, that in addition to the compensation he will have to pay when an action is brought in the Supreme Court at common law or under the Employers' Liability Act, to which action the employer is not a willing party, in every case the master will have to defend the action, because with this discretionary power the judge will not consider it incumbent in every case to compel the worker to pay costs. There is a very great liability being put on the master and that means this: The insurance companies insure against a certain liability at common law, against full liability under the Workers' Compensation Act, and against full liability under the Employers' Liability Act, and if we are going to compel them to pay the costs of the unsuccessful litigation on the part of the worker, we are going to increase

the premiums charged by this insurance ring which it is impossible to control.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. M. L. MOSS : Just before tea I was dealing with the provision in the Bill that where a worker, instead of proceeding to recover compensation under the Act at once, brings an action under the common law or under the Employers' Liability Act independently of this measure, under the law as it now stands, if he goes down in the common law action, as a matter of course he is obliged to pay the expenses to which he has put his master in undertaking useless litigation; but under this Bill there is not the provision contained in Section 6, Subsection 5 of the existing Act that the court, in which one of these actions is brought, should it fail, shall proceed to assess the compensation, but may deduct from such compensation all or any part of the costs which may be caused by the plaintiff bringing an action under the common law or the Employers' Liability Act instead of proceeding under the Workers' Compensation Act. Thus it leaves it to the discretion of the court whether it shall compel the plaintiff to pay the costs of an action which he should not have brought, or the court may exercise its discretion and decide that he shall pay only portion of the costs or nothing at all. I have had considerable experience in connection with these accident cases. They are always tried before juries, and where a worker goes down before a jury in one of these actions he has a rotten case indeed. Juries naturally, and I think correctly, sympathise with the man who is injured, and when a case of negligence is set up against a master, if there is any evidence of it at all juries generally err on the side of giving the man the benefit of the doubt. I do not complain of juries doing that, but when a man goes down it is a case which in no circumstances should have been launched under the common law or the Employers' Liability Act. So far as I am concerned, when the Bill gets into Committee I am going to see that the provision I have referred

to, if I can get enough following in the Chamber, is made so as to put the law back on exactly the same ground as at present. The worker must be put to his election. If he elects to go under the common law and fails, he should pay the ordinary penalty of any other litigant; if he elects to go under the Workers' Compensation he has no penalties. But once this Bill is on the statute-book the Employers' Liability Act will practically become a dead letter, because the compensation to be awarded for serious injury under this Bill is in excess of what can be obtained under the Employers' Liability Act.

Hon. J. E. Dodd (Honorary Minister) : The Employers' Liability Act is nearly a dead letter now.

Hon. M. L. MOSS : No, it is not a dead letter in cases where you prove neglect on the part of the person who is exercising superintendence or is in charge of machinery. There are damages to three times the amount of a year's wages. If the wages are £4 he gets up to £468, and if he is getting £4 per week he gets up to £600; but from this time on, once this Bill is on the statute-book, the Employers' Liability Act will be a dead letter, because there is a greater amount of compensation provided by this Bill without the need to prove negligence. Under these circumstances if a common law action is launched against a master and the master is put to expense, and where there is a provision, such as is contained in the Bill, for the payment of £600, the unsuccessful litigant should have to pay the ordinary costs. It is plain, as the Minister has pointed out, that a tributer is, for the purposes of this Bill, to be deemed to be a worker in the employ of the other party of the tribute. He shall be deemed to be a worker. But of course he is not. A tributer is a person who independently contracts. He takes a lease of a mine or a claim, and he either is employed there himself with his mates working the claim, or he works with his mates and employs labour independently of the owner of the mine. But by this definition of the word "worker" the tri-

buter is deemed to be a worker within the meaning of the Act.

Hon. W. Kingsmill: And there is not the slightest reason that he should be so deemed.

Hon. M. L. MOSS: He is, in the wording of legal phraseology, an independent contractor. All these Workers' Compensation Acts have always proceeded on the basis that there must be the relationship of master and servant existing between employer and worker to get compensation.

Hon. J. Cornell: The worker has to pay the premium now, and he cannot get the benefits.

Hon. M. L. MOSS: That is a condition of all tributes, but they should insure the workers they employ.

Hon. J. Cornell: And themselves.

Hon. M. L. MOSS: If anyone working on tribute takes out an accident policy it is for his own purposes, but the main object of legislation of this class is to provide for the wages man, that the worker in the wide acceptance of the term shall be entitled to be protected against hazardous employment. That was the beginning of workers' compensation. A tributer is not a worker in the sense of being obliged to obey the directions and orders of a master. He is his own master. For the time being he is the owner of the mine. He has a lease of the mine, just like a man who has a leasehold interest in freehold property for the time being is owner of the property, and is away from the control or interference in every way of the owner of the mine.

Hon. J. E. Dodd (Honorary Minister): You are entirely wrong.

Hon. M. L. MOSS: I do not think so.

Hon. W. Kingsmill: There are certain conditions expressed.

Hon. M. L. MOSS: No doubt in certain tributes there are provisions entitling the owner to go in and inspect and to direct the work in a particular way so that the tributers will not pick out the eyes of the mine; but looking at this widely and broadly, the tributer is his own master, subject, of course, to the terms of the agreement.

Hon. J. E. Dodd (Honorary Minister): So is the contractor.

Hon. M. L. MOSS: The hon. member knows that it has been held with regard to tributers underground that, unless there is a relationship of master and servant for the payment of wages, the Workers' Compensation Act does not apply.

Hon. J. E. Dodd (Honorary Minister): That is the present Act.

Hon. M. L. MOSS: Yes. When a man works independently he is not to be spoon-fed. At the same time, there will be very few tribute agreements entered into with an obligation such as this in the Bill. If the Government intend to aim a deadly blow against mines being let on tribute, this is a very excellent way; and people working under tribute agreements to their benefit, satisfaction and advantage I do not think will thank the Government for the insertion of a provision like this.

Hon. J. E. Dodd (Honorary Minister): They have agitated for years past to have a special Bill.

Hon. M. L. MOSS: They can agitate for it, but I do not think it is an obligation that should be put on the mine-owner or any other person who leases property he is the absolute owner of. When it goes out of his control and is being worked independently by a person who is an independent contractor, I think the obligation of the owner of that property should cease.

Hon. W. Kingsmill: What about landlord and tenant? It applies there.

Hon. M. L. MOSS: We could take this principle further and cast the obligation on the owner of property, if that owner leases it for ten, fifteen, twenty, or a hundred years, and we would add all these obligations on to the freeholder simply because he has leased his property. I could multiply instances, but I do not propose to do it. Looking at it from the point of view of the mining industry, I think it is going to lessen, to a large extent, the number of tribute agreements, because we are putting on the mine-owner a number of additional obligations which Mr. Dodd may think he can well bear of paying £600 or £400, and when

we come to the industrial diseases, there are further obligations.

Hon. J. E. Dodd (Honorary Minister): The employer will need more royalty from the tributer. That is the only way in which it will operate.

Hon. M. L. MOSS: It may happen that there may be no royalty. It may be all dead work. In the case of a poor mine where there is a lot of dead work, it will not be much satisfaction for the owner to have to pay for injuries from hazardous employment in which he is in no sense of the word a master though this Bill says he is.

Hon. J. E. Dodd (Honorary Minister): It is less satisfaction to the tributer who is hurt.

Hon. M. L. MOSS: At any rate hon. members have had my views, and I am going to try to give effect to them when we are in Committee.

Hon. J. Cornell: I do not doubt the result.

Hon. M. L. MOSS: Under this Bill, when it becomes law, in the case of death the dependants are entitled to get compensation, a very proper thing. In the past this has been very much abused, where people are resident outside Western Australia. I shall give one or two illustrations of what I am driving at. I have known of men employed as lumpers at Fremantle—I suppose it has occurred on the goldfields and elsewhere where a worker has been killed—and they have had no dependants in Western Australia, and in no part of the British Empire. I can give names where the mothers and fathers of workers were living in Norway and Germany. They are dependants within the meaning of the Act if it can be shown that the person has been remitting to them for their keep, and I have been concerned in all kinds of claims under the Act where persons in Norway and Germany have brought themselves within the meaning of dependants under the Act, and the employer of labour in this State has been obliged to pay all these people, and in numbers of instances has been obliged to defend expensive litigation in order to prove that these people were not depend-

ants. I think it is a fair thing, if we are assisting the dependants of workers unfortunately killed in the carrying on of any occupation in Western Australia, that we should insist that the compensation at any rate should be limited to people living in some part of the British Empire.

Hon. J. E. Dodd (Honorary Minister): The hon. member knows the alternative. The employer need not employ aliens.

Hon. M. L. MOSS: I do not object to Germans or Norwegians in this State, particularly if they can speak the English language; they are a class of settler highly desirable to come into this State; but it is putting a burden on the employer of labour if he is to provide money for the fathers, mothers, brothers, and sisters when these people are not resident within the British Empire, when in ordinary circumstances they are not dependants in the strict sense of the term. Of course, Mr. Dodd means that, in these circumstances the aliens will not be employed, but I do not think that will enter into calculations at all. I want to listen to hon. members from the goldfields on the question raised in this Bill in reference to industrial diseases. It is a very important part of the Bill. There is no doubt, once we concede the principle of paying workers compensation in case of total or partial disablement, the diseases incidental to the carrying on of a particular occupation are entitled to rank within the meaning of a law of this kind; but I am afraid that the mine-owner and others who are employing in any particular industry men predisposed to these particular diseases, or men already suffering from any of them, before the Act comes into force will subject the men to medical examination, and those men will be without their employment. I consider it is an exceedingly difficult part of the Bill to deal with, and I shall reserve to myself the right to make further observations on it when we get into Committee, and after I have listened to opinions of members from the goldfields in regard to this aspect of the Bill. Under Clause 13 it is intended to apply workers'

compensation legislation to accidents which occur to persons on West Australian ships. Under the Bill "West Australian ship" means a ship registered in the State. I want to deal with this Clause 13, Subclause 2, paragraph (a). It is in respect to ships registered in the State. We have, I think, one of the boats of the A.U.S.N. Co., either the "Kanowna" or the "Kyarra" registered at Fremantle, and the "Minderoo," the "Paroo" and other boats trading to Singapore, are also registered at Fremantle, while we have some other ocean-going vessels registered at Fremantle. It is quite obvious what will occur as soon as the Bill is passed. These ships will be taken off the register at Fremantle and will cease to be registered in this State. No shipowner will continue to keep his ship registered in Western Australia when every person employed on that ship in receipt of less than £350 per annum becomes a worker under the Bill, and the liability extends to £600.

Hon. J. E. Dodd (Honorary Minister): Where will he go to register?

Hon. M. L. MOSS: He will go to England, where the obligations are very much lower than here.

Hon. J. Cornell: He will find there the Seamen's Compensation Act.

Hon. M. L. MOSS: But there is no £600 in that. The limit is, I think, £400. It is a very simple matter to register these ships on a British register in England. The effect of including ships registered in the State will undoubtedly be to take them off the register of British shipping in Western Australia; because, under the Imperial Workers' Compensation Act, while men employed on a ship are entitled to the benefits of the Workers' Compensation Act in England the limit, instead of being a salary of £350 is only £250, and the claim limit, instead of being £600 is £400. So that, of course, it is quite obvious that the shipowner will register his ship in places where the smallest amount of liability is placed on his shoulders. Even if he does not register in Great Britain he will go to another part of the Commonwealth and register where the liability is much smaller than it is in Western Australia.

Moreover, the Bill is to apply to a ship owned by a body corporate established under the laws of the State or having its principal office or place of business in the State, or is in the possession of any such body corporate by virtue of a charter; or is owned by a person or body corporate whose chief office or place of business in respect of the management of such ship is in Western Australia. The owners of a ship, if a body corporate established in the State or having its principal office or place of business in the State, or if a person or body corporate whose chief office in respect of the management of such ship is in the State, is to come under the provisions of the Bill, and we are going to put on him greater obligations than are on the man in say, South Australia. By doing this we will be adding to the difficulties of the employment of labour and putting the worker at a great disadvantage.

Hon. J. E. Dodd (Honorary Minister): I think the Commonwealth Act will get over that.

Hon. M. L. MOSS: The Commonwealth Act does not get over it at all. In any case we had better keep our own house in order and not look to others to remedy the defects for us. All the obligation which the Navigation Act puts on shipowners is that they are not entitled to do coastal work unless they pay the Australian rate of wages while they do it. That is the principal provision in reference to the employment of labour on those ships. Even a ship carrying a black crew would be quite entitled to participate in the Australian coastal business if she paid the Australian rate of wages. However, the Navigation Bill which I perused may not be the one to ultimately pass both Houses. Another thing, as showing the length this provision goes, I think a fair reading of Clause 13 is that if you employ a man to row you from one side of the river to the other, he is a worker in your employ, and if he sustains injury in carrying out that work, you have to pay up the £600 in the case of death, and in the case of partial disablement a weekly amount up to £600.

Hon. J. E. Dodd (Honorary Minister): It does not deal with that at all.

Hon. M. L. MOSS: I know you do not intend that it should do so, but it does, all the same.

Hon. J. E. Dodd (Honorary Minister): The clause relating to coastal workers gets over that.

Hon. M. L. MOSS: I do not think so. I may tell the hon. member that this is not the opportunity or the place to make a close examination of that word "worker," although I think it requires it. I will deal with that later on. There are some extraordinary things in these definitions. The definition of the word "employer" is the most extraordinary thing I have seen. It goes on to define an employer to be certain things, after which the definition says—

But he shall be entitled to be indemnified by that other person, to the extent of any compensation paid under this Act by the employer in respect to any injury received by such worker whilst he is working for that other person.

It is the most extraordinary definition I have ever read; it is an enactment, not a definition. When I compare that so-called definition with the definition in the Imperial Act of 1906 I find that those words relating to the indemnification by the other person do not appear in the English Act, and I would like to know from whose brain such an idea emanated. In the Bill, as in a number of others introduced by the Government during this session, there is, in Subclause 4 of Clause 20, a principle upon which this House has already expressed an opinion. On two other occasions it has been my duty to draw attention to this principle. It has appeared in two other Bills, and this is the third in which we find it. Whenever it comes up I am going to draw attention to it, because I believe that the House is determined on one thing, namely, that the rights of the House are not going to be invaded by another place. The Constitution fortunately provides that the two Houses shall carry on their legislative duties separately and apart from one another, but this thin end of the wedge for one Chamber legislation is contained in the Bill, as in two other Bills which

we have had, and the Government may prepare themselves to hear that it has met the same fate as it did on the previous occasions. It is not my intention to defeat the Bill at all. I am going to try to alter it in some respects, and even with these alterations it will be a measure which, so far as the worker is concerned, will put him in a position of great advantage as compared with that in which he has been under the Workers' Compensation Act of 1902. Still, I am not prepared to give my consent to legislation of this kind in a permanent Bill. It has been stated by a member of the Government that hand in hand with a measure of this kind there should be a scheme of State insurance, and I think, therefore, that this measure should be operative for not longer than two years, and that a warning or notice should issue from this House that the Government must bring down some measure which will prevent the people of the State being placed mercilessly in the hands of those insurance companies. I do not know that the Government can object to a condition being applied to a measure of this kind. It has been stated that the intention is to bring down a scheme of State insurance. It is an unfair thing in a community such as this, where the number of persons or companies carrying on this business of accident insurance is so limited, and where we know there is a hard and fast tariff from which none of the members of that ring can or at any rate, do depart, it is unfair that employers of labour should be victimised as they will be under a measure of this kind.

Hon. J. E. Dodd (Honorary Minister): Large companies in Kalgoorlie refuse to insure to-day.

Hon. M. L. MOSS: Yes, but these companies have enormous reserves built up. Take, on the other hand, the ordinary farmer who employs a little labour. See how he is at the mercy of these people. Is it an extravagant statement to say that a selector on one of these conditional purchase leases, who may employ one or two men in the felling of trees, if he were not insured the payment of one of these claims would mean ruin to him?

We know perfectly well that the class of individual who will insure is the mercantile man. He dare not run the risk of a measure of this kind. It is the man in the back-blocks who neglects to insure. There ought to be some scheme of State insurance which would compel the community as a whole to share the responsibility. These premiums can be put down to such a rate as will make the thing little more than self supporting. These companies, on the other hand, are carrying on solely for the purpose of making large profits to themselves. You may depend upon it the premium in each case will be fixed with due regard to the risk and to leave a substantial profit to the company. That is going to add enormously to the cost of production in the State. Every industry will feel it, because the premium which is paid to-day is going to be a mere bagatelle compared with that which will be charged when the Bill becomes law. I shall support the second reading, and when the Bill gets into Committee I shall attempt to bring about some alterations such as I have indicated, and shall fight to the best of my ability with a view to limiting the measure to a period of two years.

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

RESOLUTION—FREE EDUCATION.

Assembly's Message.

Message received from the Legislative Assembly requesting the Council's concurrence in the following resolution:—
 "That in the opinion of this House it is desirable that all education at the University of Western Australia should be free and that the practice of charging fees at State educational establishments should be entirely abolished."

HIGH SCHOOL ACT AMENDMENT BILL SELECT COMMITTEE.

Consideration of Report.

Hon. A. SANDERSON (Metropolitan-Suburban): It will be conceded, I think, that my task is not an easy one. My

official duty, I understand, is to move that this report of the select committee be adopted. There is not one report; there are three reports.

Hon. J. F. Cullen: Your motion covers only the committee's report.

Hon. A. SANDERSON: That is so, but it is quite obvious to members that there are three reports, and in order to assist members as far as possible, I would like to mention one or two matters in connection with the report to save the time of those members who perhaps have not the inclination to go through all the evidence. Let me say in the first place that the Premier, who was asked to give evidence, did not attend for reasons best known to himself. I will deal with that aspect of the question later on. It has an important bearing on one or two matters in connection with the Bill. Mr. Hall was called, and his evidence deals wholly with the question of valuations and selection of sites. Mr. Anderson and Brother Numan gave evidence which at this stage, I think, can safely be omitted from consideration because their evidence very largely deals with the claims of other secondary schools. The evidence of Mr. Andrews can also be put, in some respects at any rate, in the same category, so that those members who are pressed for time and have not the inclination to go through the whole of the evidence can confine their attention to the evidence of the chairman of the board of governors, the evidence of the head master and the evidence of Mr. Turnbull, representing the old boys' association. Now I say we have three reports and not one, and with the proper apologies to Mr. Cullen, I would say that the point of view which I propose to put before the Council this evening is my own point of view, the only one which I feel quite qualified to deal with. The other members of the committee will doubtless take advantage of the opportunity to explain their points of view. I propose to deal wholly with my own point of view and leave it to the House to decide later on what shall be done in this matter. I am going to omit another very large branch of the subject because from my point of view it has very

little to do with the decision which the Council should be called upon to give and that is what I may call the educational point of view. I am going to content myself with saying that if we injure the High School, my opinion is we will do serious injury to secondary education in Western Australia. But I will go no further. On the committee were members two or three of whom, if not all, excepting myself, hold views on education, views which they wish to see put into force in this country. I hold no views on education that I wish to force on the House or the country. I simply have a few impressions; they can hardly be called opinions; and in dealing with this Bill I am very well aware that the interest a great many people take in it is from the educational point of view. I hope to make that perfectly clear. I will repeat it once more, that I am not going to deal with the educational aspect except to say I am firmly convinced that an injury to the High School will be an injury to secondary education in Western Australia. Members may ask what my reason was for moving for the select committee, and I take this opportunity of thanking members for voting for the committee because I think we have secured a very large mass of information which will enable those members who take a rather broader view than I do to find arguments to support their views. The reason I took upon myself to urge the appointment of this select committee was that I felt very well satisfied in my own mind that this Bill as it came before the House was unbusinesslike and unsatisfactory. I admit, of course, that I had had opportunities from my own personal experience of knowing something of the inside working of this school, and I thought I would be false to the position of responsibility in which I have been placed if I did not, at any rate, put the position fairly and squarely before the members who have not had the opportunity that I have had. "Most unsatisfactory and unbusinesslike" is my comment on the proposal put forward in this Bill. Other members will deal at greater length than I intend to with the unsat-

isfactory position of affairs. It is admitted practically by every witness in some portion of his evidence how unsatisfactory the position of the High School is at the present moment. That being recognised, members will then see how unsatisfactory the solution offered by this Bill would be to put that unsatisfactory position right. I am not going to dwell at any great length on the buildings. If there is anything more discreditable than another in connection with the High School, it is the state of those buildings, and no doubt the authorities will give members an opportunity of inspecting them, so they need not trust entirely to the report of the committee in that respect. I said the position of affairs is unsatisfactory and the solution is unsatisfactory. When I say the solution is unsatisfactory I would ask what have we in the Bill which has been introduced as a Government measure? It is provided that £1,000 will be taken away from the High School; the raising of fees is a bagatelle. That is practically the Bill, the whole Bill and nothing but the Bill. Then we have arrived at this conclusion that the two blocks of land are held with the bare assurance of the Premier that everything will be all right. I think I will be able to show that the Premier was misinformed. I think that is the mildest way I can put it. Anyone can understand that the Premier has too many pressing duties to be able to look after all these matters himself. The mildest way I can put it is to say that the Premier misrepresented, doubtless unwittingly, the position of affairs to the Lower House. He stated that the governors had power—but I had better be careful and give the exact words.

The PRESIDENT: I suppose the hon. member is going to conclude with a motion for the adoption of the report.

Hon. A. SANDERSON: Certainly I am, it is the only thing I am permitted to do, I understand. How far that will assist the object I have in view, I am relying on more experienced members of the House to tell me.

The PRESIDENT: I only mentioned it to direct the hon. member's attention to the motion.

Hon. Sir J. W. Hackett: Let us hear about the Premier.

Hon. A. SANDERSON: One is not permitted—

The PRESIDENT: Yes, the hon. member can refer to that.

Hon. A. SANDERSON: I can give it off-hand because I know it well and members can verify that assertion for themselves. The Premier stated that the governors had power to deal with the existing block of land on which the school buildings stand, and quoted, with a great deal of force I admit, the Act of 1876. He made no reference whatever to the Act of 1883, and the Act of 1883, as the preamble will show, makes it clear that the Act of 1876 did not give the powers which the Premier asserted were given by that Act. In 1883 a Bill was introduced and the preamble runs like this—That whereas doubts have arisen as to whether the governors can legally mortgage the said land granted to them, or other lands which they may hereafter acquire, it shall be lawful for the governors to mortgage the land providing always that they first obtain the consent in writing of the Governor of the said Colony acting with the advice of the Executive Council. That is to say the governors of the High School cannot mortgage the block of land on which the buildings stand without the permission of the Governor in Council, that is the Government of the day. Coming to the block of land opposite Parliament House, the Premier led another place to believe—I think that is not an unfair way of putting it—that that land practically belonged to the governors of the High School. Well it does not. It has not been vested in the governors and practically cannot be touched without the consent of the Government of the day. What is the position of affairs with regard to the school now? Under this Bill the Government propose to take away £1,000 a year—it is admitted by every one that that is the effect of the Bill, and

then the block of land on which the school buildings stand cannot be mortgaged by the governors and the block of land opposite Parliament House cannot be vested in the governors without the consent of the Government of the day. Perhaps it will bring the matter more forcibly before members if I put it that the fear I have is that the Government, and I do not accuse them of any underhand work—we all know how circumstances will alter cases—the Government will be unable to do what they promise. I maintain that the Government will not be able to carry out their promise on which the governors are relying, and the fear of Mr. Kingsmill—and this is not a breach of confidence—is, and his questions showed it, and also those of Mr. Connolly, that the Government will vest that land in the governors of the High School. Therefore, for two different reasons we are both opposed to this Bill. If the House supports the proposal to which Mr. Connolly and Mr. Kingsmill have put their names, I shall then, very much against my desire, have to take refuge behind the governors of the High School as the only reasonable hope of what the chairman of the board of governors calls a sporting chance of things being put right.

Hon. Sir J. W. Hackett: A fighting chance.

Hon. A. SANDERSON: Yes, that was the expression. Is that the way to deal with an educational question, that you are going to have a sporting or a fighting chance? Surely the governors of the High School and the Government in a case of this kind should be prepared to deal, both with the public and with Parliament, in an ordinary businesslike and straightforward manner. Why are they afraid to put in an Act of Parliament that the land is to be handed over to the governors, and if they are afraid that Parliament will not pass it, then let the Government call together their best advisers on educational questions—and there are men well qualified and people who are interested in education to give an opinion on how this problem of the High School should be dealt with, but do not let us have

any of this business of going behind the wishes of Parliament and irritating and making the people suspicious who, otherwise, would be most glad to assist. If it is desired to abolish the High School let that be done in the open, and we will know where we are. I do not wish to labour the point for the reason that there are several members who hold strong views on educational questions, who, if permitted to sit on a committee of inquiry into the future of the government of the High School—and I maintain right through the piece that the select committee was not appointed for the purpose of bringing up a scheme regarding the future government of the High School, but to let the House see what the effect of this particular Bill would be upon the High School. I am going to content myself, after having spoken on the unsatisfactory position of affairs, with showing who are responsible. In the case of the Fremantle dock we did not know who was responsible for that position of affairs—

Hon. J. F. Cullen: The hon. member is not suggesting that the governors should be thrown into the dock?

Hon. A. SANDERSON: The hon. member takes such a deep interest and makes such vicious attacks on people opposed to him on educational questions, that I am quite sure the governors will realise that my remarks are moderate compared to what his will be. It is satisfactory to be able to fix beyond contradiction the responsibility for the present unsatisfactory state of affairs. I do not think it is too much to say that the governors are responsible for nine-tenths of the unsatisfactory position of affairs at the present moment. I say that with much regret, and I mean it. We all know the names, at any rate I do, of the gentlemen who are connected with the High School as governors, and if I were called upon to select a number of gentlemen who I think would be qualified and capable and able and willing to do their best for the High School, I doubt very much whether I would make any alteration in the names. The only explanation is that there have been selected as members of that board

of governors, gentlemen who are very fully occupied both with private and public affairs, and that they have not been able to give that attention to the work of the High School which it has demanded. Whatever the explanation is I do not think it will be difficult to show that the governors of the High School are responsible for the present unsatisfactory position of affairs, and to that extent I hope the Minister and his colleagues will not accuse me of hostility to the Government in my attitude towards this Bill. The records I have go back to 1892, when there was a monthly meeting of governors, and Sir Winthrop Hackett was then a member of the board. If we turn up the evidence of the master of the High School we will see that the governors now meet three times a year.

Hon. J. F. Cullen: Or thereabouts.

Hon. A. SANDERSON: I will read one or two questions and answers. The headmaster is being examined. The first is question 158—

How often do the governors meet?—Perhaps three times a year.

159. Is it not part of your duty to call them together?—They have to meet during the first month in the year. They do meet during the first two months to elect a chairman, but not after that unless something of importance crops up.

Hon. Sir J. W. Hackett: The headmaster all over.

Generally nothing of importance does crop up, and I should say that during the last ten years the average has been three meetings a year. As I said before, I have never found that any of the meetings came to anything.

Hon. Sir J. W. Hackett: They had nothing to do except to pass accounts.

Hon. A. SANDERSON: I do not know whether the House heard that interjection. If they did I hope members will bear it in mind. Now listen to some of the remarks which I shall read from the *West Australian*. The governors, according to the hon. member, had nothing to do; they only met to pay accounts. This is a speech delivered on the 20th August, 1897, by Sir John Forrest—

He feared that he had not done very much for the High School. It was not that it had not been his desire to assist their valuable institution, but that he had not been very hardly pressed in the matter by the governors. He would be glad to meet the wishes of the governors to place the institution upon a more satisfactory basis.

That was 15 years ago, when the then Premier publicly stated that the governors practically had not attended to their work, and that he would be only too glad to assist the High School.

Hon. Sir J. W. Hackett: And there it stopped.

Hon. A. SANDERSON: I hope hon. members will notice these interjections as much as the quotations. The last one was that it stopped there, as far as the governors were concerned.

Hon. Sir J. W. Hackett: And as far as the Premier of the day was concerned.

Hon. A. SANDERSON: Then in August, 1900, there was the annual speech day and the chairman of the board of governors spoke as follows—

If the endowment were withdrawn of course the school would go. It was undoubtedly a fact that in days to come the Government might withdraw the endowment. When it did come they would have to revise the whole of the arrangements. There was another matter which required attention and that was the provision of a proper playground and better buildings. The present building was absolutely unfit for the work of the school. The playground was too far from the school. The matter had been placed before the Premier and he had given an encouraging reply. There could be no objection to the grant of a site for the new buildings, for when the time came for the State to resume the High School and its buildings and land they would be there for any educational purpose the State might desire.

Hon. R. J. Lynn: The same buildings are there to-day.

Hon. A. SANDERSON: The same buildings, only worse. This is the attitude I take up. If anyone here with a prejudiced mind against the High School would take the trouble to investigate the

work which has been done by the select committee, he would say in the words of one who voted against the appointment of the select committee that I have been moderate right through in the views I have put forward. I am trying to establish now that nine-tenths of the responsibility for the unsatisfactory position of affairs at the present moment rests on the governors of the school, and it is fortunate that we have one of the governors here to listen to these charges.

Hon. J. F. Cullen: And answer them.

Hon. A. SANDERSON: The interjections are sufficient.

Hon. Sir J. W. Hackett: I do not think you will get much more. You take charge of the school.

Hon. A. SANDERSON: Is that the attitude of one of those enthusiastic educational builders that we are so proud to have in this country? I wash my hands of the responsibility for these educational matters. I refuse, if I am asked to take any part in that work, although I do not suppose I ever shall be. But if I had been on the school board I would have resigned my position or would have endeavoured to force through what I considered to be to the best advantage of the school and the State. We were still at the year 1900 when I was interrupted, and this is the report of the chairman of governors in that year—

When they were first removed into buildings they found them particularly unsuitable, having been adapted from an old hospital. From time to time as numbers grew they had to patch on here and there, until they had more accommodation, but whether it was more convenient or more suitable for its present purpose it was for any of them who chose to pay it a visit to determine. They felt they were not justified in going to a great expense with the building.

Now this is 1902, ten years ago, and again it is the chairman of the board of governors who is speaking, the same man and the same occasion, only another year—

Reference had invariably been made at these gatherings to the condition of the High School buildings. They were totally unfitted for the business of the

school and were getting into an actually dangerous condition.

Hon. Sir J. W. Hackett: Hear, hear! A genuine cry.

Hon. A. SANDERSON: And this is in 1903, the same gentleman and the same school—

Once more he wished to call attention to the state of the High School buildings.

Here is something very valuable for him to say—

By hook or crook, he cared not how, they must obtain funds before another year was out to make a start with the erection of a new school and quarters.

Hon. Sir J. W. Hackett: Baffled again.

Hon. A. SANDERSON: Now we come to 1904. I may say this is the only opportunity we have of putting the position before the House, and I want members to get sick of it, and I want them to get sick of the attitude which the hon. member has adopted for the last ten years. This is what he said in 1904—

The question of school buildings has become a standing dish for the annual meetings for the last dozen years. Whether they had the support of Parliament or not, it was incumbent upon the governors to take what live steps they could to put a more worthy substitute in the place of the disused hospital now doing duty as a school.

He seems to have used the same words in 1905—

The subject of these new buildings seemed to have become a standing dish at these annual gatherings. If they could not get the money from the State they at least had the right to claim that they should be allowed to do the best they could with their own means, and it was perfectly possible for them to use the land to raise the money to build a school capable of supplying the modern needs of Western Australia.

And this was also in 1905 at the old boys' dinner.

Hon. Sir J. W. Hackett: That is not quite fair.

Hon. A. SANDERSON: I admit it, although the chairman of the board of

governors takes up the position that he is bound to confess—

that the governors of the High School came before the old boys each year with a feeling of shame with regard to the absence of those suitable buildings which they all realised were so necessary. It looked as if its chance of getting a proper habitation was dwindling every year. He hoped however that within the next few weeks something would be done to secure those funds which would enable the governors to provide better buildings.

And this was the remark of His Excellency the Governor, Sir Frederick Bedford, on that same occasion—

He trusted he would be in the State long enough to see a pile of buildings reared up fit to accommodate the boys of the High School. He believed there was a site already told off, unless somebody had jumped it, close to Parliament House.

Even I am getting tired of this, but it becomes my painful duty to make members sick of the attitude the governors have taken up.

Hon. Sir J. W. Hackett: What are you endeavouring to arrive at?

Hon. A. SANDERSON: The hon. gentleman was ashamed in 1906, but all shame seems to have left him now. We have nothing from him but idle jeering.

Hon. Sir J. W. Hackett: What else can I do when you go on like that? Get to the enemies of the school and not its friends.

Hon. A. SANDERSON: That is another valuable interjection. I am assured by certain people that there are enemies of this High School. The leader of the House indicated, if he did not tell us directly, that Mr. Connolly and I were hostile to the High School. I have sat for a good many hours with Mr. Connolly on the select committee, and I have been astonished at the friendly interest and the attitude he has taken up right through the piece in regard to the High School. Although he takes a different view from myself with regard to this block of land, and although Mr. Kingsmill thinks with him, I am very well satisfied that if we

three were authorised to put an end to the present unsatisfactory position we could do so. The only condition would be that this block of land must go. Of course, as I pointed out, if it was a question of negotiation, and we were authorised to do it, I would meet them.

Hon. Sir J. W. Hackett: Who are the three?

Hon. A. SANDERSON: Mr. Connolly, Mr. Kingsmill and myself. Those are the two gentlemen whom the leader of the House classes with myself as being hostile to the High School, and here is the hon. gentleman telling me to attack those gentlemen who are the enemies of the High School, and not its friends.

The Colonial Secretary: I did not say that you were an enemy of the High School. I did not know what you were.

Hon. A. SANDERSON: That amazes me even more. I think that in most positions I take up in public affairs I very seldom fail to make my attitude quite clear, and it certainly hurts my feelings more to be told that the hon. gentleman could not make out my attitude than to be told that two gentlemen were hostile to the school whom I found were certainly not hostile. Here is the hon. gentleman now smiling—nothing but smile, smile, smile. I would be the first to realise what he has done and the interest he has taken in the educational question, but I cannot understand his attitude right through in regard to the High School, except on the assumption that, being a man fully occupied with public and private affairs, he had not the time to attend to this High School matter. If that was the reason he should, if he had the interest of the High School, to say nothing of himself, at heart, have resigned ten or twelve years ago.

Hon. Sir J. W. Hackett: I wanted to.

Hon. A. SANDERSON: What a childish interjection! What a spineless gentleman to find himself sitting there as chairman of governors and unable to resign. I have heard of Premiers taking up that attitude and doubtless it is justified in some cases, for circumstances do prevent men in high and important positions from resigning, but how can the hon.

member take up that attitude in regard to the High School?

Hon. Sir J. W. Hackett interjected.

Hon. A. SANDERSON: There is a great deal of muttering going on about me. It is like the chorus of a Greek play to the speech I am making.

Hon. Sir J. W. Hackett: I will not mutter any more.

The PRESIDENT: The question is the consideration of the select committee's report.

Hon. A. SANDERSON: Yes, and I hope to have the report adopted, because I hope that by the adoption of the report the Bill will be destroyed. But I am not going to commit myself until I have heard the observations of other hon. members and know what the effect of the adoption of the report will be. If I think the adoption of the report will destroy this High School Bill I shall vote for it. But if I think the Government are going to accept the report and it means nothing at all, I shall not support it. I was at 1906 when I was drawn away by the interjections, and here we have the same story over again. In 1907 the chairman said—

A High School gathering would not be complete without some reference to the necessity for new buildings. Then in 1911 we have the present chairman making this sagacious observation—

He sometimes thought it was a thousand pities that the city council did not condemn the buildings so that somebody would be forced to take action, which he ventured to say would be for the good of the school.

The head master on that occasion said that—

With the combined help of the old boys, the parents of the present scholars, and the Government—

He has evidently given up all hope of getting assistance in his work from the governors—

a scheme would be evolved which would put the school on a firm and lasting foundation.

Then the chairman of governors in 1912 expressed the hope that it would not be very long before they would have the

establishment of a High School worthy of the name. I think hon. members must be already disgusted with the position of affairs, and I think they will agree with me, because I have tried to keep back nothing that would throw a brighter light on the inaction of the governors of the High School. I come now to the official files. I was led to believe that if the Premier had condescended to come before the select committee as a witness we would have got some interesting information, which would have assisted the Committee in arriving at a sound conclusion. This is an extract from the files placed before the Committee. We will start in August, 1909—

The financial position of the State demands the repeal of the subsidy— That is a good jumping off line. We know where we are.

Hon. J. F. Cullen: Is that a minute of the Executive?

Hon. A. SANDERSON: It is the decision of the then Treasurer (Hon. Frank Wilson). Here is the position of affairs in 1910 with regard to the attitude of the Government, and I would say again, and I hope my assurance will be accepted, that there is no hostility to the Government. I think the Government have probably done what any other Government would have done. They have given the matter as much consideration as they can spare to-day recognising there are other questions and matters to be dealt with besides the High School. I make no charge against the Government. I say they have been misled, probably to a large extent by the governors of the High School.

Hon. Sir J. W. Hackett: Impossible.

Hon. A. SANDERSON: Well, that is the only conclusion I can come to. This minute was written in 1909. I have read it to show how this new story starts, how the Government came in; and this is the ostensible reason at any rate "that the financial position of the State demands the repeal of the subsidy." Then we have the following comments, and they are very cold. There is nothing biased about them. I expect these papers came before the Attorney General in the ordinary

course of business among many other papers of more importance, but I have every reason to suppose he would give the matter his full attention and consideration, and he put a minute on the file to show his opinion. No one would suppose for a moment that this was a party question or one of outstanding importance above others. Though it was important, it would come before the Minister in the ordinary course of his business. The minute of the Attorney General says —

I think a further effort should be made to arrive at some *modus vivendi* with the governors and that the Bill to be introduced next session should, as far as might be necessary, embody the agreement arrived at.

That is the agreement between the governors and the Government. Here is another letter from the Attorney General—

As it is the desire of Parliament and the Government to abolish this subsidy I shall be glad if you will now take the matter in hand with the governors and endeavour to formulate a scheme to attain the desired end.

Here is a letter written by the Attorney General to the chairman of the board of governors of the High School in March, 1910, and personally I endorse almost every word in this letter —

I think it is essential if a proposal for the continuance of the subsidy either for three years or five years is to receive the endorsement of Parliament that the proposal shall be supported—

This is where I would begin to underline—

by a detailed scheme for the reconstruction of the school. . . . My conviction is that if the consent of Parliament and a continuance of the grant is to be secured the request should be accompanied—

Here again I would underline—

by detailed proposals of a reasonably attractive character.

Next is a letter dated the 23rd July, 1910, written by the chairman of the board of governors. It can be seen on the file, and I do not wish to use any words of ex-

aggregation. I think the letter itself, without any comment at all, will be sufficiently damning. It is from the chairman of the board of governors in answer to the Attorney General's letter.

Hon. Sir J. W. Hackett: Does it mention the name?

Hon. A. SANDERSON: I prefer not to mention names. If the name of the chairman of the board of governors is on the file I do not care who he was at the time. I only mentioned the hon. member's name when he insisted on it. I have no desire to mention anyone's name. I prefer to call him the chairman of the board of governors.

Hon. Sir J. W. Hackett: I was not the chairman.

Hon. A. SANDERSON: I am quite indifferent as to who was chairman of the board at the time and as to who was Attorney General.

Hon. W. Patrick: Who was Attorney General at the time?

Hon. Sir J. W. Hackett: Mr. Nanson.

Hon. J. D. Connolly: He was Minister for Education also.

Hon. Sir J. W. Hackett: The hon. member might point out that I had ceased to be the chairman.

Hon. A. SANDERSON: If the hon. member will insist on it, Dr. Saw was the chairman of the governors, but I would have much preferred to leave it simply "the chairman." If members wish to verify my statement they can see the files and the records.

Hon. R. J. Lynn: Read the letters.

Hon. A. SANDERSON: Yes, I want to do that in order to bring out the damning nature of this letter so far as the governors are concerned. It is almost necessary, after this long aside, to read the letter of the Attorney General again. He stated, I think rightly, "Let us have a detailed and reasonably attractive scheme to put before Parliament in some kind of detail. Let the board of governors consider out a scheme and let it be submitted to the Government and the Government will take the matter in hand and put the thing through as a business proposition from start to finish." Let me emphasise that I am attempting to deal

with this matter all through, and I ask members to remember it, from what one may call the business or the public aspect of the question, and not from the educational point of view, which would doubtless be dealt with better by other members of the select committee more fitted to do it. The Attorney General wrote to the governors asking them to submit a scheme of a reasonably attractive character, and on the 23rd July, 1910, the chairman of the governors wrote—

The Governors are collecting the necessary data and hope to submit a satisfactory scheme to the Government whereby the school may continue and increase its sphere of usefulness. This they will do as early as possible.

Hon. Sir J. W. Hackett: That was not my action.

Hon. A. SANDERSON: That was the decision of the governors for the time being, and the Attorney General made this very sensible and businesslike note on the file:—

Please bring up again on receipt of letter from the governors of the High School setting forth their scheme.

Let us turn to the evidence. On page 2 of the report of the select committee, in question 24, the chairman of the board of governors was asked—"And the governors have no cut-and-dried scheme to put before Parliament or the Government with regard to the future management of the school." His reply was "No." He was also asked in question 25, "Although the matter has been under discussion for the last ten or fifteen years?" and he replied, "The matter has never reached the point at which the governors might consider definite schemes." I am not going to take up any more time on that aspect of the question. I have tried to place, and I think I have placed, the responsibility for this most unsatisfactory state of affairs on the governors of the High School, and now I am going to ask the House not to consent, in spite of the governors, to injure the institution by carrying out the proposals in the Bill. I cannot believe the members of the Government, now that they have had the oppor-

tunity of looking more closely into this matter, will desire it. I think the leader of the House will be the first to acknowledge that the result of the report of the select committee has so far been to throw a little more light on the subject and enable the House, if members are inclined, to really see the true position of affairs; and I am going to ask the House and urge the House not to injure the High School by taking away this £1,000, relying on the bare word, the bare assertion of the Government of the day that they are going to vest these two blocks of land in and hand them over to the governors of the High School. My idea is that it would be most foolish on the part of Parliament to hand over these two blocks of land to the governors of the High School, when for 12 years they have simply fooled about with the thing. How can we expect Parliament to hand over these two valuable blocks of land when we see the record the governors of the High School have put up during the last twelve or fifteen years? I cannot believe that the Government will be a party to such a course.

Hon. C. Sommers: Have these governors anything to do with the University Senate?

Hon. A. SANDERSON: I refuse to be dragged into the University question at all; I am not going to express my views on the University; I am not called on to do so. The difficulty in this House on this particular question is that there are so many cross-currents, people with eyes on the Senate and with eyes on sites for universities and public schools. I am dealing particularly with this Bill as it comes before us, and asking the House not to do anything to injure the High School. Assuredly they will injure the High School if they pass the Bill. My difficulty is that it will be a very hard task, before I have finished with the report of this committee, to get my way, because there are members who take so deep an interest in the University and so deep an interest in the site to which the High School, at any rate, has some claim, that they are prepared to sacrifice almost anything they have to secure that block of land for the University. I would be pre-

pared to make a deal with these men to bring the matter to a conclusion. I would not have the slightest hesitation, if I found myself unable to secure that block of land for the High School, in taking another block. I do not believe it will do the High School any injury, but I did object to signing the report signed by Mr. Connolly and Mr. Kingsmill; because if I signed that, it seemed to me I gave up, so to speak on behalf of the High School, the claim which I consider the High School has to that block of land after fair inquiry and after investigation. I think we will leave it at that. Permit me just to run over a few headings. The position of affairs is most unsatisfactory. The governors of the High School are largely to blame, and the blame rests on their shoulders. By passing the Bill in its present form we will do serious injury to the High School, if we do not actually kill it. From an education point of view, to injure the High School is to injure the cause of secondary education in this country. I move to formally adopt the report, yet it is not one report but three reports.

Hon. J. D. Connolly: You are dealing with one.

Hon. A. SANDERSON: I will move the adoption of one, two, or three if I can secure my object, that of convincing the House that it will be a most foolish and unbusinesslike thing to pass this Bill in its present form. I formally move—

That the report of the select committee be adopted.

Hon. J. F. CULLEN (South-East) : I second the motion for the adoption of the committee's report, but I draw a broad line of distinction between the committee's report as signed by the chairman, and the minority reports which also come before the House. When the Bill was before the House I was willing to accept it on the strength of the speeches made by the Premier and the Colonial Secretary in its support. As the House is aware, the Bill provides for the ending of the present subsidy at the expiration of three years, and the releasing of the High School from the restrictions previously placed on it with regard to the amount of fees. But the two Minis-

ters, when submitting the Bill, announced publicly and deliberately that as a completion of the position the Government intended to vest the block in Harvest-terrace in the governors of the school, and to give them authority to sell the block in St. George's-terrace and apply the proceeds to the erection of suitable buildings on the new site. Now, on that assurance from responsible Ministers I was willing to vote for the Bill; but Mr. Sanderson, animated, I think, very much by opinions expressed by two other members, moved for the appointment of a select committee, which I at that time thought was unnecessary. But, the select committee having been agreed to by the House, and I having been asked to fill a vacancy on that committee, I agreed to take the position. Now, it is hardly necessary to explain that the report of the committee whose adoption I am seconding is a compromise report. It does not express exactly my wishes, nor perhaps the wishes of any other member, but it was the nearest basis of agreement by the committee, and of course I am going to support it. But a remarkable thing about this report is that different members of the committee have different opinions as to what it means. I hold that the meaning of the report is that the House should not pass the Bill in its present form. I will just read one clause on which I base that view, and I think the whole House, with the exception of two members, will agree with me; I refer to Mr. Kingsmill and Mr. Connolly. The report says—

In these circumstances your committee consider that it is not desirable that the annual payment of £1,000 by the Government should cease, and that property worth £20,000 to £25,000 should be handed over to the governors of the High School, until some definite scheme is arrived at between the Government and the governors for the future carrying on and control of the school.

If that means anything it invites the House to reject the Bill, because otherwise they would be directing the Government to cease paying the subsidy

of £1,000 a year without any scheme having been arrived at on the basis of which the sites could be vested in the governors. Now I have explained that I was willing, on the strength of the announcement by responsible Ministers, to accept the Bill, but under the altered circumstances, in the light of speeches subsequently made, I think it is just as well that the whole question should be dealt with in one measure. The committee has recommended that the governors of the High School should be given, say, twelve months in which to mature and bring up a satisfactory scheme for its future working; then if the Government approve it and submit it to Parliament with the necessary settlement of sites I will support it. I am not going to fulfil Mr. Sanderson's apprehension that I would attack the governors in stronger terms than he has done. I would like, in a few words, to put the position before the House. We have heard a description from the hon. member, but I want to take the House with me in imagination to the school buildings. We visited the school and examined every part of it. It was a melancholy sight, a pathetic sight. There is a staff, evidently of capable teachers; there is in the school the finest material any teacher could desire to have before him. I have visited a great many schools in nearly all the States, but I have seen no more attractive gathering of boys than that gathering in the High School, an assemblage of intellectual boys, apparently under splendid discipline and order. It would make one almost wish to put on a cap and gown and start teaching these boys. But what are the conditions? Why, I could take hon. members to stables in this country, not far away, better suited for class-rooms for a high school than those buildings. Why, we found one class in an iron lean-to on the north-western side of the building, a low-roofed iron lean-to; I think the walls were weatherboard, but the roof was of iron, and in this grillery—you could call it nothing else—in this grillery were eighteen or twenty fine boys. How can those boys work? Is it likely that a father or

mother, after looking at that building, would send a boy to that school? But apart from the condition of the building there is a scantiness of room. The headmaster has to refuse year after year to take pupils because he has no room for them, and those pupils have to go elsewhere. We hear superficial critics say, "Oh, but the school has only a hundred boys." There is no room for more than a hundred boys. If there were room that would be the biggest school in Perth, but there is no room for more. I want hon. members to imagine the feelings of the headmaster and staff trying to carry on a school like that year after year and having to listen on speech day to those lamentations and those promises of what will be done in the future; how everybody among the governors is ashamed of himself, and how by hook or by crook these conditions will be altered before another speech day comes round. And then everything is forgotten and nothing is done. Possibly the governors will say part of the fault rests with the Government of the day; not the present one, for the present one have not had time to do more than they have done. But take the previous Government, which had, I think, six years in office. Hon. members must remember that the Minister for Education in 1910 did invite the governors to make a report, but apparently till 1910 nothing was done by the Government.

Hon. W. Patrick: But nothing was done by the governors.

Hon. J. F. CULLEN: Exactly, but I do not absolve the Government, because if I were Minister for Education paying a subsidy year after year I would certainly inquire into what was being done with that subsidy.

Hon. J. D. Connolly: They were invited also in 1906 and 1907, to my knowledge.

Hon. J. F. CULLEN: And I would say to the chairman of the governors, "You promised in reply to my letter of 1910 that a scheme would be immediately drawn up. Where is it? Until I have it I cannot put the next grant to your credit. I shall hold it back if you do not carry out your undertaking." The Government could have done a good deal to insist upon a quid pro quo for the

subsidy. After the committee had gone through the school—and I want the governors to understand the staff received us courteously, as was their duty, but did not depart from the duty of a staff; there was no attack made upon the governors. It was only when the headmaster was called to give evidence and when he was bound to set forth the position that any word of fault on the part of the governors came to the knowledge of the committee from the staff. After having inspected the school, I confess I remarked to the chairman of the committee, "I was under the impression you were inclined to be severe on the governors, but if the governors were before the committee to-day I fear there would be some language used." I do not know the names of all the governors. Incidentally several names have been mentioned in my hearing, and they are honoured names in the City, names of the ablest men in the City, and just the men a Government would select for the governorship of a high school. And how has this position come about? I think the kindest way to explain it is that those gentlemen have been too full-handed, too full of other legitimate duties to attend to this very high duty of governing the High School.

Hon. Sir J. W. Hackett: They have had three meetings this year.

Hon. J. F. CULLEN: But those three meetings apparently did nothing but pass accounts. It does not appear that the governors even rehearsed to each other the value of promises made on speech days. They were scrupulous not to interfere with each other's composure by any reference to the great things promised on speech day. These gentlemen, so full of other duties, neglected the High School and I say it was a serious dereliction of duty. It is a cruel thing to the staff of the school to allow conditions to drift year after year, and look to the staff to maintain a high school worthy of the City. I need not add any more. I have the greatest regard for the gentlemen whose names I have mentioned and probably the others are names of equal honour, but I can only say they have gravely neglected a very high duty. Mr. Sanderson has

spoken freely of the select committee; if he had not done so I should not have done so. He has spoken of Mr. Kingsmill and Mr. Connolly as sworn friends of the school.

Hon. J. D. Connolly: He did not use the words "sworn friends."

Hon. J. F. CULLEN: I will say staunch and loyal.

Hon. J. D. Connolly: He said fair and just.

Hon. J. F. CULLEN: I do not remember him saying either of the words fair or just. I think loyal will do. Does the hon. member think that too strong a term?

Hon. J. D. Connolly: I am not particular.

Hon. J. F. CULLEN: Well I do.

Hon. A. Sanderson (in explanation): If the hon. member wishes, I think I can explain to him what I said. I cannot give the exact words but what I intended to convey and what I think I said was that during the speech of the leader of the House he grouped Mr. Kingsmill and Mr. Connolly and myself as hostile to the school, and then he explained that he could not understand my attitude and did not know whether I was hostile or friendly. When I got on the committee I found both Mr. Kingsmill and Mr. Connolly were quite fair and impartial and I was astonished at their attitude, recognising that Mr. Kingsmill at any rate is prepared to sacrifice all the high schools in Christendom if he can get that block of land opposite Parliament House for a University. I think that is what I said.

Hon. J. F. CULLEN: I am not going to say anything of those two gentlemen that I did not say in the House before the committee was appointed. I want to put the House on its guard. Mr. Kingsmill may have a great regard for the High School, but he is determined to get that site away from the High School. He is anxious that the Government and Parliament should break faith with the reservation of that block for the High School.

Hon. W. Kingsmill: Not at all.

Hon. J. F. CULLEN: That land was reserved by the Government for the High School and the Premier and Colonial Sec-

retary have announced the intention of the Government to vest it in the governors of the High School. I am not blaming Mr. Kingsmill, I am only just giving the House to understand the actual facts and when he comes forward with a nice little motion presently which does not say he wants to defeat the High School's claims, the House will understand Mr. Kingsmill is friendly to the High School to this point, that by any means in his power he will get that block of land away from the High School.

Hon. W. Kingsmill: Why not let me explain this?

Hon. J. F. CULLEN: The hon. member will no doubt do it presently. In order to get that block of land he would stow the High School on any out-of-the-way block of land, and instead of it being a City High School it would be a suburban outsider to its destruction. As for Mr. Connolly, he wants to get that block of land; I do not know what for, but he is determined the High School shall not have that block and I do not think that he fully apprehends the blow that would be struck at the High School if we move it out of the City. The High School is a City High School and it did magnificent work when there was no other, and had the governors governed and done their duty that High School would have 300 or 400 pupils to-day and not 100.

Hon. J. D. Connolly: The minority report does not bear out what you say is their attitude.

Hon. W. Kingsmill: Of course it does not.

Hon. J. F. CULLEN: That is exactly what I pointed out to the House, that the minority report skilfully conceals it, but I am putting the House into possession of the actual facts.

Hon. W. Kingsmill: Why indulge in this thought reading?

Hon. J. F. CULLEN: It will be for the hon. members to disclaim what I have attributed to them. I say Mr. Connolly's friendship to the school will not carry him further than this, that he will hamper it by taking away its land and send it out of the City, though for what reason I do not know, but out of the City it is to go.

I want this House to grasp the situation. Here is the High School—

Hon. J. D. Connolly: That is more thought reading. I have never expressed such an opinion.

Hon. J. F. CULLEN: Here is the High School of the country, absolutely undenominational, filling a place that no other High School can fill.

Hon. J. E. Dodd (Honorary Minister): Why should it be subsidised?

Hon. J. F. CULLEN: I say it is absolutely undenominational.

Hon. J. E. Dodd (Honorary Minister): Why should the Government subsidise it?

Hon. J. D. Connolly: Remembering that the State has a High School.

Hon. J. F. CULLEN: Because of the work it has done and is doing.

Hon. W. Patrick: The subsidy appears to have been a blight on the school judging from the way it has drifted.

Hon. J. F. CULLEN: It is not the subsidy.

Hon. W. Patrick: It looks like it.

Hon. J. F. CULLEN: No, it is not the subsidy. I want to make this position clear. The High School fills a position here similar to the position filled by the grand old grammar school in Sydney, a High School fostered by the State on undenominational lines. I have the greatest regard for the High Schools established since on denominational lines, each of which is a credit to the denomination to which it belongs, and is doing splendid work, and all honour to the founders and supporters of those schools, but they are denominational schools. It would be an utter absurdity for the Parliament of the country to go back on history and subsidise denominational schools, in other words to take special forms of religious faith under their wing. That was ended right through these Australian States deliberately after the fullest debate long ago.

Hon. J. E. Dodd (Honorary Minister): The Government are now blamed because they are trying to abolish that altogether.

Hon. J. F. CULLEN: There is no blame by me. I want the House to understand distinctly when they turn up this report and see that the heads of two de-

nomination schools came to our committee that it was not the committee who invited them to come. I as a member of the committee would have thought it an indecent thing to invite rival head masters to come and talk about another high school. I would never have been a party to inviting witnesses from denominational high schools to come and interfere in a business with which they had nothing to do. However, they appeared before our committee. Whether anybody privately invited them I do not know; whether they came there of their own accord I do not know. When they came they of course were treated courteously, although in my mind I thought it a most indelicate thing for them to do. I want to dismiss altogether any idea of State connection with denominational schools. The State can have no connection with denominational schools, but this High School is undenominational, strictly so. It occupies this peculiar position of receiving endowment after the State has started a free high school. I can understand the reference of Mr. Kingsmill to this apparent anomaly, and the Inspector General when giving evidence was very closely questioned by Mr. Kingsmill as to the apparent anomaly, and what the attitude of the Education authorities might be towards it. Mr. Andrews said not only were the Education authorities not hostile but they were greatly interested in the continuance of the High School and thought it an excellent thing that it should continue, and do its own special work. Why should we support the fulfilment of the Government's promise to the High School? I have been asked. I am concurring entirely in the Government's proposal to end the subsidy. I think the Government have acted rightly properly and wisely in proposing that after reasonable notice to give the school time to mature its plans, that subsidy shall cease. But I say the Government are equally right in saying publicly and deliberately that we shall fulfil the promises and engagements of previous Governments to this school, that it shall have power to sell its present site and expend the proceeds of that sale in adequate buildings on the new site which we

are prepared to vest in the governors of the school. I entirely support the Government in these proposals. But in view of what has transpired since this Bill was introduced I think the Government would be wise to withdraw the measure and bring down a complete one.

Hon. A. Sanderson: Hear, hear.

Hon. J. F. CULLEN: The Government should bring down a complete Bill requiring the governors of the school first to submit a scheme for the future working of the school; then the Bill should vest the land on Harvest-terrace in the governors and give them the legal power to sell the old site and build on the new. I think that would be the proper course to adopt, but I am entirely in sympathy with the High School. I say it has done a magnificent work and it is capable of doing a work which none of the other high schools can do. By the way, I want to enlarge a little on Mr. Andrew's evidence that it is desirable that this should continue, even though a free school has been established. He expressed the view that there are many people who prefer to pay fees, and why should they not pay fees? I strongly support the view that this High School is capable of filling a place which no other school can fill, and I hope that the House will not permit Mr. Kingsmill's view to receive effect, that this school should be put away in some outlying suburb and that it will not—

Hon. W. Kingsmill: I have not said anything to that effect.

Hon. J. F. CULLEN: Has the hon. member read the questions he asked every witness?

Hon. W. Kingsmill: Certainly.

Hon. J. F. CULLEN: Does not he remember how he tried to beguile the witnesses into an admission that the school would be as well out of the city as in it? Has he forgotten that? If he has I commend the evidence to his careful perusal, and I also recommend Mr. Connolly to read the evidence and see how he tried to lead in his nice way the witnesses to support him in that view which, whatever his object, would be a serious blow to the High School. I urge the House to maintain the High School

as a City high school to do the grand work that it began to do in the City, and in which it would have made marvellous progress if the governors had done their duty. I have pleasure in seconding the adoption of the report.

On motion by Hon. W. Kingsmill debate adjourned.

BILL—DISTRICT FIRE BRIGADES ACT AMENDMENT.

In Committee.

Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 45:

The COLONIAL SECRETARY moved an amendment—

That in lines five and six the words "to be called the fire brigade rate" be struck out and "or such increased general rate notwithstanding any statutory limit of such rate," be inserted in lieu.

Under the Bill the rates were legalised only if struck under the Fire Brigades Act. We were given to understand that some of these rates had been struck under the Municipal Act and the Bill as it stood would not cover these cases. In regard to the Leederville Council the Bill would be sufficient but some other municipalities had exceeded their powers to strike rates under the Municipal Act, so that it was necessary that an amendment on the lines he had indicated should be moved.

Hon. J. W. KIRWAN: A number of the local bodies throughout the State were generally opposed to the Bill, the purpose of which was contained in this particular clause. The amendment of the Colonial Secretary was one that he would not oppose, but he merely wished to say that when the amendment was embodied in the clause he presumed that that would be the proper stage at which to move that the clause be struck out with a view of embodying another.

The CHAIRMAN: The hon. member could vote against the clause amended unamended.

Hon. J. D. CONNOLLY: It would be only waste of time to support the Minister in the amendment that he had moved and then to strike out the clause. He was opposed to the whole clause except so far as it referred to the validation of a certain rate was concerned. The clause sought to impose a very dangerous principle. It allowed a municipality or roads board to strike a rate for fire brigades purposes without limitation. In the Roads Board Act and the Municipal Act there were limitations, but this clause gave municipalities carte-blanche to strike any rate that they might be ordered to strike. There was a Fire Brigades Act passed in 1909 and it constituted a board consisting of nine members, three representing insurance companies, three the municipalities, one the volunteer fire brigades and the others nominated by the Government. It was true the municipalities had three to represent them, but they were in a minority. The position laid down in the Act was that the board might strike an estimate which had to be approved and sent to the Executive Council. The Colonial Secretary had had the experience he (Mr. Connolly) had had. The first estimate he had received was £40,000, and he eventually cut it down to £24,000. He would point out how necessary it was to keep a check on the board. Yet even now we found that their estimate had gone up to £30,000 a year, and of that the municipalities had to find three-eighths. The municipalities were forced to strike a rate to cover that. If we struck this clause out we would save the municipalities from the board, but if we passed it we would leave them at the mercy of the Fire Brigades Board. There were amendments necessary, but this was not one that was wanted. It would be better if we gave the municipalities borrowing powers instead of allowing them to strike a high rate. The Committee might pass just a validating clause, and then the amendment to the Fire Brigades Act could be brought down and considered separately.

Hon. J. W. KIRWAN: It was his intention to move to strike out the clause with a view of inserting another that would provide for the validation of the

rates which had already been struck. Every hon. member was in favour of the Bill for that purpose, but it went further and on account of that he gave notice of an amendment which was upon the Notice Paper that was hastily conceived and which he saw would not properly achieve the purpose he had in view. Mr. Moss was good enough to draft an amendment to stand as a substitute for Clause 2 which would achieve the same object, and perhaps it would be advisable that notice be given of this so that the Colonial Secretary might have the opportunity of submitting it to the Parliamentary draftsman.

The COLONIAL SECRETARY: The more one looked into the clause the more it seemed to be a probable source of danger. His idea was to allow the clause to remain until it had served its purpose, and then knock it on the head. However, the new clause suggested by Mr. Kirwan and drafted by Mr. Moss seemed likely to serve the purpose admirably if it would validate the rates already struck.

Amendment by leave withdrawn.

Clause put and negatived.

Clause 3—negatived.

Hon. J. W. KIRWAN moved an amendment—

That the following new clause be inserted to stand as Clause 2:—"Notwithstanding the provisions of Section 45 of the District Fire Brigades Act, 1909, any rate already made or levied by any local authority purporting to act under such Act shall be deemed to have been lawfully made, and the same shall be collected and recovered from the same persons and in the same manner as if the rate had been a general rate struck by such local authority under the Municipal Corporations Act, 1906."

The effect of the amendment, as had already been explained, was to validate the rates already struck.

The COLONIAL SECRETARY: Would Mr. Moss give the Committee an assurance that the proposed new clause would cover the whole position?

Hon. M. L. MOSS: The clause might be formally passed or progress could be reported, and then the Minister could

refer it to the Parliamentary draftsman to see if it would meet the situation. The local authorities generally would understand that this was merely validating what had been done by some councils illegally, and was not a precedent to be followed in the future. As a result of inquiry he thought it would be unfair not to validate what had been done on this occasion, because a number of people had paid the rates, and it was doubtful whether they could recover them back from the councils, in which event they would be placed at a disadvantage compared with those who had not paid. Those controlling the local authorities should know in future that if they came to Parliament for the validation of a rate there was no legal right for having struck, they would be sent away without getting what they wanted.

Progress reported.

House adjourned at 9.52 p.m.

Legislative Assembly,

Wednesday, 13th November, 1912.

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

PAPERS PRESENTED.

By the Minister for Lands: Report of the Woods and Forests Department for the year ended 30th June, 1912.

By the Hon. W. C. Angwin (Honorary Minister): By-laws of the Menzies Roads Board.

MOTION—MT. ARROWSMITH AND CARRABIN LANDS.

On motion by Mr. MONGER (York) ordered: "That the report of the official appointed to inquire into the lands to the eastward of Mount Arrowsmith and the lands north from Mount Arrowsmith to Carrabin, be laid upon the Table of the House."

PAPERS—MINING LEASES, BAYLEY'S CONSOLS AND KING'S CROSS.

On motion by Mr. McDOWALL (Coolgardie) ordered: "That all papers in connection with the application for forfeiture of Bayley's Consols and King's Cross leases be laid on the Table of the House."

BILL—PHARMACY AND POISONS ACT AMENDMENT.

Postponement.

Order of the Day for the resumption of the debate on the second reading from the 16th October read.

Mr. HEITMANN (Que): I move—

That the Order of the Day be postponed.

Hon. Frank Wilson: What is the matter?

Mr. MONGER (York): Cannot we get this objectionable measure struck off the Notice Paper. I move an amendment—

That the Bill be read a second time this day six months.

Mr. SPEAKER: I cannot take that amendment.

Motion (postponement) put and passed.

BILL—GAME.

Message.

Message from the Governor received and read recommending the Bill.