Legislative Council,

Tuesday, 23rd November, 1926.

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

ASSENT TO BILLS.

Message from the Governor received and read notifying assent to the undermentioned Bills—

1, City of Perth Act Amendment.
2. Guardianship of Infants.
3. Industries Assistance Act Continuance.
4. Reserves.

BILL—SPECIAL LEASE (ESPERANCE PINE PLANTATION).

Read a third time, and *passed*.

BILLS (2) REPORTS OF COMMITTEE.

1, Albany Harbour Board
2, Roads Closure.

Adopted.

BILL—STATE INSURANCE.

Recommittal.

Resumed from the 17th November; Hon. J. Cornell in the Chair, the Chief Secretary in charge of the Bill.

Clause 2—Interpretation (partly considered):

The CHAIRMAN: The question is that the clause, as previously amended, stand part of the Bill, to which an amendment has been moved by the Hon. H. Seddon: "That the words inserted at the previous sitting 'for compensation so far as relates to employees in metalliferous mines in Western Australia, and to employees engaged in the various industries set out in the Third Schedule of the Workers' Compensation Act, 1912-24,' be struck out, and the words originally struck out, reading 'in relation to compensation under the Workers' Compensation Act, 1912-24, the Employers' Liability Act, 1894, or otherwise' be inserted."

Hon. G. POTTER: The Leader of the House has given us an opportunity to further consider the effect of the amendment previously carried to this clause. On recommittal the feeling of members was that something might be done to liberalise the amendment which was carried at my instance. I am prepared to liberalise it materially. The Chamber being somewhat out of routine by reason of the visit of the illustrious guests who have just left us, I have not been able to place my amendment on the Notice Paper. I shall read it.

The CHAIRMAN: The question before the Committee is the deletion of words inserted at a previous sitting and the reinsertion of the word then struck out. Until that amendment has been disposed of, no further amendment can be received.

Hon. H. SEDDON: I felt that the amendment carried at Mr. Potter's instance created certain disabilities, and that the proposed limitation of the operation of the measure did not afford the State Insurance Office a fair opportunity of dealing with the matter. There is also the question of employers' liability and of liability at common law. Mr. Potter's amendment does not consider these liabilities, and therefore an employer insuring with the State Insurance Office would be only partly protected and would have to take out another policy with a private company to cover employers' liability and liability at common law. The amendment is also defective in that neither the Bill nor the existing Acts contain any definition of metalliferous mines.

Hon. H. STEWART: Mr. Seddon might just as well base his request for reinsertion of the original words purely on the reason that the Committee has decided otherwise than he desires. The argument that the definition in its present form is not sufficiently comprehensive does not convince me. The definition as amended is liberal. I had a conversation with the Parliamentary draftsman on this subject, and Dr. Stow does not regard the absence of a definition of metalliferous mines as a matter of importance. As the amended clause stands it savours of tautology, for it provides for compensation

in relation to employees in metalliferous mines and to employees engaged in the various industries set out in the Third Schedule of the Workers' Compensation Act. The Third Schedule, as amended in 1924, covers all things in regard to metalliferous mining, for it covers mining, quarrying, stone-cutting and crushing, and so embraces all forms of miners' complaints and diseases. More comprehensive still, the amendment we have agreed to provides "and all the employees engaged in the various industries set out in the Third Schedule." So it is idle to suggest that a definition of "metalliferous mining" is necessary. All complaints and diseases in the Third Schedule of the Workers' Compensation Act of 1924 are already provided for in the amendment agreed to. The reasons put forward by Mr. Seddon do not warrant the proposed amendment. The amendment agreed to is already comprehensive, making provision for a wide range of industries and their attendant complaints; so to insert the words "metalliferous mining" would be quite unnecessary and would savour of repetition.

Hon. A. J. H. SAW: I hope the Committee will agree to strike out the amendment already passed and restore the clause to its original form. I voted against that amendment. I certainly did not understand at the time that the amendment had the wide scope Mr. Stewart now says it has. The impression I had in my mind was that the amendment purported to restrict the scope of the Bill to metalliferous mines and to insurance against those diseases mentioned in the Third Schedule of the Workers' Compensation Act. It now appears the Committee did good by stealth and, probably, will blush to find it fame; because in not restricting the Bill to these occupational diseases it was allowing the Government to insure for ordinary workers' compensation every employer engaged in those avocations that might give rise to the occupational diseases. So the Committee, undoubtedly, went far beyond their intention; and the Committee having gone so far as that, I am going to ask them why they stumble and refuse to allow the Government to open a State insurance office for insurance under the Workers' Compensation Act. Why should they allow certain avocations, such as those of a working hospital attendant or nurse, or one engaged in a lead mine, or in any of those occupations that give rise to the various diseases set out in the Third Schedule of the Workers' Compensation Act—why should the Committee allow the Government to take that form of insurance, not against occupational diseases, but against ordinary workers' compensation, and then seek to prevent the Government insuring for workers' compensation purposes any form of occupation? I cannot understand the logic of it at all. You, Sir, in that short speech you made the other day before recording your vote, compared the fate the Bill was undergoing to the fate of lusty twins, one of whom died, whilst the other was maimed. Although that was a very good simile, I think there is a better one still. The Bill can, I think, be compared to the unwelcome child. In respect of this House, it was unwillingly conceived, it had a very troublesome gestation period and underwent a difficult and prolonged second stage of labour. As a matter of fact, the child was born only through the good offices of Mr. Rose, who acted as accoucher and, seizing on the speeches of the Leader of the House and Mr. Ewing, applied them as a pair of forceps and finally delivered the child. For a long time before Mr. Rose undertook the function of accoucher I was under the impression the child was going to be still-born. However, it escaped that fate and finally emerged into the third stage of labour, when the child is still connected with maternal circulation and the cord is still pulsating. There then appeared on the scene a very unskilful midwife, one who, on the results, might be compared with a midwife of the time of Charles Dickens. That unskilful midwife brushed aside the accoucher and seizing hold of a piece of silk that was lying there for the purpose of tying the cord, tied it tightly around the neck of the child, thereby effecting its strangulation. What has been the result? Mr. Seddon has undone the knot, the child is now lying in a state of suspended animation and I hope the Committee will take steps towards reviving it and restoring it to life. If not, what will be the result? I understand that in some three months' time there will be an inquiry before a coroner and jury, and I cannot see that that jury can return any other verdict than one of infanticide against the Committee. I hope the Committee, having extended the provisions of the Bill to embrace all kinds of occupations coming under the Third Schedule of the Workers' Compensation Act, will now go one step further and allow the Government to effect any kind of insurance under the Workers' Compensation Act. For, surely, the Committee must realise that when they made workers' compensation in-

surance compulsory, they delivered over the employer and the employee into the hands of the insurance companies. To my mind, as I have said before, the corollary of compulsory insurance is that the State shall set up an office through which they can effect some control over the insurance companies. I cannot see how anybody can possibly dispute the fact that once you make insurance compulsory and force everybody willy-nilly into the hands of the insurance companies, the corollary to that is some form of State insurance working side by side with the insurance companies, and controlling them wherever necessary.

Hon. J. NICHOLSON: I am afraid in the midst of the long discussion that has taken place over this unfortunate child, hon. members may possibly lose sight of the child itself or some part of its anatomy. We are not serving any good purpose by recalling all that has taken place in connection with the Bill, but it will serve some good purpose to remind members that the main point of the Bill is that which centres around the clause we are now discussing. The clause defines either a limited or unlimited scope within which the Government may pursue their vocation of insurance. In the whole discussion that took place it was clearly in the minds of every member who voted in support of the amendment moved by Mr. Potter, that they desired to see a certain restriction or limitation placed upon the right of the Government to operate in connection with State insurance. The clause it is sought to restore will give the Government a very wide power in carrying on the insurance business; it will give the Government power to insure every business, either under the Workers' Compensation Act, the Employers' Lability Act, or under common law. It is true it does not extend to fires, but it extends to every branch and every industry, and all members who voted in support of Mr. Potter's amendment distinctly stated it was their intention to limit the scope of insurance entirely to one thing, the protection of miners. If we restore the clause, as proposed by the amendment before the Chair, the result will be that we shall give either House unlimited scope in insurance against accident in all industries, and enable the Government to carry on its business in a manner that was not intended by hon. members. The intention of members was clear, and it was to limit to mining the power of the Government in connection with insurance. I recall to the minds of members that the Government, when they put forward their claim for State insurance, asked that they should be given this right to safeguard the interests of those miners who otherwise would be left unprotected. Many members were swayed by the claims of the miners, and voted against their own principles in support of the Bill because they considered they were doing justice to the miners. The main claim was that they desired to protect the men on the mines, and that no doubt was the cause of Mr. Potter's amendment being carried, because he used the word "compensation" in regard to employees on metalliferous mines, though others thought at the time that the idea underlying his amendment was to protect the man in the mine. The Government will be in a very much better position by having this business clearly defined, just as a company is in a better position by having its powers set out in the memorandum of association. When the proposal to reconsider the clause was suggested, I considered it would be wise to do so because of the doubts that had been raised. Furthermore, we have to bear in mind that Mr. Potter's amendment did not go as far as it was intended it should go; it confined the right of insurance only to the Workers' Compensation Act. I do not think that is fair. I consider the Government should be given the right to effect insurance, not only so far as it relates to claims under the Workers' Compensation Act, but also claims under the Employers' Liability Act and common law.

Hon. G. Potter: I am going to move in that direction.

Hon. J. NICHOLSON: That would be a fair and reasonable way to look at it. Power should be given to the Government to enlarge the scope of their insurance in those branches relating to mining. It would help one to form his conclusions if Mr. Potter submitted his amendment now. In the meantime I cannot support Mr. Seddon's amendment. That would bring us back to the position we were in before, which is not a wise position to place ourselves in. Nor will it be a good position for the Government to be in.

Hon. Sir WILLIAM LATHLAIN: I endorse every word that Mr. Nicholson has said. When members voted previously, they were of the opinion that the amendment would apply to those employed in metalliferous mines only. With regard to the

statement by Dr. Saw about the illegitimacy of this child, I consider that the whole thing was illegitimate from the start. The Government performed an improper act in the first place, when they tried to bring this illegitimate child into the world. Then they brought all their troubles on themselves. It was the intention of every member to give to the Government greater powers than it was proposed they should have. It was intended by a number of us to grant the Government the right to insure in connection with miners' diseases, and so as to give the Government a better opportunity to do so, the scale was widened. It appears, however, that owing to the manner in whch it is framed, the clause does not define correctly the work that the Government may really undertake, nor does it give to the Government the power it was our desire to give them in regard to accidents. I gave my support to Mr. Potter's amendment in order to overcome a difficulty, and so that the onus should not be placed upon this House of saying that means were not devised whereby compensation and relief could be given to miners. We all realise the position regarding State insurance. The Government are being given greater powers than this House originally intended to give them; in every instance the powers have been widened considerably. We know that, especially in connection with the timber mills. We should in some way define the position so as to be able to clip the wings of the Government respecting the insurance they shall take.

Hon. H. STEWART: The position is perfectly clear. There was Mr. Potter's amendment, and now it is desired to restore the position to its original form. Then there was the alternative amendment I had in mind; it was more restricted still. On the division that was taken, I thought it was not worth while proceeding with my amendment in the form I had drafted it. At the time I explained why I supported Mr. Potter's amendment. In agreeing to that amendment, I did not consider for a moment that it necessarily meant the last word. I knew we were entitled to recommit the clause and amend it until it met with our desires. That has been the attitude adopted on many previous occasions. In this instance it was recognised that Mr. Potter's amendment imposed some restrictions as compared with the clause in the Bill, and it was supported accordingly. We are entitle to recommit the clause until such time we get the considered opinion of member clearly setting out just how far we think th Government should go.

Hon. J. J. HOLMES: I take it that the last sitting of the Committee Mr. Potte successfully moved his amendment and th object Mr. Seddon has in view is to dele that amendment and restore the Bill to it original form. I shall support Mr. Sed don's amendment, but not necessarily leave the Bill as Mr. Seddon suggests.

Hon. H. Stewart: Would it not be bette to amend the amendment, because we ma not have the amendment agreed to again?

Hon. J. J. HOLMES: I want to be in position to support the further amendmer suggested by Mr. Potter. Dr. Saw think the Committee went much further than wa intended, and now Mr. Potter desires t have the position defined more clearly. Th intention was to protect miners who a suffering from diseases contracted over period of 20 or 30 years. When we remem ber what the State owes to the mining in dustry, and what the miners, some o whom have taken up agriculture, hav done for the State, we are forced to agre that the men should be compensated I do not think it fair that the insur ance companies should be asked to accep all that liability. The mining companie should have been forced to make provisio for the men when the companies were pay ing good dividends. Unfortunately tha stage has passed. I do not see how we ca give the assistance to the miners that w desire, except by means of an impost upo the whole of the community that has pros pered as the result of mining. Dr. Sa said that it was proposed that the State In surance Office should police the private in surance companies. If Dr. Saw will loo back over the history of State trading con cerns here, he will see that the more Stat trading policemen there are, the higher th prices and the more extensive are the condi tions imposed. Take the timber industry for instance. The State Sawmills were es tablished for the specific purpose, so th then Government said, of policing the tim ber industry. I do not think there was timber combine until the State Sawmill were established. When they entered int that business, there was a combine; an there has been a combine ever since. Simul taneously with the introduction of Stat

activities in the timber industry, the price of timber went up. I do not think I am exaggerating when I say that the price of scantling, required by the working class for their homes, has gone up 100 per cent. compared with the price obtaining before the State Sawmills were established.

Hon. E. H. Gray: We had a war since then.

Hon. J. J. HOLMES: As a matter of fact that class of timber, shipped from Bunbury to the Eastern States, can be imported from the Eastern States for less than would have to be paid for such timber in Western Australia.

Hon. H. Stewart: Shame!

Hon. J. J. HOLMES: I have been told that a similar position obtains regarding jarrah flooring boards. A contractor told me that he could secure jarrah flooring boards more cheaply by importing them from the Eastern States.

Hon. J. R. Brown: You cannot believe all your are told.

Hon. J. J. HOLMES: That is what policing the timber industry has amounted to! Now we are asked to allow the Government to police the insurance companies in the same way. The Government cannot compete with private enterprise and before twelve months are over, they will find that they cannot make the insurance business pay.

Hon. E. H. Gray: That has not been the experience in other States.

Hon. J. J. HOLMES: We will find the Government going cap in hand to the insurance companies with a request that the rates shall be increased. Dr. Saw can smile, but in view of what has happened with the timber industry, we may expect the same with State insurance.

Hon. E. H. Gray: It has not happened in the Eastern States.

Hon. A. J. H. Saw: How do you know what the price of timber would have been, if there had been no State Sawmills established?

Hon. J. J. HOLMES: Has Dr. Saw ever heard of the supply of sleepers to South Africa? Tenders were called by the South African Government. The State Sawmills put in one price and the other people put in a slightly higher price. The State Sawmills got the contract, but both the State and the timber companies divided up the order. On another occasion a contract was let for the supply of sleepers to South Africa, and on that occasion the companies said to the State Sawmills, "You secured the tender last time, because your price was slightly under ours. Now you must be slightly over our price. We will secure the order and divide it with you." Does Dr. Saw not know of the letter that was written by the manager of the State Sawmills, and read in the Legislative Assembly? In that instance a man in this State wanted to buy some timber. He wrote to one of the timber mills asking for a quotation and in due course received his reply. The man considered the price quoted was too high and he wrote to the State Sawmills. The manager of the State Sawmills replied, refusing to quote because, so he said, the man had already received "the quotation of our association." Does Dr. Saw deny that?

Hon. A. J. H. Saw: No, but that does not prove that the price would not be so high had there been no State Sawmills.

Hon. J. J. HOLMES: It proves that the effect of the establishment of the State Sawmills to police the timber industry and to protect the consumers, has had an opposite effect. Instead of protecting the public, the State Sawmills have taken part in the burglary.

Hon. A. Burvill: There may have been a bit of graft.

Hon. J. J. HOLMES: The same thing will happen in this instance. Mr. Potter's proposed further amendment meets with my approval, and I will support it.

Hon. J. EWING: When the clause was considered originally, I supported it. To be consistent, I must support the amendment by Mr. Seddon. It is evident that Mr. Potter, or those who advised him, made a mistake and the clause as amended by the Committee goes much further than was intended. I think the Committee could agree to the amendment and then the division will be taken on the question of what words shall be inserted in the clause. We have already agreed to limit the operations of the Bill to twelve months, and that will afford ample protection. That being so, I will support Mr. Seddon in the hope of restoring the clause to its original state. I differ from Mr. Holmes in regarding the Bill as indicating a desire on the part of the Government to embark upon further State trading. I regard the measure as a humanitarian Bill, designed to afford relief to miners suffering from the diseases that have been mentioned.

With the knowledge of what has taken place in South Africa and elsewhere, it is wise to make such provision, but also to keep the Government in hand during the next twelve months, particularly in view of the assurance that has been given us that the whole matter will be considered during that period. I trust the Government will be able to find some way of overcoming the difficulty, and then we will have a further opportunity of dealing with the question next session.

Hon. J. E. DODD: Mr. Nicholson said it would be better for the Government if their power were defined in some such way as that suggested by the amendment. Why should the Government be limited as compared with the insurance companies? It is highly necessary to deal with the needs of the miners; that is the reason why the Bill was introduced, and I cannot understand Mr. Nicholson's suggestion that the Government should be limited while the companies have full power to deal with workers' compensation. Mr. Holmes said the State should bear the whole of the retrospective liability. I think the State will have to do that whether the Bill is passed or not, but if we are asked to provide for that liability for all time, I shall not support it, although I am a representative of the mining industry. We do not know what other rich mines may be found, and we have no right to saddle the State with the whole of the liability for miners' diseases as suggested. The Bill as introduced was fair. The Government have dropped the idea of a monopoly and now desire to compete on equal terms with the insurance companies. Why muzzle the Government? It is tantamount to a tradesman engaging an apprentice and giving him no tools to work with. I have been in the House for 16 years and I cannot remember any business having received greater criticism from members representing the commercial and professional life than has the insurance business. The companies have been criticised mercilessly; I can produce columns from "Hansard" to support that statement. A leading member of this Chamber said the State would be justified in embarking upon State insurance if only to curb the rapacity of the insurance companies. I would rather the companies had not been brought into the discussion so that we might have dealt with the matter as one affecting the liability to the mining industry. Mr. Ewing's amendment will limit the operation of the measure to 12 months There will be a general election in six months' time. If the Government are returned with a majority, their attitude to this and other questions will have been endorsed. If not, another Government will take their place and will have the right to decide whether they will continue the business or take other steps to deal with the affected miners. Even if the present Government are returned, they may find some way to deal with the insurance of miners other than by a State office. I hope the Bill will be restored to its original form.

Hon. G. W. MILES: Before voting on the question of reinstating the clause, I should like to know what further amendment Mr Potter has in mind.

The CHAIRMAN: Mr. Potter would be in order in outlining what he proposes to move contingent on the amendment being accepted or rejected.

Hon. G. W. Miles: That is all I want him to do.

Hon. G. POTTER: My desire is to restore the definition of workers' compensation. The amendment would contain the words "under the Workers' Compensation Act, 1912-14, the Employers' Liability Act 1894, and at common law, and also for compensation to employees engaged in mining quarrying, stone crushing or cutting, or to employees of the State Government or any of the State trading concerns." Considerable time might be saved if Mr. Seddon withdrew his amendment temporarily. Then if the amendment I have outlined were not carried, it would be competent for him to move to reinstate the clause in its original form.

Hon. H. SEDDON: Mr. Holmes argued that the insurance office was a State trading concern. The strongest argument advanced against State trading concerns is that they have been competing unfairly with taxpayers and penalising them in the matter of prices. One of the principal clauses of the Bill is to enable the Government to establish an insurance office to deal with workers' compensation in free competition with insurance companies. Therefore it cannot be said that the Government would be engaging in unfair competition. A fairer scheme than this could not be proposed. The Government are prepared to compete with the companies on fair lines and to provide insurance for the public in

a field entirely unrestricted. Given a free field, the Government will be quite satisfied. The burden on the taxpayers will be far greater if we limit the scope of insurance as Mr. Potter proposes.

Hon. J. Nicholson: There would be pretty good scope under the amendment.

Hon. H. SEDDON: If the taxpayers eventually have to foot the bill, is it not better to compete with the insurance companies in a free field, and take the benefits of other insurance to assist the department to carry on successfully? The Bill will provide for fair competition as between the Government office and the private companies, for the department is established to compete on the same schedule of rates as the companies.

Hon. J. J. Holmes: The companies have their own money invested in the business, and the Government office has the taxpayers' money invested in it.

Hon. H. SEDDON: The only money there is in the department is that which has been raised by the collection of premiums. So many diverse interpretations have been put forward by members as to the meaning of Mr. Potter's amendment that I have obtained an opinion from the Solicitor General concerning it. Mr. Stewart, for instance, maintained that the amendment entirely met the case.

Hon. H. Stewart: I said it was wide and generous.

Hon. H. SEDDON: In the course of his opinion the Solicitor General says—

The Council's amendment, by omitting any reference to the Employers' Liability Act and to the liability of employers at common law and under Lord Campbell's Act, restricts the Bill to insurance against claims under the Workers' Compensation Act. But whenever injury is caused by the negligence of an employer, or of a person for whose act or default the employer is responsible, or by defective plant or machinery, etc., the worker may, at his option, claim compensation under the Act, or take proceedings for damage independently of the Act. Employers must, therefore, necessarily insure against claims under the Workers' Compensation Act, and also against legal proceedings by accident.

Hon. J. Nicholson: That is what I suggested.

Hon. H. SEDDON: The Solicitor General continues—

If by the Council's amendment the Bill is restricted to insurance against liability under the Workers' Compensation Act, employers insuring with the State office will be obliged to take out another policy to cover themselves against damages recoverable by proceedings taken independently of that Act. If the State Insurance office is to insure employers at all, the policy must necessarily cover all liability of the employer to the workers and their dependants, not only under the Workers' Compensation Act, but in case the worker or his dependants should elect (when there is an actionable claim apart from the Workers' Compensation Act) to proceed under the Employers' Liability Act or at common law, or, in case of death, under Lord Campbell's Act.

Hon. G. Potter: My amendment will cover that.

Hon. H. SEDDON: The Solicitor General concludes—

In view of this I think the Legislative Council will restore the interpretation as originally printed.

I have read this opinion to show that Mr. Potter's amendment does not fill the bill. The Government have undoubtedly been faced with an untenable position.

Hon. J. J. Holmes: They have placed themselves there.

Hon. H. SEDDON: This has occurred through the refusal of the insurance companies to insure miners under the Third Schedule.

Hon. H. A. Stephenson: At the Government's price.

Hon. H. SEDDON: The companies have not given any quotation for the business.

Hon. J. Nicholson: They did offer to insure at £4 10s. per cent. with a guarantee from the Government.

Hon. H. SEDDON: With the exception of that limited provisional offer, the insurance companies have not quoted for the insurance of mining companies under the Third Schedule. The insurance companies have a schedule for all other sections of workers' compensation. Seeing that they could refuse to take insurances under the Third Schedule, they can refuse to take any workers' compensation insurances if they so desire. Under the Workers' Compensation Act it is compulsory upon employers to insure.

Hon. J. Nicholson: They have never refused to insure.

Hon. H. SEDDON: The companies refused once and they may do so again. In order to protect the public, the Government must be able to rise to the occasion if necessary. There is nothing in the amendment Mr. Potter has now indicated to put the Government in that position. It still remains open to the companies to refuse

to do that business, and if they find they are making a loss on any section of it they may also refuse to insure those that come under that section. The public would then be left high and dry. The Government could not help them, and the companies would refuse to do so. We should pass legislation to meet any emergency. The only thing we can do to give the public adequate protection is to pass the Bill in its original form, and allow the Government to quote for all classes of workers' compensation business. This would improve the position of the taxpayer, make for fair competition, and leave the public to exercise their choice as to which office they insured in. If we are not careful we shall load the whole of the burden upon the Government.

Hon. J. J. HOLMES: My intention was that the State should be responsible only for the retrospective liability. Mr. Dodd spoke about muzzling the State Insurance Office. The Bill was originally introduced solely for the purpose of dealing with miners who were not already covered by insurance. If we do muzzle the Government in this direction we shall only be bringing them back to their original position. I hold no brief for the insurance companies. None of them is here for its health, but to make all the profit it can. If I thought we were setting up an organisation that would successfully compete with them, I might become a supporter of the Bill, but I fear that if the Government are allowed to embark upon this business, the rates will very soon rise to the level of those imposed by the insurance companies, in just the same way as the price of timber sold by the State has risen to the level of the prices charged by private timber companies. This is a house of review, which looks at every measure from the standpoint of equity. Our past experience of State trading concerns has been such that Parliament decided to have no more of them.

Hon. J. R. Brown: This is not a State trading concern.

Hon. J. J. HOLMES: The Government, then, deliberately set Parliament at defiance, established a State Insurance Office, and now ask us to endorse their illegal act. We are not concerned as to whether a general election is pending or not. I doubt if this matter will be discussed before the elections. The Government will be judged by what they have done during their term of office. No matter what we do with the Bill, if the Government are returned to office they will be returned because of their administrative acts in other directions. It must not be forgotten that they reduced income tax to an extent that should assist private enterprise within the State.

Hon. E. H. HARRIS: Mr. Holmes spoke of equity, and I feel constrained to put an illustration to him. Assume there are 12 vocations in which men are employed and we say to the Government, "We shall limit you to six of those vocations." Then the other six would be left entirely to the insurance companies. Suppose that one of those six vocations was the handling of white lead, which would not be a highly profitable line of insurance, and also suppose that the insurance companies declined to enter upon it. Under the Workers' Compensation Act it is obligatory on the employer to insure his men, but there is nothing in that Act to prevent insurance companies from refusing to insure one or more classes of men. Would the employers then be placed in a fair position? They would have to wait for cover from the Government until another measure had been passed by Parliament. That position would be obviated if the original wording of the clause was restored.

Hon. J. NICHOLSON: Mr. Seddon and Mr. Harris suggest that if insurance companies refuse to give cover for some non-paying risks, it is a justification for State insurance. We have passed the Bill subject to certain limitations, but I see in it nothing that makes it compulsory for the State Insurance Office to insure every class of worker.

Hon. J. Ewing: The office is under the Workers' Compensation Act.

Hon. J. NICHOLSON: That is a totally different thing. The Workers' Compensation Act makes it compulsory on every employer to insure.

Hon. J. Ewing: Are not the Government employers?

Hon. J. NICHOLSON: We have worn threadbare the argument that an Act which renders insurance compulsory carries State insurance with it as a corollary. I fail to see the force of that argument in the absence of a provision compelling the State Insurance Office to insure every class of risk, irrespective of whether the insurance paid or did not pay. I understand that in

both New Zealand and Tasmania the State refuses to undertake the insurance of miners.

Hon. J. R. Brown: Why not quote Queensland?

Hon. J. NICHOLSON: I understand that in New Zealand and Tasmania miners are insured under the Workers' Compensation Act. The whole point is that State insurance has been put forward as the remedy for a position created by the Government.

Hon. J. Ewing: Created through the insurance companies not insuring the men.

Hon. J. NICHOLSON: If Mr. Ewing goes back into the history of the subject, he will recall the important fact that the private insurance companies actually offered to insure the miners at £4 10s. per cent. if the Government would guarantee them.

Hon. J. Ewing: Anybody could make that offer.

Hon. J. NICHOLSON: Having regard to the circumstances, the proposition was perfectly reasonable. The Bill itself provides that the Government shall guarantee everybody who is insured. I shall vote for the deletion of the words proposed to be struck out, having in view the amendment which Mr. Potter proposes to move later.

Hon. Sir WILLIAM LATHLAIN: As regards the refusal, or suggested refusal, of the insurance companies to undertake any particular class of insurance, I do not think it can be said that, apart from miners' diseases, the companies have ever refused to cover any risk, provided they receive what they believe to be reasonable premiums.

Hon. J. Ewing: Have they quoted for this risk?

Hon. Sir WILLIAM LATHLAIN: Mr. Seddon raised the point that the State Insurance Office would be on exactly the same level as ordinary insurance companies. In the first place, however, every insurance company has to put up a sum of money as a guarantee. The Government office need not do that. In addition, the Government debit every insurance company doing business in Western Australia with a certain percentage of receipts, irrespective of losses incurred. Will the Government debit their own office similarly? That office will pay no taxation, as against £42,000 taxation paid by the insurance companies for the last 12 months. The State Insurance Office, therefore, would not be on an equal basis with private insurance companies any more than State trading concerns are on an equal basis with private trading concerns. The State concern pays neither income tax nor land tax nor municipal rates.

Hon. J. J. HOLMES: In view of Mr. Nicholson's announcement that he will support Mr. Seddon's amendment for a specific purpose——

Hon. J. Nicholson: The amendment to delete.

Hon. J. J. HOLMES: I suggest to Mr. Nicholson that we vote against Mr. Seddon's amendment, and, having got rid of that, we shall be in a position to amend Mr. Potter's amendment in the manner suggested by him. We are asked to remove an amendment carried by a majority of the Chamber. If we remove it, we may not get anything in its place. This clause is the crux of the Bill.

Hon. H. SEDDON: The motion before the Chair is to excise certain words which have been inserted in the clause.

Hon. J. Nicholson: Yes, with the object of inserting other words.

Hon. J. J. Holmes: The first part of the amendment is all right.

Hon. H. SEDDON: That part is now before the Committee.

Hon. J. J. Holmes: To delete with a specific object?

Hon. H. SEDDON: Mr. Potter's present amendment must be removed before his proposed new amendment can be submitted. Therefore the words proposed to be deleted should be deleted. Mr. Nicholson said that in New Zealand, which has compulsory insurance, the Government have refused to undertake certain classes of insurance.

Hon. J. Nicholson: I understand so

Hon. H. SEDDON: I think Mr. Nicholson himself stated that in New Zealand the compulsory sections referring to miners were in abeyance because the miners themselves refuse to work under them. Thus Mr. Nicholson's argument does not apply. If the Government, being in a position to accept a class of insurance, refuse to accept it, they will be evading the provisions of the Workers' Compensation Act, which makes insurance compulsory

Sitting suspended from 6.15 to 7.30 p.m.

The CHAIRMAN: The question is that the words proposed to be struck out be struck out, with a view to inserting other words.

Hon. J. J. HOLMES: Is that the position? I understood the intention was to strike out these words with a view to inserting the specific words that appeared in the original clause.

The CHAIRMAN: Mr. Seddon, in moving his amendment, intimated the words that he would move to have inserted if the Committee agreed to striking out the words proposed to be struck out.

Hon. J. NICHOLSON: If the words proposed to be struck out are in fact struck out, it will then be optional for Mr. Potter to move an amendment on the amendment that Mr. Seddon proposes to move.

The CHAIRMAN: Yes, Mr. Seddon, having originated the amendment, will take precedence over Mr. Potter in moving the words to be inserted. When Mr. Seddon moves his amendment, Mr. Potter will be in order in moving an amendment on Mr. Seddon's amendment.

Amendment (that the words proposed to be left out be left out) put and passed.

Hon. H. SEDDON: I move an amendment—

That after "liability," in line two, the following be inserted:—"In relation to compensation under the Workers' Compensation Act, 1912-1924, the Employers' Liability Act, 1894, or the Acts 9 and 10 Victoria, Chapter 93 (adopted by 12 Victoria, 21), and at common law.

Originally it was intended to include the words "or otherwise," but exception was taken to them on the score of ambiguity. In the opinion I have received from the Solicitor General, he suggests that "or otherwise" might be replaced by the words I have now included in my amendment.

Hon. G. POTTER: I move an amendment on the amendment—

That all words after "1894" be struck out, and the following inserted in lieu:—"and at common law for compensation to employees engaged in mining or quarrying, stone crushing or cutting, or to employees of the State Government, or of any State trading concerns."

The CHAIRMAN: Mr. Potter has moved to strike out all words after "1894" and to insert other words beginning with "and at common law." The words he proposes to strike out conclude with those words "and at common law." It is not the practice to omit certain words and then reinstate them. I suggest to Mr. Potter that he move his amendment on the amendment in two stages, the first being to strike out all words after "1894" down to "and at common law." If he succeeds with that part of his amendment, he can then move to insert the remainder of the words he wishes to add.

Hon. G. POTTER: Very well. I move an amendment on the amendment—

That the words "or the Acts 9 and 10 Victoria, Chapter 93 (adopted by 12 Victoria, 21)" be struck out.

Hon. H. SEDDON: I would like to know whether the hon. member's proposal covers a claim for compensation where death ensues as the result of negligence. The idea is that the employer be fully covered.

Hon. G. POTTER: Accidents have arisen from time to time as the result of carelessness on the part of the employer or the employee. The amendment will cover the whole range. I am instructed by legal advisers that that will be the position and that any further addition is quite superfluous.

Amendment (to strike out "or the Acts 9 and 10 Victoria Chapter 93, adopted by 12 Victoria, 21, and at common law") put and passed.

Hon. G. POTTER: I move—

That the following words be added "for compensation to employees engaged in mining or quarrying or stone cutting or crushing, or to employees of the State Government, or of any of the State trading concerns."

Hon. H. SEDDON: I take it that the amendment is intended to limit the operation of the State Insurance Department practically to mining and to the existing insurance schemes. The House would be well advised not to accept the amendment. Mr. Potter's amendment does not cover anyone under the Act I quoted. Suppose an employee is killed as a result of negligence, an employer would be liable and he would not be protected by any insurance policy.

Hon. J. Nicholson: What about the Employers' Liablity Act, 1894?

Hon. H. SEDDON: Judging by the Solicitor General's letter it appears to me that is a special condition covered by Lord Campbell's Act. We should get further information on the matter. We should certainly be careful before we go any further and leave a loophole of this description.

Hon. J. Nicholson: If you vote against this now you will put yourself in a worse position.

Hon. H. SEDDON: It looks as if we were going to put ourselves in a worse position by passing the amendment without getting some further information.

Hon. J. J. HOLMES: Nobody wants loopholes and nobody wants any person to escape liability. I understand that Dr. Stow drafted the Bill; therefore these amendments, I respectfully suggest without any reflection on Mr. Sayer, should be referred to Dr. Stow.

The CHIEF SECRETARY: Mr. Seddon has put the position clearly in regard to the omission of the words suggested by Mr. Sayer. The object of the insertion of the words is to protect the rights of relatives of deceased persons who do not come under the Workers' Compensation Act. Until Lord Campbell's Act was passed those relatives had no claim at all. There is every necessity for a similar provision in this Bill. If an unfortunate person is killed there is no right of action at all and the relatives cannot claim sixpence.

Hon. J. J. Holmes: Cannot we protect that position by a further amendment?

The CHIEF SECRETARY: If we accept Mr. Seddon's suggestion we shall be on safe ground.

Hon. H. STEWART: The remarks of the Chief Secretary come too late, because the Committee have already decided to excise the words.

Hon. E. H. HARRIS: The amendment includes the words "employees of the Government or any State trading concern." These words are newly imported into the amendment. I understand that the State already insures those who are in its service.

The Chief Secretary: We have been doing so for 13 years past.

Hon. E. H. HARRIS: Therefore we are rather late in suggesting that we should include the State employees in the Bill now before us. I ask the mover of the amendment what his object is in including those words seeing that we have already provided that the Bill shall operate for twelve months and no longer. Will it mean that if the Government, after the expiration of twelve months, decide to continue to insure their own employees, they will be doing so without authority? I ask Mr. Potter to put me right as to whether the State does not provide for its employees already, and to tell me what his object is in including the words I quoted in the amendment.

Hon. J. J. Holmes: To clear up any doubt.

Hon. G. POTTER: The reason for the inclusion of the reference to State employees is to make the position doubly clear. Surely there can be no objection to that! Time and again members have appealed to the Minister to include in Bills what was actually intended, and to leave nothing to doubt.

Hon. A. J. H. SAW: We have got into such a tangle that the suggestion has been made to recommit the Bill to-morrow, to recommit it the next day, and so on ad infinitum. I do not think the position reflects a great deal of credit upon those responsible for the amendments before the Committee.

Hon. J. NICHOLSON: There can be no harm in agreeing to amend Mr. Potter's amendment at the present stage. I do not think a claim has ever been made in Western Australia under the additional Acts referred to by Mr. Seddon. The Acts under which claims have been made are the Workers' Compensation Act and, in earlier years prior to the protection afforded by that and other legislation, under the Employers' Liability Act and at common law. So stringent have been the Acts passed in recent years that they have resulted in the disuse of the older Acts and of claims at common law. The Acts 9 and 10, Vict., dealt with claims against wrongdoers who caused injury or death to any person. If no good will come from the inclusion of the reference to those Acts, I see no harm that can come from its inclusion. At any rate, the matter can be looked into further. Certainly, it has not been usual to include a reference to that legislation in insurance policies.

The CHAIRMAN: And the Committee have already decided to make no reference to it either.

Hon. J. Nicholson: That is so.

Hon. H. SEDDON: I wish to clearly understand the position. If we are to agree to this proposition it will mean that the insurance companies will be permitted to withdraw from any class of business they like, whereas the original clause would have enabled the Government to meet any contingency. The exclusion of the reference to Acts 9 and 10, Vict., will also provide a loophole, for it will enable the insurance companies to refuse a class of business that has caused them losses. In my opinion the insurance companies must revise their schedule, because they have made losses.

Hon. H. A. Stephenson: Have you any authority for that statement?

Hon. H. SEDDON: Most decidedly I have. In one instance a man was killed at Widgiemooltha and a claim for £600 was made under the Workers' Compensation Act. That amount was paid. I know that claims have been made under that Act that have involved the companies in heavy losses. As business men, the representatives of the insurance companies will be justified in revising their schedule. If they find that they are losing on a certain class of business, they may consider the desirability of vacating that business altogether. In that event the people concerned will not be able to insure and the Government, who have provided for compulsory insurance, will not be able to give them any relief.

Hon. C. F. Baxter: Are the rates of the State Insurance Department lower than those of the private companies?

Hon. H. SEDDON: The State office is prepared to quote the same rates. If there is any question of revising rates, the representatives of the State Insurance Office will be present at the conference and will be able to say whether the revision is justified. Under the amendment before the Chair the Government will be cut out, and the whole field left to the insurance companies.

Hon. J. J. Holmes: Why not police every industry?

Hon. H. SEDDON: We have a number of industries policed and experience teaches that the practice has been justified.

Amendment on amendment put and a division called for.

The CHAIRMAN: Before I state the question, I intend, under Standing Orders 155 and 156, to exercise the deliberative vote given to me as Chairman of Committees. I do not desire to state my reasons, which I outlined when the original amendment was before the Chair at an earlier stage. I merely desire to say that while I considered that amendment was bad, the one before the Chair now is worse. I give my vote with the Noes.

Division taken with the following result—

Ayes	14
Noes	9
Majority for ..	5

AYES.

Hon. C. F. Baxter	Hon. G. Potter
Hon. A. Burvill	Hon. E. Rose
Hon. J. J. Holmes	Hon. H. A. Stephenson
Hon. G. A. Kempton	Hon. H. Stewart
Hon. Sir W. Lathlain	Hon. Sir E. Wittenoom
Hon. G. W. Miles	Hon. H. J. Yelland
Hon. J. Nicholson	Hon. V. Hamersley (*Teller.*)

NOES.

Hon. J. R. Brown	Hon. E. H. Harris
Hon. J. Cornell	Hon. J. W. Hickey
Hon. J. M. Drew	Hon. H. Seddon
Hon. J. Ewing	Hon. A. J. H. Saw
Hon. E. H. Gray	(*Teller.*)

PAIRS.

AYES.	NOES.
Hon. A. Lovekin	Hon. W. H. Kitson
Hon. W. T. Glasheen	Hon. J. E. Dodd

Amendment on amendment thus passed.

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

Bill again reported with further amendments.

BILLS (2)—RETURNED FROM ASSEMBLY.

1, Legitimation Act Amendment.

2, Public Education Acts Amendment.

Without amendment.

BILL—ROAD DISTRICTS ACT AMENDMENT.

Second Reading.

Debate resumed from the 17th November.

HON. H. STEWART (South-East) [8.17]: In the first instance I wish to direct attention to a number of minor points and later on to some larger questions. In the drafting of the Bill, there are certain clauses that do not follow the customary sequence. In illustration of this, let me refer members to Clauses 5 and 6 which are in the reverse order and should be transposed. The same remark applies to paragraph (e) of Clause 41 which, I think, should precede paragraph (d), and paragraph (g) should certainly come before either paragraph (d) or paragraph (e). Paragraph (e) of Clause 4 proposes to amend Section 5 of the principal Act by adding to the definition of "road" the following words:—"and includes any land marked as a road upon the plan of any lands publicly exhibited in the public office of the Department of Lands and Surveys."

That appears to be an insufficient definition of what should constitute a road. I direct attention to these minor points so that the Minister in charge of the Bill might consider them and deal with the difficulties. Clause 14 seeks to amend Section 39 by excising the words: "or (c) who is dissatisfied with the rateable value put upon the land of which he is the owner or occupier," and of the words "or to have the rateable value altered (as the case may be)." My opinion is that for all practical purposes there would be no great harm if the Bill were not brought into operation at all. Clause 32 contains a matter of rather more importance. It is proposed to insert a new section that apparently involves a drastic principle. To sum it up, it will give power to a majority of ratepayers, at a properly constituted meeting, in one ward of a road district to decide whether a road shall be declared open or shall be diverted, even if the local authority hold a contrary opinion. The body representative of the whole district may take a certain view, and yet a majority of the ratepayers in one ward will have more say on the question than will the council as a whole.

Hon. E. H. Gray: What is wrong with that?

Hon. H. STEWART: One hears curious opinions expressed in this Chamber, and perhaps my opinions seem somewhat curious to the hon. member. We are dealing with certain units in local government. The unit is a road board, though it is proposed under this measure to change the name to district council. One writer has said that a rose by any other name would smell as sweet. Well, I do not think a local authority under the new name will be as satisfactory as under the old name. The proposed new section provides that the unit of local government, the road board, may be over-ridden by the decision of a majority of ratepayers in one ward. I am not expressing a final opinion on the matter, but I submit the question is worthy of furtner consideration before such a principle is embodied in an Act of Parliament.

Hon. E. H. Harris: It seems a difficult thing to justify.

Hon. H. STEWART: I cannot fathom the full import of the hon. member's interjection. The clause reads—

> If the majority present at a meeting of the ratepayers of a district or a ward of a district in which the road is situated, convened in the prescribed manner, pass a resolution in favour of the opening of a new road or the diversion of an existing road, and the council does not, within the prescribed time, pass and submit to the Governor a resolution in conformity therewith, then the Governor may, by notice in the "Gazette," confirm such resolution, and the same consequences shall ensue as if the resolution had been the resolution of the council, and the council shall be bound to give effect thereto, and to do all things necessary for that purpose.

I have in mind a specific instance that occurred in the ward of a new outback road district. Certain roads were surveyed for the convenience of the people, but because certain lands were unfenced, people took a route across private property. A public officer responsible for supervising the expenditure of public money under the Commonwealth-State road grant made a Commonwealth road over the track across private property. The people who had been using the track then cited the action of the Commonwealth officer to force the Lands Department to declare a road on that private property, notwithstanding that surveyed roads had been provided for their convenience. In some instances things like that are done without the people being fully aware of the circumstances. I do not wish to enter into the details of this particular case, though the facts are known, some of them having been published in the Press. If this measure became law, the action of the officer in adopting a route that the Lands Department were not prepared to resume as a road might provide an easy solution of a difficulty. At any rate, it illustrates the point that evoked an interjection from Mr. Harris.

Hon. E. H. Harris: I said the innovation would be a difficult one to justify.

Hon. A. Burvill: It would be a dangerous one.

Hon. H. STEWART: At any rate, it is a minor point to which exception can be taken. Clause 33 contains an amendment to add a proviso to Section 148. This provides that in case of roads which are motor tracks, and may not be lawfully used for other traffic, it shall suffice if the council instead of erecting fences or gates as aforesaid, provides, constructs, and maintains cattle pits in the manner provided by the by-laws of the council, etc. That is a peculiar provision. It may be all right in centres having a large population, but I doubt if it could apply to other districts. I do not know what the Bill means by motor tracks. The Minister may refer

to trolley tracks. Clause 34 gives a kind of dual ownership over lands which were roads withdrawn from use as such. That is a peculiar and ill-advised thing to do. Clause 37, paragraph (c), adds a proviso to Subsection 5 of Section 155. This section deals with notice of subdivision. There is a curious inconsistency in Clause 37. In this part it says—

> Provided that no way not exceeding 16½ feet in width shall be dedicated or be deemed to have become dedicated as a road by virtue of anything in this subsection or Subsection (4) of Section 328 of the Roads Act, 1911.

That seems to me to savour of retrospective legislation, and I think in Committee the clause will require to be considered. The present statute provides that the minimum width of a way shall be 12ft. This new proviso says it shall be not less than 16½ft. Later on, in Clause 39, which is part of Section 156a, the third paragraph says—

> Every such road shall be at least 66 feet in width measured at right angles to the course thereof, but the council may approve of any way which is not less than 10 feet in width.

The existing legislation provides for a minimum way of 12ft., but the Bill stipulates that the minimum width shall be 16½ft. in subdivisions, and that the council may approve of any way which is not less than 10ft. Apparent inconsistencies like this require to be fully considered. Clause 40 is a new provision which sets out that before the agent or any owner removes or demolishes any house or other building, he shall give to the council notice in writing of his intention to do so. One would gather from things of this sort that we were developed to the extent that the United States is developed, with its population of 100 millions.

Hon. A. Burvill: What would people do if they were 40 miles away from a road board?

Hon. H. STEWART: People seem to forget that we have to develop the country.

Hon. E. H. Gray: That provision would be required in the case of a townsite.

Hon. H. STEWART: The Bill ought to specify that it applies only to townsites, in this respect. We cannot blame head officers of the service if they employ more persons to carry out the laws that are passed by Parliament. The other night we were discussing the Shearers' Accommodation Act Amendment Bill. The statute has been proclaimed for many years, and there have been no complaints. It was not, however, administered, and yet we were asked to pass the amending legislation. In the case of the Bill before us, it seems to consist of a number of piffling amendments to the Act, of which I cannot see the force. Paragraph (e) of Clause 41 gives further scope to the local authorities. It provides for extra power to the local authority to open and develop quarries and gravel pits on any suitable land within the district, and to erect or acquire lighting plant and cooling chambers. The incongruity of this arises in the 29 different paragraphs authorising these councils to do certain things. Now they are being authorised to erect and acquire lighting plant, cooling chambers, etc. Paragraph (f) seeks to add new paragraphs to the section. Provision is made in Paragraph (g) that with the approval of the Minister the local authorities may erect within the district and dispose of to employees of the council, workers' homes. They may make advances to such persons to provide homes for themselves, and for either of such purposes. This work is to be on the lines of the Workers' Homes Act.

Hon. E. H. Gray: That ought to suit you.

Hon. H. STEWART: In 1922 we amended the Workers' Homes Act. Section 24 of the principal Act was amended by inserting after the word "Minister" the words "to *erect and dispose of dwelling houses* to workers, etc." We were told by the then Leader of the House that this was to provide homes for workers and employees in the country. Both Mr. Moore and Mr. Gray supported the Bill and thought it was very necessary, because workers had to go to the country from the metropolitan area, and owing to the lack of accommodation had to leave their wives and families behind. We all agreed to the passing of that amending Bill. The then Leader of the House in moving the second reading said that Clause 4 of the Bill amended Section 24 of the principal Act, to enable the erection and sale of small homes to workers in country centres. He said it would be of advantage to build small jarrah cottages with verandahs, costing £250. In many places in country districts homes were unobtainable. So far as my knowledge goes, I cannot see that much has been done in the direction of providing these homes in the country under the Workers' Homes Act. I am not putting this forward as an unalterable opinion, but it does not seem to me desirable that we should build up the duties of members of these councils, and so add to their responsibilities as to make large de-

mands upon their time. There is a political section who would like to have increased responsibility accorded to local governing bodies, a tenure of three years, to have all members of the council go out together every three years, and to have payment of members. I am opposed to that view. Local government, as exemplified in British communities, represents an institution of which we should be proud. These local authorities have contributed greatly to the advancement of all British countries. They have obviated the growth of bureaucracies as we see them in some countries. We want to limit the sphere occupied by a local governing authority so that the duties that fall upon members may be performed efficiently and willingly, as has been the case in the past, to the general advancement of the community in which they are working. Another point is in regard to Clause 48. That clause proposes a new section, to be numbered 196a—

Subject to this Act, a council may make by-laws to prohibit the quarrying for stone, gravel, or other material, and other similar excavations on other than Crown land within townsites and prescribed areas, without the license of the council . . . . .

The restriction as to townsites will be recognised as being for the public welfare, but the restriction as to prescribed areas comes into conflict with mining legislation. What right has any local governing authority to prevent the development of mineral resources which are the private property of the owner of the land, unless a license is first obtained from the local authority? Assuredly the local authority will do nothing to foster the undertaking or industry. If the owner begins to develop a mine or a quarry, he becomes subject to regulations. The matter has always proved capable of solution by the owner negotiating with the local authority and getting or giving a quid pro quo for facilities in the way of transport and so forth. In this case, however, there is an entirely new departure. It matters not whether the area is on the goldfields or in the South-West. The proposed new section would apply to an open-cut gold mine, or a coal mine, or a gypsum mine, or a clay pit. The local authority is to issue a license where the owner already has a right under the mining laws. In connection with certain minerals certain steps have to be taken. In the case of gold mining a lease has to be applied for, and that lease authorises the mining operations. In the case of mining on private property one still has to obtain authority from the Government and pay royalty, since the Government is the source of authority in such a matter. However, in the case of private property the owner gets preferential consideration, and anyone else wishing to mine on private property has to negotiate with its owner before approaching the Mines Department. The proposed new section gives absolute power to the local authority in any prescribed area, irrespective of population, to interfere with anyone who proposes to break the surface of the ground.

Hon. J. J. Holmes: Would the prescribed areas be outside the boundaries of road boards?

Hon. H. STEWART: To determine that point one would have to consider the Bill in conjunction with various Acts. The power may be restricted to the particular authority. Evidently the matter has not been fully thought out, as some of the quarries and clay pits dealt within the Bill also come under the Factories Act. Clause 72 proposes certain additions to the Second Schedule of the principal Act, and deals with survey of buildings. I suppose a good many road boards have not yet realised that no block of land can be laid out for a building unless a plan of the building has first been lodged, and thereupon——

Hon. E. H. Gray: That is very necessary.

Hon. H. STEWART: It is absolutely necessary in a townsite, but these regulations are without restriction. Clause 72 proposes the following addition:—

And if any such plan and specification do not clearly show that the building to be erected is designed for and capable of being used for residential purposes, then such building shall not afterwards be used or adapted to be used wholly or partially for such purposes without the previous written consent of the council.

Hon. E. H. Gray: That is intended to prevent slum buildings.

Hon. H. STEWART: I am quite with the hon. member. Such a regulation is all right in Fremantle. It is also quite right in a place not quite so big as Fremantle—I refer to Tambellup. Mr. Gray will agree that such a regulation as this was not necessary where he was farming at Tambellup and perhaps in a similar locality on a road frontage wanted to build a shop to catch a little trade. Mr. Gray will agree that in those circumstances a settler should not have to do all these things before erecting a shop. However, those are minor points, and I mention them now because I wish to deal

with them at a later stage. Meantime I desire to draw attention to more important matters. One of them is that the duration of the council is to be three years, all members retiring on the same day. That I regard as utterly wrong in principle, and as likely to create trouble in administration.

Hon. A. Burvill: Do you know that the Road Boards Conference decided on that?

Hon. H. STEWART: I am glad of the interjection, because Mr. Burvill may well call to mind that the Chief Secretary, when introducing the Bill, said that a number of things had been asked for by the Road Boards Conference. Either at the previous sitting, or at a sitting during the preceding week, I in conjunction with other members used the Road Boards Conference as an argument for trying to obtain a certain alleviation as regards motor vehicles used only occasionally in conveying produce and stores between the farm and the railway station. We argued that the concession in question had been supported by the Road Boards Conference. On that occasion the Chief Secretary, together with metropolitan and other members, voted against us. As is often the case in this Chamber, members who represent the development of the country was left high and dry between two sections. Some of the requests put up by Road Board Conferences and by Chambers of Commerce and by associations and by newspapers are worthy of consideration, and some are not. It is not a fetish with me that a certain body wants a certain thing. If an association, say, want a certain thing, and I agree with their view, then I use the fact of their wanting it as something to strengthen my argument. The fact that the Road Board Conference asked for the term of three years and for the retirement of all members on one date does not weigh with me at all, because my judgment is quite the other way. Rather than defer to the opinion of the Road Board Conference I follow my own judgment.

Hon. A. Burvill: Delegates from all over Western Australia decided in favour of that provision.

Hon. H. STEWART: They also decided in favour of the concession on farm motor lorries, and many other things. With regard to the Main Roads Bill the conference decided that they would like a good many things, but after the matter had been investigated and determined by Parliament they were well pleased to have their traffic fees retained to them through the efforts of this House, instead of those fees being surrendered as recommended by the conference. The representatives of certain elements in my constituency attended the conference and voted in a certain direction, but I do not think the motion in favour of the provision for a three-years term and retirement on one date was carried unanimously. It may have been carried without dissent. I am not in public life to sink my own opinions. I am here to voice the opinions of constituents who want them voiced, but not to accept their opinions as mine, or to surrender my own opinions and judgment.

Hon. J. J. Holmes: Mr. Burvill will have his opportunity when the Bill to amend the Constitution comes up.

Hon. H. STEWART: Mr. Burvill's interjection, I have no doubt, was tendered in a kindly spirit, and perhaps I have elaborated on it too much already. The one ratepayer, one vote principle may have been carried by the Road Boards Conference.

Hon. A. Burvill: No. It was turned down.

Hon. H. STEWART: No doubt it comes within the general category, mentioned by the Minister, of things some of which were recommended by the Road Boards Conference and some of which were not. Probably the things which were not recommended by the Road Boards Conference are those which are most harmful from the standpoint of good government. It is those things, probably, which have the most hearty support of the Chief Secretary and his immediate followers in this House. Those things which were most strongly recommended by the Road Boards Conference were probably like that concession which we urged in this Chamber without receiving any support whatever from what I may term the Government side of the House. Other members have already discussed the one ratepayer, one vote principle. Sir Edward Wittenoom has pointed out that whereas in past times it became necessary to give the people certain privileges of citizenship, yet in our present state of civilisation one adult, one vote is not the method which conduces to the best legislation.

Hon. E. H. Gray: Who said that?

Hon. H. STEWART: Sir Edward Wittenoom has voiced that opinion on more than one occasion, and there is much to support his view. Is it not worth the State's while to give a special vote in the election of a

responsible body to the citizen who, besides being married and having a family, has a stake in the country?

Hon. E. H. Gray: Yes, and block the workers all the time!

Hon. H. STEWART: One would be led to infer from the interjection that those characterised by Mr. Gray as workers are not married men with families. Representative voting would lead to more stable and saner government.

Hon. E. H. Gray: It is going back to the dark ages.

Hon. H. STEWART: No, the family is the basis of the stability, moral and physical, of the nation. Some lines by the greatest of Englishmen came into my mind when I was reading through the Bill, lines illustrating different minds and temperaments. Shakespeare has said—

The lunatic, the lover and the poet
Are of imagination all compact,
One sees more devils than vast hell can hold,
That is the lunatic.

The lover, all as frantic
See's Helen's beauty in a brow of Egypt:
The poet's eye, in a fine frenzy rolling
Doth glance from heaven to earth, from earth to heaven,
And, as imagination bodies forth,
The forms of things unknown, the poet's pen
Turns them to shapes, and gives to airy nothings
A local habitation and a name.

There you have three types, all of certain mental instability. Then you have the higher characters that genius has portrayed, Cæsar, Brutus, Cleopatra, and so forth. Is each one of those units in any community to be ranked on the same level?

Hon. J. Cornell: There were no politicians in Shakespeare's time, else he would have included them.

Hon. H. STEWART: Plenty of politicians have been portrayed by Shakespeare with an insight into humanity that no man before or since his time, if we except the Founder of the Christian religion, has ever attained. There are the various great rulers in English history portrayed. Were they not politicians? What about Cardinal Wolseley and Polonius.

The PRESIDENT: I must ask the hon. member to connect his remarks with the Bill.

Hon. H. STEWART: The interjection drew me off. I am merely giving an illustration of the different mentality and equipment of people who are levelled under the system of one adult one vote, or in this instance one ratepayer one vote, regardless of their abilities or mentality. Clause 2 proposes to alter the name of "road board" to "district council." It has always seemed to me that "road board" is a very proper name, eminently suitable, and different from the term used in other places. It is at once simple and original. "Shire" and "shire council," used in the Eastern States, were imported probably from the Mother Land, but "road board" is simple and to the point and easily understood. The proposed new term "district council" is not to be commended for euphony. It may have been proposed by somebody connected with the Bill, in order to gain notoriety. The new term will not read as well as "road board," and it will mean a useless waste in printing.

Hon. E. H. Gray: The term "road board" does not suggest a body charged with looking after, say, a pure milk supply.

Hon. H. STEWART: Perhaps the hon. member has been responsible for getting this foisted on the community because the outside districts would not have his Day Baking Bill.

Hon. A. Burvill: The term "road board" does not cover all the activities of such a body.

Hon. H. STEWART: No, because the activities it is sought to cover are not yet incorporated in the Bill. I do not think "district council" will cover more activities than does "road board." Certainly it indicates no more. I do not think any case can be made out for the proposed change. Just see what it will mean! It is provided that the Act may be cited as the District Councils Act, and that the Bill is a Bill for an Act to amend the road districts outside the Municipal Districts Act. What a cumbersome title! I have not seen any demand for the Bill as it appears. There are in it a few things that could have been brought down in a short measure. The City Council have been waiting for power to widen streets.

Hon. E. H. Gray: Who asked for the Bill in the first place?

Hon. H. STEWART: Whoever asked for it have got presented to them a lot more than they asked for. There is in the Bill a lot of finicking, trifling amendments. Glancing over legislation in other States, I have been struck by the way a short Bill of, say, 10 clauses is made to cover a wide series of activities. Here, however, our Bills consist of many clauses, making work for someone. It would be better to discharge

this Bill and have a short Bill dealing with necessary amendments. It looks as though some officers watch these things and want to dot an "i" and cross a "t" in order to get some kudos with the department. If all contained in this Bill is necessary, what were we doing by passing in 1919 a Bill of 350 clauses?

Hon. E. H. Gray: Experience of the working of that measure has shown the necessity for this one.

Hon. H. STEWART: And a little common sense would enable the existing Act to be administered, after which an amending Bill of, say, 10 clauses would be all that was required.

On motion by the Honorary Minister, debate adjourned.

BILL—TIMBER INDUSTRY REGULATION.

Second Reading.

Debate resumed from 17th November.

HON. A. BURVILL (South-East) [9.12]: The necessity for the Bill is so obvious that I did not intend to speak on the second reading. However, certain speeches that have been made seem to indicate that the measure is superfluous and that we can get everything we want under the existing Act. Sir William Lathlain spoke of the multiplicity of Acts already in existence, saying that there were seven of them and that this would make the eighth. That may be so, but a consolidating Act would do away with the overlapping of inspection. There is no justification for this multiplicity of Acts, because it affords more opportunities to have Government jobs increased, together with taxation to maintain an already overloaded Civil Service. Nevertheless I intend to vote for the second reading. There is ample evidence that the existing Acts dealing with the timber industry are dead letters or are inoperative. Statistics and statements made by the Honorary Minister in moving the second reading, and by other members, prove the necessity for the Bill. In not a single instance have the statistics quoted here in respect of accidents been refuted. Proof that there is not proper inspection has been supplied by the sawmillers themselves. The report of the Inspector of Machinery also proves this. The report states that in 1924 there were no accidents, fatal or otherwise. In 1925 there were two accidents and two others that resulted fatally. I claim to have a fair knowledge of the industry, having worked in timber mills for 20 years, the greater part of that time in another State, and the remainder in this State. There was then no inspection whatever.

Hon. G. W. Miles: No inspection of machinery?

Hon. A. BURVILL: No.

Hon. G. W. Miles: There were inspectors in this State 25 years ago.

Hon. A. BURVILL: In the Eastern States before anyone could drive an engine or could take charge of a boiler it was necessary for him to have a certificate. In Western Australia 26 years ago no such thing existed. Since then, however, it has become necessary to acquire a certificate to drive an engine or take charge of a boiler. At the present time inspectors go around the mills and examine boilers and engines, but when they do make their visits of inspection, the machinery is at a standstill. Therefore that cannot be said to be a complete inspection of machinery. It is merely a perfunctory affair, because the machinery is idle. The timber industry is specially dangerous on account of the high speed saws and other machines in use. My opinion is that bush sawmilling is the most dangerous occupation in the State. Unfortunately it is difficult to prove that, as there are no complete statistics to support my contention. When I left sawmilling 26 years ago I belonged to a union which had an accident benefit fund. Twelve months after I left, that union broke up, and the fund became insolvent; it could not pay its dues on account of the large number of accidents. Later another union was started, and in the course of time a strike occurred. That was in 1907. During the course of that strike it was proposed to start the mills co-operatively. There was a certain sum of money, several thousand pounds, provided as the nucleus of an accident fund. That fund continued to diminish for many years until it was found necessary to raise the subscription from 13s. 6d. per annum to 20s. per annum. The benefits that accrued from that fund amounted to, in the case of accident, £1 a week for four weeks and 10s. a week after that for 12 weeks, a total of £10, and on death the payment of £15. Even with such small payments it was not possible

to carry on, so that it will be seen that the returns from the mills in respect of accidents, especially that return which set out that there were only four accidents, two of which were fatal, are misleading.

Hon. Sir William Lathlain: Would you say that the reports regarding deaths are misleading?

Hon. A. BURVILL: No, but the reports regarding accidents are misleading. I had something to do with the benefit fund in Western Australia; there was sharp supervision over it. Before a man could get his accident money, his application had to be signed by the secretary, a steward and another official. It had to be proved that an accident had really been met with, and if there was any doubt, a committee would make inquiries. What was more, if a man did not take proper care of himself, his allowance ceased. I would like to quote some statistics obtained from the Mines Department to show that the occupation of mining is not as dangerous as that in which timber workers engage. Respecting the timber workers, the only statistics it is possible to get are those which have been compiled by the Australian Timber Workers' Union.

Hon. J. Nicholson: Is not the occupation of mining as dangerous as the other?

Hon. A. BURVILL: Everybody knows that working underground is particularly unhealthy whilst working in timber mills is very healthy, save for possible accidents. The statistics I have in respect of mining have been obtained from the Mines Department. In 1919 there were 622 injured out of a total of 8,346 men employed, giving a percentage of 7.4; in 1920, 559 were killed and injured, out of 8,496 employed, 6.5 per cent.; 1921, 362 were killed and injured, 7,084 employed, 5.1 per cent.; 1922, 346 killed and injured, 6,776 employed, 5.5 per cent.; 1923, 318 killed and injured, 6,497 employed, 4.9 per cent.; 1924, 241 killed and injured, 6,289 employed, 3.8 per cent.; 1925, 395 killed and injured, 6,011 employed, 6.5 per cent.

Hon. Sir William Lathlain: How many were killed?

Hon. A. BURVILL: The number killed is not given. The figures relate to killed and injured. There is another point that must be borne in mind, and it is that no account is taken of any person whose injury did not incapacitate him for more than two weeks. Regarding the timber workers, the only statistics are those obtained from the Timber Workers' Union. It is not compulsory for the timber workers to join the accident fund, so that the statistics only apply to those who are actually members of the fund. Those who are outside the fund are just as liable to meet with accident. In 1919 the killed and injured in connection with whom benefits were paid, numbered 285 out of 1,021 members, a percentage of 27.77. In 1920 the figures were killed or injured 305, number of members 1,321, and the percentage 22.9; 1921, killed or injured were 423, number of members 1,635, and the percentage 25.8; in 1922, killed or injured 306, number of members 1,177, percentage 26; in 1923, killed or injured 217, members 978, percentage 22.18; in 1924, 178 killed or injured, members 951. It must not be forgotten that the employees in the timber industry number about 7,000. In 1925, 212 were killed or injured, and the number of members was 936, the percentage being 22.4. In the last 12 months there have been six fatal accidents in the timber industry. The compensation recovered by the Australian Workers' Union from 1st August, 1925, to October, 1926, amounted to £14,628. This information was supplied by the mills to the Inspection of Machinery Department. The figures do not include cases dealt with by the members themselves from their accident fund. The employees all over the State, I am given to understand, number 7,000, but I am of the opinion that that number represents only the men in the mills and in the bush. That total does not take in the employees in the offices in Perth, or at the various shipping ports where timber is loaded.

Hon. J. Cornell: What are the rates of insurance asked by the companies?

Hon. A. BURVILL: I will come to that directly.

Hon. E. H. Harris: Do the 7,000 employees you refer to come within the scope of the Bill?

Hon. A. BURVILL: I should think so. There are 4,000 employees in the union. At Kalgoorlie and Boulder there are, I believe, 3,000 miners. We are not able to get statistics regarding accidents at the mills, and there are no records dealing with them apart from reports that appeared in the Press from time to time. The General Secretary of the Timber Workers' Union went to the trouble of getting the secretaries of the various branches of that organisation to collect statistics relative to accidents. Those statistics

will furnish a fairly good guide as to what has been happening in connection with that particular industry. At Nannup, where the Kauri Timber Companies' mill is being erected, from the 1st July, 1925, to the 20th June, 1926, there were 70 men employed and the number of accidents totalled 61, 27 of them taking place at the mill. That gives a percentage of accidents of 38.5.

Hon. Sir William Lathlain: What period has a man to be incapacitated before his injury is classed as an accident?

Hon. A. BURVILL: Not less than three days. At Nanga Brook there were 16 accidents in five months among the 80 men employed there, giving a percentage of 47. At Nanga Brook landing seven accidents occurred within four months among the 45 men employed there. Regarding the accidents at Pemberton, the details I have were, I understand, compiled from the doctor's figures. These show that from March, 1925, to May, 1926, there were 83 accidents, including 13 on the group settlements, seven on railway construction, and 63 at the mill. There are about 200 men employed on the mill, and the percentage of accidents worked out at 25. At Yarloop there were seven accidents in five months, or a total of 22.4 per cent. of accidents. In 1913 Millars' Timber and Trading Company were cited before the Arbitration Court and it was stated in evidence on their behalf that the percentage of accidents experienced by the company's employees was 10 per cent. It was stated that the company had 2,000 employees including the staff. Hon. members will realise that if the staff are included, the percentage of accidents will be quickly reduced, because it is very seldom that members of the office staff meet with accidents. I need not enumerate any further instances, for I have mentioned enough to show that the report from the timber mills is inaccurate and misleading. I have shown that there is room for some greater supervision over the saw milling industry. An extract from the report of the Commonwealth Royal Commission on National Insurance will be of interest. Giving evidence in this State on the 3rd March, 1924, the Grand Secretary of the United Ancient Order of Oddfellows was asked to give the Commission some details in his possession. In reply to the question the Grand Secretary said—

> In 1922 the sick pay per member throughout the coastal areas, including the metropolitan area, averaged 19s.; on the goldfields—we cannot differentiate between the miner and the worker in a shop, for instance—the average sick pay per member was 22s. 8d.; in the agricultural areas the average was 11s. 8d.; and in the timber districts 23s. 1d. For 1923 there was a slight alteration. In the metropolitan or coastal area, the average sick pay per member was 21s. 6d.; on the goldfields it was 24s. 9d.; in the agricultural areas 10s. 4d.; and in the timber areas 25s. 3d.

Hon. Sir William Lathlain: That includes sicknesses, too.

Hon. A. BURVILL: That is so. I do not know how I can separate the sicknesses from the accidents.

Hon. J. Nicholson: Then what is the good of quoting that report?

Hon. A. BURVILL: In the agricultural areas the average sick pay was 10s. 4d., whereas in the timber areas the average sick payments amounted to 25s. 3d. The agricultural and timber areas are adjacent and overlap. The men employed in both industries are engaged in healthy occupations, so that the difference between the 10s. 4d. and the 25s. 3d. must be on account of accident.

Hon. J. Cornell: Quite right.

Hon. A. BURVILL: Later on the Grand Secretary of the Independent Order of Oddfellows said:—

> A lot of our sickness claims come from the timber and mining areas, and a large proportion of those claims is in respect of accidents with which the question of age has little to do.

In my opinion if there was a proper inspection of the industry, the conditions of work would be made more safe and the insurance rates would be reduced. When I was in Victoria the insurance rates for the timber industry were the highest in existence and I believe that is the position to-day.

Hon. J. Cornell: They are higher here than are the rates for the mining industry.

Hon. A. BURVILL: Companies like Millars Timber and Trading Company carry their own insurance, but under altered conditions, the company will get a direct benefit by reason of the decreased premiums that will be necessary. There will be greater efficiency and, taking all the circumstances into consideration, I consider the extra protection of the workers is justified. That protection is afforded the industry in every other State but Western Australia. The timber industry itself is one of our main sources of revenue. In the report of the Forests Department for the 30th June, 1926, the Conservator of Forests gives the follow-

ing interesting statistics. The Commissioner reports—

> The total production of sawn and hewn timber for the year under review amounted to 20,806,685 cubic feet, valued at £2,581,000. Of this quantity 12,001,384 cubic feet, valued at £1,522,958, were exported. Although the quantity exported has been exceeded on three previous occasions, the declared value of the past year's overseas sales contitutes a record, being £44,961 in excess of the previous year.

It will be seen that the industry, therefore, is not a waning one. We have heard some reference to the revenue derived from the timber as compared with that derived from agriculture. The revenue from timber in 1925 was £404,200 and in 1926 £416,630. Wheat represents the next highest item of railway revenue and in 1925 it totalled £349,253 and in 1926 £302,945. Thus there is considerably over £100,000 difference between the worth of the timber industry to the railways, as compared with the value of the wheat hauled.

Hon. J. Cornell: The average haulage of wheat was twice as far as the haulage of timber.

Hon. A. BURVILL: The average haulage of timber for 1925 was 71.72 miles and for 1926 it was 71.43 miles. On the other hand the average haulage of wheat for 1925 was 139.29 miles and for 1926 it was 131.38 miles. Thus, in addition to the difference of £100,000 in favour of timber, we find that those supplies had to be hauled for half the distance that the wheat had to be hauled. That makes a considerable difference when it comes to considering the earnings per ton mile on freight carried over the railways. In 1925 the average return per ton mile for wheat was 1.06d. and in 1926 it was 1.11d. On the other hand the average return per ton mile in respect of timber was 2.27d. per mile and in 1926 2.26d.

The PRESIDENT: Order! I would like the hon. member to point out how he connects his remarks with the Bill under discussion, which is for the regulation and inspection of the timber industry.

Hon. A. BURVILL: A previous speaker attempted to belittle the timber industry and said it was not an important one, and did not require special legislation. I desire to point out that the timber industry is one of the largest in this State. It is one that is least inspected and least looked after. I wish to emphasise that it is worth while affording greater protection to those employed in the industry and I intend to present a few more figures to support my contention. The number of sawmills in the State totals 112, 75 of which are on Crown lands. There are 13 timber districts, including the metropolitan area. These districts are defined by Mr. Kessell, the Conservator of Forests.

Hon. J. Nicholson: You need not mention the metropolitan area at all. It has nothing to do with it.

Hon. A. BURVILL: For the information of Mr. Nicholson I would point out that the Conservator of Forests includes references in his report to the several districts in the metropolitan area. They include Bedfordale, Wanneroo, Jarrahdale, Mundijong and so on. The hon. member can look the information up for himself. These mills include 50 where engines are in use, all under 20 horse power. There are 42 where the engines are of from 20 to 50 horse power and 20 where the engines are from 50 to 400 horse power. Some of the smaller mills have been closed down. Regarding the timber concessions, there are about 1,700,000 acres odd, not taking into consideration the areas held under firewood permits, and on the goldfields. The whole of my remarks have not referred to the goldfields at all. In my opinion there is need for greater inspection. We do not want any spasmodic inspection such as there is in connection with boilers. If a proper method of inspection were evolved, it would prevent accidents. There should be an amendment to the Shops and Factories Act so that particulars recording the causes of accidents could be procured. If we could get at the causes, then the accidents would be prevented. Some members may think that the reporting of all accidents might entail considerable trouble and expense. In my opinion it would avoid much loss of life and in the long run would result in a saving of expense. I shall give two instances to show how accidents might have been prevented. At a sawmill where they had skids to take the flitches from the breaking-down bench to the first saw bench, the skids were on an incline. On one occasion I saw a flitch start on its course down the skids when the pins were out. A man who happened to notice that the pins were not in their place stopped the flitch from skidding down. But for his action the benchman below would have been killed. No report was made of that accident because nobody was actually hurt. Yet it was some-

one's duty to see that the pins were in position and ensure that the log did not slide down. I saw another accident of the same kind, but on that occasion the pins were in. A small flitch started a larger flitch sliding down the inclined skids and the large flitch broke the pins off. Four or five benchmen working there at the time just managed to escape. It cost the company a good sum of money to lift the flitch back, get it into position again and effect the necessary repairs. No one was hurt on that occasion, but because the company lost money through the accident, the pins in the skids were immediately repaired and made perfectly safe. Here is another instance that came under my observation of an accident which, though not fatal, should have been reported to the inspectors. It occurred during the change of saws. Circular saws have to be changed at intervals so that fresh ones may be put in. Beneath a circular saw there is generally a sawdust pit. Occasionally a saw slips from the hands of the man who is putting it into place and falls down the sawdust hole. I saw this happen on one occasion and, because nobody happened to be in the pit at the time, no notice was taken of the accident. In one instance a saw fell on a man and practically chopped him in halves. After that accident occurred the sawpit was narrowed at the top so that there would be no risk of another saw slipping down in the same way. Those are instances that show prevention is better than cure. To prevent such accidents, we need inspection. Sawmilling is a very dangerous occupation, and unless a man is trained up to that class of work, he has no right to engage in it.

Hon. G. W. Miles: How long ago did the accidents of which you are speaking occur?

Hon. A. BURVILL: When I was working in the mills. I could stand here for an hour detailing accidents of that kind.

Hon. J. Nicholson: But you say they remedied the sawpit trouble and that it does not exist now.

Hon. A. BURVILL: I have statistics from the secretary of the Timber Workers' Union dealing with accidents, and in my opinion 30 to 45 per cent. of them are preventable. Whether they are accidents of the kind I have mentioned, I do not know.

Hon. J. Nicholson: Have you seen Section 50 of the Inspection of Machinery Act?

Hon. A. BURVILL: The hon. member will have an opportunity to speak on the subject presently. I am speaking of matters of which I have first-hand knowledge. I saw two other accidents occur with circular saws 5ft. 6in. in diameter. In one instance there was something wrong with the loose pulley. A man was shifting a flitch to turn it over, and he went on with the work while the saw was still on the tight pulley. He slipped and fell on the saw and was chopped in halves.

Hon. G. W. Miles: Was not that accident reported?

Hon. A. BURVILL: Yes, it was reported in the newspapers throughout the State.

Hon. H. Stewart: Twenty-six years ago.

Hon. A. BURVILL: Another case that was not reported occurred when a man was filing a 5ft. 6in. saw which was on the loose pulley. A man, who was working close to him and who suffered from occasional fits of absent-mindedness, pulled the belt on and the man who was filing the saw had one arm and one leg on each side of the saw. Fortunately he had the presence of mind to keep his leg and arm just clear until the saw was stopped again.

Hon. G. W. Miles: Is that the usual way of sharpening saws?

Hon. A. BURVILL: In the bush mills it is. In that instance the remedy was short and sharp; the man was instantly dismissed. I can give other instances of men who should not be permitted to work in mills. A man who happened to have a foreman friend at a mill sought employment there. After he had been working for a time, the rest of the men objected on the ground that there was a danger of his killing not only himself but some of them. They were really afraid to work with him. The man was then transferred to another part of the mill where the work was not so dangerous, and he worked there for only two days before he broke his leg. It was fortunate that someone else was not injured or killed at the same time. That man went into hospital and, after recovering, obtained work elsewhere, which was only right seeing that he was a clerk.

Hon. G. W. Miles: But they have saw doctors on the mills these days.

Hon. A. BURVILL: Yes. On another occasion a carpenter came to a mill and there was no regulation to prevent his working there. He proceeded to give his friend on the vertical saw a hand to capsize a flitch of timber, and picked up a crowbar to

do so. The flitch dropped on the crowbar and smashed the man's head to pieces.

Hon. Sir William Lathlain: Were the Factories and Shops Act and the Inspection of Machinery Act in operation that time?

Hon. A. BURVILL: So far as I know there is nothing to prevent similar accidents happening to-day. I have not been in a sawmill lately, but I understand that there is still no supervision.

Hon. G. W. Miles: Do you want an inspector in each mill?

Hon. A. BURVILL: No, but we want some system of inspection to prevent accidents of the kind I have mentioned. The percentage of accidents is far higher than it should be, and it would be in the interests of the millers as well as the employees to introduce a system of inspection that would keep the accidents down to a minimum. The State Sawmills Department carry their own insurance, and I understand the same thing applies to Millars. If steps were taken to prevent accidents, the rates of insurance would drop and there would be fewer accidents for which to pay compensation. In Committee I intend to move for an alteration of the provision relating to men who sit on a jury. As regards workmen's inspectors, an innovation is proposed that I should like to see introduced in other legislation. It is provided that the workmen's inspectors shall, in accordance with the regulations, be elected by a majority of the persons bona fide employed as workers in the timber industry, but no person shall be eligible for such appointment unless he has been engaged in general practical work in the industry for at least five years. I think a workmen's inspector should have been at least six years in the industry, and it should be specified that he has been at least three years in the mill shed and some years in the bush. I do not agree with the proposal that he should be elected by a majority of the persons bona fide employed in the timber industry when he is to be paid by the Government, especially considering the provision that has been made in other legislation.

Hon. J. J. Holmes: Why should he serve six years instead of five?

Hon. A. BURVILL: So that he will be well qualified.

Hon. J. J. Holmes: Would not five years be sufficient?

Hon. A. BURVILL: It might be, but I would sooner see six years stipulated. I believe the workmen should have a representative, but until the Government make a similar concession to the primary producers, I shall oppose such a clause. We had the Albany Harbour Bill before us the other day, and succeeded in carrying a provision against the wish of the Minister that we should have two representatives of the primary producers upon it, but when it came to a question of electing the primary producers the Minister insisted upon its being kept in the hands of the Governor, which means the Government. In that form the Bill has been passed. When the marketing Bill was before us a few years ago, the City Council did not allow for a representative of the primary producers on the board. The present Government have brought in a Metropolitan Market Bill and have conceded the point that the primary producers should have a representative on the board, but they have not conceded the point that we should elect our own representative.

Hon. G. W. Miles: You voted against that.

Hon. A. BURVILL: I do not believe in class legislation. I shall vote against the workmen's inspectors if they are to be elected by the workers. I am willing that they should nominate a man, but while the Government retain to themselves the right of selecting members for various boards such as I have indicated, I shall not agree to the workers being treated otherwise.

Hon. J. J. Holmes: Does this Bill provide for an election?

Hon. A. BURVILL: The Bill provides that the workmen's inspectors shall be elected by a majority of the persons bona fide employed as workers in the timber industry. The Government will make regulations whereby the workers shall elect inspectors. I am willing that that should be done so long as it applies to primary producers in parallel cases.

The Honorary Minister: Why penalise the timber workers?

Hon. A. BURVILL: Primary producers are entitled to equal consideration.

Hon. E. H. Gray: To be consistent, you must vote for that provision.

Hon. A. BURVILL: There has been a tendency on the part of previous Governments, as well as the present Government, to treat primary producers as if they did not possess an average share of brains.

Hon. G. W. Miles: Why did not you insist on nominating primary producers for the Albany Harbour Board? You would not give us your vote on that.

Hon. A. BURVILL: It was useless to insist upon something that the Minister and another place would not concede.

Hon. J. J. Holmes: We are not concerned about another place.

Hon. A. BURVILL: Besides, I did not wish to endanger the Bill. I favour this concession to the workers provided similar consideration is given to the primary producers, but I have a decided objection to the primary producers being regarded as a female quadruped of the bovine species——

Hon. G. W. Miles: In other words, a milch cow.

Hon. A. BURVILL: And that the proper occupation for other people is to extract from it the lacteal fluid, and thus make a very lucrative occupation of it. I have pleasure in supporting the Bill, and I hope the second reading will be carried, but in Committee certain amendments ought to be agreed to.

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

House adjourned at 10 p.m.

Legislative Assembly,

Tuesday, 23rd November, 1926.

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

PERSONAL EXPLANATION.

Mr. Mann and the Arbitration Court.

MR. MANN (Perth) [4.32]: I desire to make a personal explanation. On Wednesday night last, when the Bill to amend the Education Act was before the Assembly, and while speaking in support of an amendment by the member for West Perth to permit legal practitioners to appear before the Teachers' Appeal Board, I referred to a statement made by the President of the Arbitration Court in the Tramways case, and said the court had reproved the secretary for the manner in which he had put the union's case. On the 29th September, when the case came before the court, Mr. Nash opened the proceedings. My statement was based on the following remarks of the President of the court:—

> I think I am voicing the opinion of all the members of the court when I say that the phraseology of the claims requires very careful looking into, to see that what you have put down expresses what you want, and what you do want is clearly expressed. You will have time to examine these various clauses between now and Monday, and if there are amendments required, let us have them and give Mr. Thomas a copy.

Mr. Bloxsome followed on and said—

> You have been working under an agreement drafted by somebody else, and you seem to have adopted customs not expressed in the agreement at all.

It may be suggested that I strained the meaning of the court's remarks in saying that Mr. Nash had been reproved. I was reported in the Press as having said that Mr. Nash was incapable of presenting the union's case. I did not make use of the word "incapable" that was attributed to me in the Press report, nor did I infer that he was incapable. I made no attack upon him whatever. My suggestion was that he was on an average with other lay advocates. My point was in regard to the principle that debars trained practitioners from appearing in the Arbitration Court. My contention was that if legal practitioners were permitted to appear and also to draft the claims to be presented to the court, it would be much better and would result in the saving of much time.

Mr. Panton: As a matter of fact, the claims were based on the words used by Mr. Canning.

The Minister for Works: Yes, and he was a lawyer.