

Legislative Council,

Wednesday, 29th January, 1902.

Paper presented—Question: Railways, Italians Employed—Question: Fremantle Harbour Works, Cost—Question: Luggers, Import Duty—Motion: Coolgardie Water Scheme, to Expedite and Test (adjourned)—Leave of Absence—Midland Railway Inquiry, Personal Explanation—Industrial Conciliation and Arbitration Bill, first reading—Fourth Judge Bill, Recommittal, progress—Trading Stamps Abolition Bill, third reading—Workers' Compensation Bill, second reading (moved)—Adjournment.

THE PRESIDENT took the Chair at 4:30 o'clock, p.m.

PRAYERS.

PAPER PRESENTED.

By the MINISTER FOR LANDS: Meteorological Report, 1900.

Ordered: To lie on the table.

QUESTION—RAILWAYS, ITALIANS EMPLOYED.

HON. G. BELLINGHAM asked the Minister for Lands: 1, Who was responsible for engaging men at the railway farm, Fremantle. 2, If Italians had been employed at the farm to the detriment of British applicants. 3, How many Italians were at present employed at the farm.

THE MINISTER FOR LANDS replied: 1, The Piermaster. 2, No. 3, Three.

QUESTION—FREMANTLE HARBOUR WORKS, COST.

HON. G. BELLINGHAM asked the Minister for Lands: 1, What was the cost to date of the Fremantle Harbour Works, including extras. 2, What was the original estimate of the works.

THE MINISTER FOR LANDS replied: I regret that it is not possible to give replies to these questions at such short notice; indeed, I think that the information should be called for in the shape of a return. Will the hon. member kindly have the matter postponed for a week?

THE PRESIDENT: According to the strict reading of the rules, this information ought to be asked for in the form of a return.

QUESTION—LUGGERS, IMPORT DUTY.

HON. G. RANDELL asked the Minister for Lands: If the attention of

the Government had been drawn to the rumour that there are from six to ten luggers about to be imported into the North-West from Singapore; and, if not, if he would have inquiries made and take such steps as may be necessary to have duty levied on these vessels upon their arrival in Western Australian waters.

THE MINISTER FOR LANDS replied: The question is one for the consideration of the Federal Government, from whom inquiries will be made.

MOTION—COOLGARDIE WATER SCHEME, TO EXPEDITE AND TEST.

HON. F. T. CROWDER (East) moved:

That, in the opinion of this House, the Government should call upon the Works Department to concentrate its energies upon the completion of the first section of the pipe line of the Coolgardie Water Scheme, with the view to providing a test under working conditions before the prorogation of Parliament.

He said: In moving this motion my thoughts involuntarily go back to a period some six years ago, when in this House, although not in this particular Chamber, I opposed a Bill for the construction of the Coolgardie Water Scheme. On that occasion I brought forward certain facts and figures and drew from them deductions which I thought would to the most ordinary mind have shown convincingly that the work should not be undertaken. To my regret, however, hon. members were of a different opinion, and accepted the bare assertion of Sir John Forrest and the Engineer-in-Chief, Mr. O'Connor, that the work should be carried out. It is not my intention to weary members to-day by a reiteration of the arguments I advanced six years ago. It is quite sufficient for my purpose to say that my predictions and warnings have been verified and justified by time. Hon. members, bearing this in mind, will perhaps be disposed to deal leniently with the motion I now bring forward. My original intention was to word it somewhat differently. I had intended that it should read: "That in the opinion of this House no farther money should be expended on the construction of the Coolgardie Water Scheme until such time as the first section has been tested under ordinary working conditions." Re-

garding the matter from another aspect, however, I felt that a motion so worded might fail to receive the support of various hon. members. I therefore cast the motion in its present form, hoping that no member will refuse to support it. Before I proceed I wish to say, in order to remove any misapprehension which may exist in the minds of hon. members as to the position I take on this great work, that although a strong opponent of the Coolgardie Water Scheme when first mooted, I bowed to the decision of the majority when hon. members passed the Bill for the construction of the work. I wish it to be distinctly understood that on the passing of that measure I had only one hope, which hope I still have, that the work may be carried to completion as expeditiously as possible, and at the smallest cost practicable. I may say at the outset that it will require some strong argument on my part to induce members to bring pressure to bear on the Works Department to have the suggestions in my motion carried into effect. But I am prepared to bring forward strong arguments to convince hon. members. In the first place I claim the support of members inasmuch as the Coolgardie Water Scheme, as being carried out, is a pure experiment, and should have been tested in its initial stages before all the money was expended. The scheme is being carried out entirely in opposition to the expert opinion obtained by the Government in England. It is held by a majority of members, and a majority of the public outside, that the scheme is all right; that it can be carried out, as the engineering board in London gave it as their opinion that the scheme was practicable and could be carried out. The scheme, as being carried out to-day, never came under the London board of experts. The locking bar pipe and the stuffing box ring were never considered by the commission, and if anyone takes the trouble to read the report of the commission which sat in London, and their final report which was received in 1897, he will see what I say is correct. And I cannot find, in reading these reports, any instance in which the recommendations of the commission have been given effect to. The commission recommended riveted joints as against butt joints, but to-day we find that butt joints are being used.

They contended strongly that the lead joints should be made, whereas the stuffing boxes are being used to-day.

HON. J. W. HACKETT: Was the present patent brought before them?

HON. F. T. CROWDER: The present joint ring which is being used was never considered by the commission in London, and in the final report, presented in 1897, it was stated the commission required farther time to consider which was the best joint to be used. But the Government were in such a hurry to proceed with the work that the contract was signed before the final report of the commission reached this country. The joint ring which is being used to-day, and on which pretty well the whole success of the scheme depends, is, in the minds of a good many engineers of good repute, a joint that will not stand the strain. That joint is simply a double-ended stuffing-box, with the two pipes butted together. There is no locking bar inside the joint to stop the ring bulging out. Members may ask, how is it that the lead joints used in connection with the Perth Waterworks stand the strain, while the pipes of the Coolgardie Water Scheme are condemned. There are two mains which bring the water into the city of Perth. One is a 21-inch main of riveted pipes and riveted joints, and the other is a 12-inch main with lead joints; but it is the spigot and faucet joint which makes the joint stronger and almost as impossible to break as the riveted joints are. In the stuffing-box joint, which is being used in connection with the Coolgardie Water Scheme, there is nothing at all to caulk against. The commission farther recommended that the pumping plant should precede the laying of the pipes, so that tests could be made every three miles of riveted pipes laid down. No tests are being made to-day. The first and only test on which Mr. O'Connor proceeded to spend two and a half millions of the country's money, instead of carrying out the recommendations of the commission, was that of two pipes. Two ordinary pipes which are in use to-day were butted together: the ring was placed round the joint, and the lead run in and caulked. At the outer end of the pipes steel plates, with prepared stuffing, were fixed. Three holes were drilled in each of the plates, and through the pipes

were run strong iron bars, which screwed the two pipes together. The water was pumped in by an ordinary force pump, and the ring stood the pressure. If it had not been for the bars which were run through the two pipes, from end to end, the ring would not have stood the pressure. It is impossible for us to run steel bars right from one end of the pipe track to the other. That was the only trial, so far as I can gather, which was carried out by Mr. O'Connor before he adopted the present mode of jointing the pipes, and that is in direct opposition to the recommendations of the commission which sat at home. The commission also recommended telescope joints and alternately different-sized pipes; but all the pipes being used are of the same dimensions. It was recommended that the pipes should be placed on wooden bolsters: to-day they are being placed underneath the ground, and so as to see whether the joints are leaky or not, the country has gone to the expense of building walls, at £2 each, round the stuffing boxes—a wall is built on each side of every joint. The commission also recommended varying dimensions of pipes to equalise the head strain. All the pipes being used are of the same size. We have been promised time after time that a trial should take place of the pipe line. In May last a public trial was notified to take place at Chidlow's Well of half a mile of pipes. On that occasion the test was carried out, and he regretted to say that nearly all the joints were leaky, and some of them leaked very badly. The engineer explained that some malicious person during the night must have interfered with the pipes; but members can take that with a grain of salt. Once or twice since that, hole-and-corner tests of the pipes have been made, and it has been stated in the newspapers that the pipes have been tested up to 300lbs. to the square inch. I have it on the best authority that the pipes have never reached a test of 150lbs. to the square inch, and then the pipes have leaked. We have it on the authority of Mr. O'Connor that over 100 miles of pipe line are completed. But instead of the pipe line being started, as any engineer would have started it, from the weir and onward to Coolgardie, the pipes have been put down

in patches all over the place, so that at the present time it is not possible to test the first section. Had the pipes been constructed straight from the weir towards Coolgardie, we should have had the first section completed and ready for the test before now. Had that been done—I ask hon. members to remember this—to-day the Government would have been saving £3,000 or £4,000 a week for the carriage of water. Besides that, we would have been able to get some of the interest on the money expended by supplying Northam with water. I could go on and keep members sitting here for the next hour or two, pointing out the serious position in which this country is placed, in regard to what I call a wicked waste of money, in the manner in which the Coolgardie Water Scheme is being carried out. But I shall have an opportunity next week, or perhaps to-day—if the motion is brought in—of stating all the facts when the proposal for the appointment of a Royal Commission to inquire into the Public Works Department is moved by Mr. Glowrey. It will be sufficient for me to-day to prove to the House that this scheme is an experiment, and as common-sense men we should insist on the Government, before wasting the rest of the money, demonstrating to the country that the joints will stand the strain. I have given sufficient information to show members—and they can verify my statement by reference to the report of the Royal Commission—that in the first place the commission recommended riveted joints, as against butt joints; they recommended telescope joints with different sized pipes; they recommended expansion joints every hundred yards; and the commission recommended the laying of the pipes on the ground, whereas they are being laid underneath the ground. The commission farther recommended that alternative-sized pipes should be used to counteract the head strain. On every one of these points the committee of expert engineers were asked distinctly to decide; and on every one of these points they gave their ideas, but in no instance has their recommendation been carried into effect. The board of experts was appointed because the Government had every confidence in them as a board of experts. I take it that these recommendations, coming from

a board of eminent London experts, should have received the most serious consideration at the hands of both the Government and the people of this country. If these recommendations were not to be treated with respect, why were they obtained? I find, however, that in no single instance have they been adopted. The engineers reported there was no doubt as to the practicability of the scheme; and I say at once, in my own mind there is no doubt whatever that the scheme, if carried out on the lines which have been in vogue and approved in old-world systems for years, would be practicable. But that the scheme is practicable under the system now adopted is a statement to which the engineering experts have never committed themselves. On the other hand, a good many people who have given the matter earnest consideration have come to the conclusion that the scheme is not practicable on the present lines. Anyhow, I wish to point out that while the work was to have been completed in three years, it has now been under way for six years, and that at the present rate of progress we shall have paid out of revenue something like half a million in interest on the money borrowed for construction purposes before the scheme can be in practical operation. I ask the particular attention of hon. members to this phase of the subject, because it is a most serious one—serious not only in regard to the money to be paid by way of interest, but serious as interfering in a very considerable degree with the commerce of the State. I personally know of several people who have lately come to this country with the intention of investing money here, but who have gone away taking their money with them, because of the fear that the Coolgardie Water Scheme will not be a success, and that Western Australia will, in consequence, be burdened with a useless expenditure of two or three millions sterling. I for my part trust that the scheme will be carried to completion; and with that end in view I say it is the duty of this House to urge the Government to have the first section tested. If that test should show the joints will not stand, we must simply face the mistake and the misfortune and go to work to make joints which will stand. So long as uncertainty hangs over West-

ern Australia in regard to this important matter, our public credit in Great Britain will be affected, and our prospects of getting private capital invested here will be injured. So far as I see, there is nothing in my motion to be found fault with. I think hon. members believe me—if they do not, they can look up the reports of the experts appointed to inquire into the scheme—when I state that, as at present being carried out, the Coolgardie Water Scheme is an experiment. In ordinary commercial life, a scheme of this nature would be tested by the engineers at every mile. Private business men would never dream of deferring a test until the whole work was completed. I do not think I need weary hon. members by labouring this matter farther. I think I have adduced sufficient arguments to insure the adoption of the motion.

[Pause ensued.]

HON. J. W. HACKETT (South-West): It is indeed a matter for surprise to me to see the members representing the Government sitting silent after the charges levelled by the mover. The question seems to me one of utmost seriousness, and I cannot refrain from expressing my sense of disgust that a motion of this kind, with charges of so serious a description—which charges, moreover, the hon. member making them assures us are *bona fide* and such as he has good basis for making—should be simply met on the part of the Government by tacit assent. I have never heard of such a similar occurrence in this or any other House. For my part, I wish the mover had continued his speech to much greater length, and had given us all the instances of mismanagement he can allege, and everything else he can adduce.

HON. F. T. CROWDER: I shall do that.

HON. J. W. HACKETT: By doing so the hon. member will place this House, and the country as well, under a debt of gratitude to him. I am glad to note the hon. member has abandoned his opposition to the scheme on the ground of policy. At all events, he directed no part of his remarks to the question of policy. To my mind, the experience of the last few weeks has set the matter of policy at rest for ever. I believe the Railway Department were at one time spending as much as £1,000 a day for water, which would

have cost them a mere fraction of the price paid had the Coolgardie Water Scheme been in operation. I desire to remark that the points which the hon. member has advanced are, in the first place, Governmental, Ministerial points, and, in the second place, engineering points. That is to say, they are, secondarily, points to which an engineer should reply. I really did expect to hear the leader of the Government apply for an adjournment of the debate, in order that he might have an opportunity of meeting the serious allegations made by Mr. Crowder. Mr. O'Connor, the Engineer-in-Chief, who is first and last responsible for the mechanical carrying-out of the scheme, is a gentleman not only of high reputation, but a gentleman as jealous and tender of that reputation as any member of this House can be of his own reputation; and if this scheme should prove a failure—there being various degrees of failure, I will say if this scheme should prove a substantial failure from an engineering or mechanical point of view, or as regards its object of conveying water to the goldfields at reasonable cost—then Mr. O'Connor goes forth to the world as a condemned and disgraced engineer. There is no use blinking the matter: there is no use beating about the bush. I did hope that instead of quietly saying "yes" to the motion, the members representing the Government would have given the House what it has a right to expect—some explanation and some reply in regard to the extremely serious allegations made by Mr. Crowder.

SEVERAL MEMBERS: Hear, hear.

THE MINISTER FOR LANDS (Hon. A. Jameson): I think Mr. Hackett cannot have read the motion now before the House. [Motion read.] I can assure hon. members that the Government are fully prepared to carry the scheme to completion, and that they are at this moment pushing it on as rapidly as they can. Therefore the Government have no objection whatever to the adoption of the motion. No doubt it will not be possible to have the first section tested before the prorogation of Parliament, as suggested; but, at the same time, every effort is being made to push the scheme forward. Mr. Hackett has, perhaps mistaken the attitude of the Government,

insofar as he overlooks the subject of the motion and turns his attention entirely to certain side issues raised and to certain expressions of opinion given by Mr. Crowder in regard to what has been done in the past. So far as those side issues and allegations are concerned, I shall have them fully looked into. I shall see the Minister for Works and endeavour to have a return prepared dealing with the matters which Mr. Crowder has brought forward. I cannot but think that many mistakes may have been made in the execution of the scheme; but hon. members can well understand that the present Government have absolutely nothing to do with those mistakes, which are entirely matters of the past. Therefore it was not incumbent on me to jump up for the purpose of refuting Mr. Crowder's statements.

HON. J. W. HACKETT: The charges relate to the present moment.

THE MINISTER FOR LANDS: I understood Mr. Crowder to say that the mistakes had occurred in the past.

HON. F. T. CROWDER: They occurred in the past, and are occurring now.

HON. J. W. HACKETT: Yes; continuing mistakes.

THE MINISTER FOR LANDS: If they are continuing mistakes, every effort shall be made to set them right. The Government will certainly take action, and my endeavour will be to present to the House as quickly as possible a return in answer to Mr. Crowder's charges. In my opinion, however, Mr. Hackett goes a little too far when he expects the leader of the Government to jump up in his seat the moment reflections on the actions of past Governments are made. The present Government have nothing to do with the mistakes of past Governments. We are perfectly prepared to accept the motion, and do not object to it in any way whatever. We are already doing what the motion asks, namely that the first section shall be pushed on as rapidly as possible.

HON. J. W. HACKETT: Then you treat Mr. Crowder's allegations with the silence of contempt?

THE MINISTER FOR LANDS: I do not consider it necessary to reply to them to-day, though I shall have them looked into. Hon. members may take it as a matter of course that this will be done.

HON. G. RANDALL (Metropolitan): In view of the fact that Mr. Crowder, in proposing his motion, has travelled altogether outside its limits, I think the best way of dealing with the matter will be to afford the Government an opportunity of counteracting the very severe reflections made by the hon. member, which I, at any rate, hope cannot be substantiated. [SEVERAL MEMBERS: Hear, hear.] It is extremely undesirable that these allegations should go forth uncontroverted, with the result that people's minds will be more unsettled in regard to this scheme than they are at the present time. Undoubtedly, a number of people in this State would be delighted if the Coolgardie Water Scheme ended in disaster. I do not think the proposer of this motion is one of those people; since he has stated that on the authorisation of the work by Parliament he entirely accepted the situation. Nevertheless, I think it highly desirable that the Government should, as Mr. Hackett has pointed out, meet the statements made this afternoon, although they do not fall within the scope of the motion appearing on the Notice Paper. Without going into the question farther, I move that the debate be adjourned until Tuesday next.

Motion put and passed, and the debate adjourned accordingly.

LEAVE OF ABSENCE.

On motion by HON. R. S. HAYNES, leave of absence for one fortnight was granted to the Hon. W. G. Brookman, on the ground of ill-health.

MIDLAND RAILWAY INQUIRY.

PERSONAL EXPLANATION.

HON. J. W. HACKETT (South-West): By permission of the House, I desire to say a few words in explanation of certain remarks I made last night in speaking on the report of the joint committee appointed to inquire into matters connected with the Midland Railway. I referred to the atmosphere surrounding certain transactions in connection with the Midland Railway as one of fraud.

HON. F. T. CROWDER: You said "a halo of fraud."

HON. J. W. HACKETT: In connection with one of those transactions I alluded

to a contractor. I now desire to explain that I did not for one moment believe, or desire to convey, that the gentleman in question was aware of the frauds, or that he was in any way responsible for them. On the contrary, my conviction, like that of every member of the House, is that he is entirely disconnected from them. I think it right to make this explanation with regard to the gentleman because of the admirable work he has done for the State and the indefatigable energy with which he pushed forward every public undertaking in which he was engaged.

INDUSTRIAL CONCILIATION AND ARBITRATION BILL.

Received from the Legislative Assembly, and, on motion by the MINISTER FOR LANDS, read a first time.

FOURTH JUDGE BILL. RECOMMITTAL.

On motion by the Hon. G. BELLINGHAM, Bill recommitted for adding a new clause.

New Clause:

HON. G. BELLINGHAM moved that the following be added as a new clause:—

A medical certificate shall be produced that the person appointed under this Act is in a sound state of health and fitted to undertake the duties of circuit travelling.

Under present conditions any gentleman could be appointed a Judge who suffered from ill-health, and if he retired within a month or even within 10 minutes of his appointment, he was entitled to an allowance, or a pension, of half his yearly salary. The new clause provided that the gentleman appointed should be in a thorough state of health, and be able to undertake the arduous duties of travelling on circuit.

HON. F. T. CROWDER: Every Government had certain privileges, and amongst them was the appointment of their friends or relations to high official positions. But in future the Government should be bound to appoint persons who were physically fitted to take the position offered. A Judge should not be enabled to retire within a short space of time on a pension. The clause was in the interests of the taxpayers of the country.

HON. C. E. DEMPSTER: The clause was very necessary to protect the country.

Why should a man who was incapable of performing his duties be appointed?

HON. T. F. O. BRIMAGE: It was most essential that the gentleman appointed as fourth Judge should be able to tour the back-blocks of the State. The work was most arduous, and required a gentleman physically strong enough to undertake the duties. Names had been mentioned of gentlemen likely to receive the appointment.

HON. J. T. GLOWBEY: Who were they?

HON. T. F. O. BRIMAGE: Whoever was appointed to the position should be able to go on circuit, and should be physically capable of carrying out the work.

THE MINISTER FOR LANDS: It was unusual to insert an amendment of this kind in what was really a Constitution Bill. It was always left to the Government of the day to make such an appointment. If the amendment were carried it would tie the hands of the Government to a certain extent. It was possible for a medical certificate to be given which would show that a man was not in sound physical health, but the person might be in a position to carry out the duties of Judge. Such a clause would place a great power in the hands of a medical man to decide whether a Judge was fit for duty or not. If the hon. member withdrew the amendment, he would give an assurance that every care would be taken with regard to the physical and mental condition of the gentleman appointed. But if the amendment were carried it would place the Government in a very awkward position indeed. The matter could be safely left in the hands of the Government of the day. It was quite an unprecedented step to take, to interfere with the Government in such an appointment.

HON. G. BELLINGHAM: There was no doubt that the Minister for Lands would see that what he had said was carried out. But the hon. member would not always be in the position of a Minister, and this clause would stand as part of the Bill for all time. The Minister for Lands had stated that no Judge had ever been appointed under an Act which imposed such a condition as the amendment did. It was a pity that a similar provision had not been inserted in an

Act of Parliament long ago. We should start this innovation in the Fourth Judge Bill. He could not withdraw the amendment.

On motion by HON. E. M. CLARKE, progress reported and leave given to sit again.

TRADING STAMPS ABOLITION BILL.

Read a third time, on motion by Hon. R. LAUBIE, and *passed*.

WORKERS' COMPENSATION BILL.

SECOND READING (MOVED).

THE MINISTER FOR LANDS (Hon. A. Jameson): In moving the second reading of this Bill, I may point out it is a measure of great importance. It extends the liability of employers in connection with accidents. It is a new Bill in this State, and represents several new principles. At the present time employees have rights under the common law and the Employers' Liability Act of 1894, and under these two Acts negligence must be proved by the employee. The Bill which I now place before the House takes no note of negligence at all. It is not a necessary element. It does not require to be proved that there is negligence on the part of the employer, to enable the workman to establish damages.

HON. J. W. HACKETT: Unless there be gross negligence.

THE MINISTER FOR LANDS: Yes; unless there be gross negligence or wilful misconduct. That is an important difference between this law and the one to be found in our statute book at the present time, namely the Employers' Liability Act of 1894. This Bill, of course, involves an important principle—that of practically compulsory insurance. The measure may be described as one designed to bring about compulsory insurance. The whole question hinges on whether a risk is or is not an insurable risk; the whole Bill in reality rests on that point. I may inform hon. members that the English Act was passed in 1897, so that it appears the mother country led the Australian States and New Zealand in regard to this particular piece of social legislation. The Act on which the Bill I am now introducing is based was passed by the British Parliament in 1897.

From the debate, which I have carefully read, I learn that the Right Hon. Joseph Chamberlain was a very strong supporter of the measure as it stands now. There are some slight differences between the present Bill and the English Act, which differences I shall point out as I go along. The measure now before the House perhaps more closely follows the New Zealand Act, which no doubt represents a slight advance on the English Act.

HON. J. W. HACKETT: Can you point out the differences between the English Act and this Bill?

THE MINISTER FOR LANDS: I shall do so as I go along.

HON. J. W. HACKETT: Also the differences between this Bill and the New Zealand Act?

THE MINISTER FOR LANDS: Yes. The essence of the Bill lies firstly in its practical demand that insurance shall be compulsory, and secondly in the demand that every industry shall bear the risk of the accidents occurring in its prosecution. That is to say, the industry must bear the loss involved in accidents, in place of that loss being borne, as in the past, by the individual or by the State. In the old country the loss was almost invariably borne by the State, because the individual disabled was thrown on the State. The position now taken up is that each industry must bear its own burden of risk. That is really the object aimed at.

HON. G. RANDELL: The risk which in the past has been shifted on the general public?

THE MINISTER FOR LANDS: Yes; the risk which in the past has been shifted on the general public. This Bill endeavours to settle the risk on the industry in which the accident occurs.

HON. J. W. HACKETT: To settle it on the employer; and he shifts it on the country.

THE MINISTER FOR LANDS: The question is essentially one of insurance. The employer insures against risk; but if hon. members want to know who finally will have to bear the cost, I say that undoubtedly in the long run the cost will fall on the actual worker. It is to my mind as clear as anything can be that if the profits of any industry be reduced, the wage in that industry will inevitably be reduced sooner or later. The cost of production being increased, the wage

falls. In fact, anything causing a decrease in profits ultimately brings about a decrease in wages. The result is, though not immediate, inevitable. The burden created by this Bill will fall in a small degree on the employer, but principally on the worker. It is the latter who will eventually pay for the insurance. I now wish to call attention to some important features of the Bill. In the first place it has to be noted that in case of a fatal accident only those who are actually or partly dependent on the worker killed can claim compensation. There must be absolute or partial dependence before a claim for compensation can be maintained. The interpretation clause settles this point by its definition of "dependants":—

"Dependants" means such members of a worker's family, specified in the First Schedule hitherto, as at time of his death were wholly or in part dependent on his earnings.

The definition of "Worker" is of special importance:—

"Worker" means a person of any age or sex who is engaged under contract with an employer (made before or after the commencement of this Act) in any employment to which this Act applies, whether the agreement is one of service, apprenticeship, or otherwise, and whether the employment is on land, or on any ship or vessel (of whatsoever kind and howsoever propelled) in any navigable or other waters within Western Australia or the jurisdiction thereof.

Hon. members will see that the definition is very broad, including practically all classes of workers. It is broader than that given by the English Act, or by our existing Conciliation and Arbitration Act; and it is well that it should be broad. If a Bill of this kind is to be enacted, its scope should be as wide as possible. Mr. Hackett inquired what were the differences between the English and the New Zealand Acts. Here we find one of those differences. The interpretation of "worker" is much broader than that of the English Act. The Bill may, indeed, almost be termed universal in its scope. Clause 3 provides that the Bill shall apply to workers engaged by the Government in any employment to which the Act would apply if the employer were a private person. In my opinion the Bill is properly extended to include employees of the Crown, which here takes up many works of such a nature as are

generally carried out by private contractors in other countries. Therefore the Government should be subject to all the laws to which contractors are subject. Clause 4 is important. The definition given by the English Act of employments to which the Act applies is not nearly so precise as the present definition. The English Act provides that its operation shall extend to—

Any industrial, commercial, or manufacturing work carried on by or on behalf of the employer as part of his trade or business.

The interpretation hon. members will see, while very broad, is by no means definite. A difficulty arising out of that indefiniteness was that the operation of the Act was extended to a number of cases where the risk was uninsurable.

HON. R. S. HAYNES: Is the section quoted from the English Act?

THE MINISTER FOR LANDS: Yes.

HON. R. S. HAYNES: I have a copy of the English Act before me, but cannot find the section quoted.

THE MINISTER FOR LANDS: I have not the English Act here, but I shall give the section later. Sir Matthew White Ridley in introducing the Bill pointed out that the position is as stated. I want hon. members to take particular note of Clause 4 of the present Bill, which lays down precisely the nature of the employment to which the measure shall apply. Clause 4 reads:—

This Act applies only to injuries of workers employed by employers—(1) On or in or about any railway, waterwork, tramway, electric lighting work, factory, mine, quarry, or engineering or building work; (2) On or in or about any employment declared by proclamation to be dangerous or injurious to health or dangerous to life or limb: Provided that no such proclamation shall issue except pursuant to addresses from both Houses of Parliament.

There has been a great deal of discussion directed towards obtaining perfect assurance that the risks in trades and employments involved are insurable risks. That, really, is the point; for undoubtedly if a measure of this nature should include uninsurable risks, an immense amount of hardship and damage will result. That is the point to which attention was specially directed during the debate in the English Parliament, and it was clearly brought out in a speech delivered by Mr. Joseph Chamberlain. Of course we must be very clear on the point to-day.

The question is entirely whether the risk is insurable or not. If it be insurable, the measure cannot press very hardly on the employer. With the indulgence of hon. members, I shall read a short quotation from a speech delivered by Sir Matthew White Ridley in introducing the Bill into the House of Commons. He said:—

It is most difficult to compute what will be the cost of insurance or the amount of liability upon the owners, and I shall, no doubt, be told that the burden which will be imposed upon the industries to which the Bill applies will be prohibitive. I do not think so. I think that those countries with which we compete are equally burdened, and, after the closest examination of such data as we have, I am perfectly satisfied that the cost of such insurance would be very much less than we have been led to expect. I have done my best to work out the figures in regard to mining, and I think that is an industry in respect of which the expenses are likely to be larger than those in respect of any other industry. I have taken the German official figures, and, allowing for all the difference of circumstances and conditions between Germany and this country, I have tried to see what would be the cost as regards compensation in the mining industry if the proposals contained in this Bill had been the law in Germany. I do not say it is anything more than a rough computation, but I have arrived at this result—that the percentage of compensation to wages would be 1 per cent. I have also endeavoured to apply, so far as I can, the proposals of the Bill to the mining industry of Great Britain, and it is rather significant that the figures work out almost absolutely the same—1 per cent. within one or two points of decimal.

One per cent on the actual wage is not a very heavy cost; and while involving so little hardship, the measure gives great security. It cannot be maintained that a charge of one per cent. on the actual wage of an industry will bear heavily on either employer or employee. I have here some figures as to the actual percentage of insurance charged, and these I think will be of interest to hon. members. For bakers the rate is 12s. 6d. per cent.; for blacksmiths, 25s.; stationers, 12s. 6d.; brewers, £1; builders, 25s.; butchers, 17s. 6d.; clothiers, 10s.; farm risks, 12s. 6d.; foundries, 20s.; stores, 10s.; ironmongers, 7s. 6d.; laundries, 25s.; newspapers, 15s.; printers, 15s.; smelting works, 20s.; wholesale stores, 7s. 6d.

HON. R. S. HAYNES: Is that so much per annum?

THE MINISTER FOR LANDS: Yes; per cent. per annum.

HON. R. S. HAYNES: For insurance with what company?

THE MINISTER FOR LANDS: These figures have been obtained from one of the South Australian insurance companies,

HON. R. S. HAYNES: In one case I know of, the rates have been raised from 5s. per cent. to 30s. per cent.—a six-fold increase.

MEMBER: Speculative actions have caused that.

THE MINISTER FOR LANDS: Competition will no doubt bring about a better condition of things. Hon. members will see that under Clause 5 the employer is not liable for an accident unless the worker has been disabled for a period of at least two weeks. They will see farther that by sub-clause (b) of the same clause an action for damages cannot lie against the employer in respect of injuries directly attributable to the gross neglect or wilful misconduct of the worker. That sub-clause affords an additional protection for the employer; and I commend it to the careful attention of hon. members. Clause 6, which refers to the Second Schedule, provides:—

If, in any employment as aforesaid, personal injury by accident arising out of and in the course of the employment is caused to a worker, his employer shall, subject as herein-after mentioned, be liable to pay compensation in accordance with the Second Schedule hereto.

I ask hon. members now to read the Second Schedule, between which and the corresponding portion of the English Act there are some differences. Sub-clause (a) of Second Schedule provides:—

If the worker leaves any dependants wholly dependent upon his earnings at the time of his death, the compensation shall be a sum equal to his earnings in the employment of the same employer during the three years next preceding the injury, or the sum of two hundred pounds, whichever of those sums is the larger; but not exceeding, in any case, four hundred pounds.

The English Act provides that the sum must not exceed £300; but, in regard to the larger amount provided for here, we have to bear in mind that the cost of living is much greater in Western Australia than in England. Perhaps I may again quote Sir Matthew White Ridley's

observations in regard to the cost of the measure. He says:—

If the workman leaves dependants, the amount of compensation shall be a sum equal to his earnings during the previous three years, or a sum of £150.

The corresponding amount in this Bill is £200.

Whichever of those sums is the larger, but not exceeding in any case £300, provided that any weekly payments made under the Act shall be deducted from such sum. And in case of incapacity for work, a weekly payment during incapacity, after the second week, not exceeding 50 per cent. of his weekly earnings at the time of the accident, such weekly payment not to exceed £1.

I have drawn special attention to these matters because I know they must be discussed. At the same time, I urge hon. members to allow the schedule to stand as it is. If the cost of living and wages in England be compared with what they are in this State, the reasonableness of making the amounts somewhat larger here must be at once admitted. The actuarial valuation of a life under this Act is £800. The loss is supposed to be borne, half by the employer and half by the employee; and thus the amount of £400 is arrived at. By Clause 7 a worker may claim compensation, or take independent proceedings.

HON. R. S. HAYNES: Who is going to recover under Sub-clause (c) of the schedule?

THE MINISTER FOR LANDS: The sum is fixed by the Court.

HON. R. S. HAYNES: But who is to get it?

THE MINISTER FOR LANDS: It is for the expenses of burial.

HON. R. S. HAYNES: But who would sue the employer? Who is to apply for the compensation?

THE MINISTER FOR LANDS: I will take a note of that. I do not see for the moment who is to sue, but I will look into the matter. In regard to Clause 7 I may say that this Bill in no way interferes with the ordinary law—the employee suing at common law or under the Employers' Liability Act. But if a workman should not sue under this Bill the expenses of the proceedings will be deducted from any compensation paid to him under this Bill. That seems to be a very fair provision, and it is pro-

vided for in the English Act, and under the New Zealand Act. Clause 8 practically refers the matter to arbitration. It says:—

If any question arise as to liability to pay compensation under this Act, or as to the amount or duration of such compensation, the question, if not settled by agreement, shall, subject to the provisions of the Second Schedule hereto, be heard and determined by the Local Court of the district within which the injury happens; and for all such purposes jurisdiction is hereby conferred upon such court.

For the hearing and determination of such questions the magistrate shall sit with two assessors; therefore, it is practically an arbitration court.

HON. G. RANDELL: Having jurisdiction under £400?

THE MINISTER FOR LANDS: Yes. Clause 11 refers to the time in which notice is to be given of the claim made, and the time is six months. Clause 12 deals with the form of service of notice, and Clause 13 provides for the Registrar of Friendly Societies framing a scheme of compensation.

HON. J. W. HACKETT: What is the meaning of the marginal note?

THE MINISTER FOR LANDS: I think "contracting out" is a mistake, and I will look into it. Clause 14 deals with liability in cases of contracting or sub-contracting. It means that the original employer is always liable. But the contractor can sue the sub-contractor. The same provision exists in the English Act. Clause 15 deals with the recovery of damages from a stranger. It is only reasonable that the assurance should come out of the amount as a first charge, and I understand the same provision is in the New Zealand Act.

HON. F. T. CROWDER: What is to stop the insurance companies forming a ring?

THE MINISTER FOR LANDS: They are liable to do so, but that is a matter outside the Act. In England they have not been able to form rings so far.

HON. R. S. HAYNES: Clause 15 is a copy of the English Act.

THE MINISTER FOR LANDS: I have pointed out the general policy of the Bill, and I hope members will see their way to pass the second reading. The Government look upon this as an important measure, and one which will bring us into line with the Acts of South Aus-

tralia, New Zealand, and the old country. Especially in a country like this, where there are so many mining operations, will the Bill be useful. I hope members will see their way to support the second reading. We need not go into Committee with the Bill to-day. I think I have studied very closely and read the debates on the English Act, and other debates that have taken place, and the Bill seems to be a very favourable measure indeed. It is one of those measures which can be passed on good precedent, as it is the law of England now.

On motion by HON. R. S. HAYNES, debate adjourned.

ADJOURNMENT.

The House adjourned at 5 minutes to 6 o'clock, until the next day.

Legislative Assembly,

Wednesday, 29th January, 1902.

Question: Railways, Italians Employed—Fremantle Harbour Works, Inquiry as to Dismissals—Industrial Conciliation and Arbitration Bill, third reading—Papers ordered: Coolgardie Water Scheme, Pipe Caulking—Return ordered: Railway Inspections, Cost—Metropolitan Waterworks Bill, first reading—Papers ordered: Medical Officer, Menzies—Motion: Hospital (Central) on Goldfields, to Inquire—Motion: Immigrant Aliens, to prevent Influx; division (negative)—Leases Surrendered, Extension of Inquiry re Clemenger—Motion: Coolgardie Water Scheme, to Reticulate—Motion: Railway Workshops, to adopt Report—Brands Bill, amendments *pro forma*—Public Notaries Bill, in Committee—Bush Fires Bill, in Committee, reported—Motion: Land Granted to Trades and Labour Council, farther adjournment—Coal Mines Regulation Bill, in Committee to Clause 4, progress—Food Supply, to adopt Report, debate adjourned—Annual Estimates, in Committee of Supply: Rabbits (vote passed), progress—Adjournment.

THE SPEAKER took the Chair at 4-30 o'clock, p.m.

PRAYERS.

PAPER PRESENTED.

By the COLONIAL SECRETARY: Meteorological observations, Report for 1900. Ordered to lie on the table.