

and if the person concerned is definitely unemployed and destitute, we will see him through, at least for one week, to the extent of 65s. If the honourable member does not get satisfaction, I suggest that he see me.

Mention has also been made of that part of the measure which will not be proclaimed until such time as the Commonwealth Act has been in operation for at least 12 months. This, again, is a case of a garnishee order on the salary or wages of the person concerned. It is a subject on which members of Parliament have not agreed in the past.

I am perfectly certain, from experience I have had of the Child Welfare Department over the past 18 months, that there are some occasions when there are no other means of recovering an amount except by a garnishee on a person's wages. We are safeguarded in our own Act to the extent that the defaulter must consent. The Commonwealth Act makes certain provisions for the defaulter before any assessment is made of what he should pay. We do the same, but we take out more. On top of that, the defaulter must consent to the garnisheeing on his wages.

As far as I can see, that is a pretty fair condition to apply. I am certain that this is the only possible way of ensuring that those who neglect or dodge their responsibilities will pay their share. Every time such people refuse to pay their share, it has to be paid by the rest of the community.

The Hon. R. F. Hutchison: That is why I say the police should act.

The Hon. L. A. LOGAN: The police do act, of course. We send the names of these people to every State in the Commonwealth. They are sent to the child welfare departments, where there is reciprocity, and they are sent to police departments in other States. Members probably read the names of a few missing men in Australia; but, believe me, there are thousands of them. Whether the Police Department is not taking sufficient action and does not follow enough lines of investigation, I do not know. I have not got anything to do with the Police Force. We can only rely on the information contained in the reports which are always on the file and which come back to me.

Question put and passed.

Bill read a second time.

## MILK ACT AMENDMENT BILL

### First Reading

Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Mines), read a first time.

House adjourned at 12.21 a.m.  
(Wednesday).

# Legislative Assembly

Tuesday, the 15th November, 1960

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

## QUESTIONS ON NOTICE

### TOWN PLANNING ACT

#### Report of Committee on Subdivision Regulations

- Mr. BRADY asked the Minister representing the Minister for Local Government:
  - Has the committee appointed to consider the regulations under the Town Planning Act, relative to subdivisions, held a meeting?
  - When is the committee to report?

- (3) Will he refer to the committee for consideration, files relating to subdivisions in the Caversham and East Midland areas?

Mr. PERKINS replied:

- (1) Yes.
- (2) On completion of its deliberations.
- (3) Yes.

### ANZAC DAY OBSERVANCE

#### *Views of Ex-service Organisations*

2. Mr. JAMIESON asked the Premier:
- (1) Have any ex-service organisations, other than the R.S.L. been approached by the Government for an expression of opinion on the way Anzac Day should be observed?
  - (2) If not, would he undertake to obtain the views of those organisations on this matter?

Mr. BRAND replied:

- (1) and (2) The Government did not approach the R.S.L. Some ex-service organisations have made known their views, and the way is open for others to do so if they so desire.

### CARNARVON HOUSING

#### *Recommendations for Future Subdivision*

3. Mr. NORTON asked the Minister representing the Minister for Town Planning:
- (1) Has the Town Planning Department been asked to submit recommendations for future housing subdivision at Carnarvon?
  - (2) If so, when were these recommendations made, and to what department?

Mr. PERKINS replied:

- (1) Yes.
- (2) Recommendations on housing requirements for the immediate future were made to the State Housing Commission in June, 1960, through the standing liaison committee of the Housing Commission and Town Planning Department.

Recommendations on long-term housing requirements depend on further investigations being made by the department with regard particularly to the problem of periodic flooding in Carnarvon.

### GASCOYNE RIVER

#### *Furphy Report on Water Conservation*

4. Mr. NORTON asked the Minister for the North-West:
- (1) Has a report been received from Mr. Furphy regarding the Gascoyne River?

- (2) If so, will he table it?
- (3) If not, when can the report be expected?

Mr. COURT replied:

- (1) No.
- (2) Answered by No. (1).
- (3) Before the end of January, 1961.

### ALBANY POLICE STATION

#### *Selection of Site and Commencement of Building*

5. Mr. HALL asked the Minister for Police:
- (1) Has a site been selected for a new police station at Albany?
  - (2) If so, where is the site, and when is it anticipated that the new police station will be built?
  - (3) If no site has been selected, has his department made any recommendation for police station sites, and where are they?

Mr. PERKINS replied:

- (1) The existing site is suitable.
- (2) No plans have yet been completed for a new police station, but this matter is to receive consideration when the loan works programme for 1961-62 is being prepared.
- (3) Answered by No. (1).

### MILK BOARD COMPENSATION FUND

#### *Amount Held and Sums Paid to Producers*

6. Sir ROSS McLARTY asked the Minister for Agriculture:
- (1) What is the amount of money held by the Milk Board in the compensation fund?
  - (2) What amounts have been paid from the fund to producers during the past three years?

Mr. NALDER replied:

- (1) At the 31st October, 1960: £59,728 4s. 7d.
- (2) Year ended the 30th June, 1958: £4,200. Year ended the 30th June, 1959: £4,320. Year ended the 30th June, 1960: £3,275.

### BUILDING TRADESMEN: AVAILABILITY

#### *Investigation by University*

7. Mr. TOMS asked the Minister for Labour:
- (1) Was the Western Australian University required to examine and report upon the present availability of building tradesmen and the prospects for the future?
  - (2) Has an examination of the subject been made at the University and a report issued?

- (3) Will he make a copy of the report available to Parliament?

Mr. PERKINS replied:

- (1) to (3) I understand that a tentative approach has been made by the Minister for Housing to a professor at the University to chair a committee to look into the availability of building labour.

### COLLIE COALMINERS

#### *Meeting Between Premier and Combined Unions*

8. Mr. MAY asked the Premier:

- (1) Is the statement on page 14 of *The West Australian* newspaper dated the 13th October, 1960, made by the Premier, and headed "Brand says Government will meet miners" correct?
- (2) Will he advise the Combined Coal Mining Unions of Collie when and where he is prepared to meet them?

Mr. BRAND replied:

- (1) and (2) The Disputes Committee of the A.L.P. has been informed that the Government is prepared to meet it, and that representatives of the striking unions may attend as observers. The Government will be prepared to meet union representatives to discuss the coal situation when the miners call off the strike.

### COAL PRICES

#### *Comparison Between Collie and New South Wales*

9. Mr. MAY asked the Minister representing the Minister for Mines:

Referring to paragraph (2) of my question No. 3 on the notice paper dated the 10th November and his answer thereto, will he inform the House to whose opinion he was referring when answering the question?

Mr. ROSS HUTCHINSON replied:

These facts are generally well known; and, in addition, Collie is fortunately free of silicosis, which is a hazard in New South Wales.

### QUESTION WITHOUT NOTICE

#### PERSECUTION OF ITALIAN FAMILY

##### *Police Protection*

Mr. TOMS asked the Minister for Police:

- (1) Did he see the article headlined "Man's family lives in fear" and recorded on the front page of the *Weekend News* dated the 12th November, 1960?

- (2) Does he agree that the actions, if as reported, are against all ethics and British justice?

- (3) If the answers to Nos. (1) and (2) are in the affirmative, will he take all necessary steps to protect this family and all decent citizens against such action?

Mr. PERKINS replied:

- (1) Yes.
- (2) Yes; but most of the incidents occurred prior to the brawl which led to the stabbing incident.
- (3) The matter is being given close attention by the Police Department, and action will be taken against any offender where the circumstances are sufficient to sustain a prosecution.

### LEAVE OF ABSENCE

On motion by Mr. May, leave of absence for two weeks granted to Mr. Graham (East Perth) on the ground of ill-health.

### SIMULTANEOUS DEATHS BILL

#### *Third Reading*

On motion by Mr. Watts (Attorney-General), Bill read a third time, and transmitted to the Council.

### EDUCATION ACT AMENDMENT BILL

#### *Second Reading*

Debate resumed from the 9th November.

MR. W. HEGNEY (Mt. Hawthorn) [4.40]: I have perused the provisions of this Bill, and find there is nothing very contentious in them. There are a number of machinery clauses dealing with interpretations, and the tidying up of certain matters in relation to parents and citizens' associations to bring them up to date. There is also the elimination of any reference to school boards, none of which now exist; and it is proposed to substitute the word "primary" for the word "elementary," as there are now no elementary schools. Primary schools have superseded the elementary schools of other days.

There is provision for the extension of subsidies on certain articles for private schools, and also for the extension and clarification of the regulation-making power of the Minister for Education. That appears to me to be all right. The most voluminous amendment deals with the setting up of a tribunal. I have no very strong objection to the word "tribunal," although I do know that a number of boards are set up. Sometimes, however, the word "tribunal" savours a little of dictatorship.

The tribunal will consist of three members—one representing the Teachers' Union; the Minister's nominee; and an independent chairman, who must be a legal practitioner of not less than seven years' standing. I presume he would have the qualifications of a judge of the Supreme Court. The chairman will hold office for seven years subject to certain requirements, which are usual in such measures. I have no objection to that, really; but I think that for the benefit of some schoolteachers, who may feel some doubt as to the limitation of seven years, the Minister might explain why this is not a life appointment.

It may be that after a period of seven years both the Minister for Education and the Teachers' Union may prefer, in the light of experience, some other type of board or tribunal to deal with the matters set out as being in this board's jurisdiction. I presume that all parties are in agreement that after a period consideration could be given to making a permanent appointment of the position of chairman. The jurisdiction of the board will extend to quite a number of matters which have hitherto been dealt with by the Public Service Appeal Board, in some instances; by the Government Employees Promotions Appeal Board; and by other bodies set up by the Education Department.

Actually the board will deal with appeals from the Minister's classification, or re-classification, if the Teachers' Union thinks fit. It will deal generally with salaries and allowances, and it will also have jurisdiction to determine what will be the appropriate student allowances for the teachers' training colleges.

The board will also have authority to hear the appeals in regard to vacancies. A very important aspect of the board's powers will be the determination and assessment of the efficiency of teachers. I think the present Minister for Education will agree, as would previous Ministers, and also schoolteachers, that the method of assessing efficiency has caused quite a number of teachers considerable concern over the years; and the appointment of this board may assist in rectifying any doubt in regard to the assessment of efficiency.

The board will also deal with living allowances in remote places, and with appeals in regard to demotion, promotion, suspensions, dismissals, and transfers of teachers with or without expenses; and also with the rentals to be charged by the department in certain cases where teachers occupy Education Department or Government buildings. The board will have power to deal with other matters as may be prescribed. So its jurisdiction will cover a wide field, and to my mind it will relieve the department of a considerable amount of administrative work and is worth a very serious trial.

If the chairman to be selected is a man of understanding and experience, who realises the gravity of the problems with which he will be faced—because there are 4,500 teachers at the moment, and I think that in due course there will be about 5,000—and if the board, which is to collate all appeals and hear all matters appertaining to the welfare of teachers and those dealing with their industrial conditions, helps to clear the air, then I think its appointment will have been amply justified.

I would, however, like the Minister to mention the reason for the seven-year appointment, and also the matter of costs to be allowed to teachers and witnesses, as this will help to promote the peace of mind of some teachers who are a little doubtful about the position at the moment.

**MR. WATTS** (Stirling—Minister for Education—in reply) [4.48]: I would like to thank my honourable friend opposite for the remarks he has just made, and to say that in reference to the so-called tribunal, the name was settled by discussion between representatives of the Teachers' Union, myself, and the Director of Education. They felt, I think, that the use of the word "board" among a multiplicity of boards was somewhat undesirable, and they sought a new name. This was the one they finally selected.

As to the appointment of the chairman, it was considered by all parties that seven years was long enough. There is no difficulty about a reappointment, of course; and it was thought, seeing it was to be a legal practitioner of not less than seven years' standing, that quite likely the practitioner appointed would be a person who would be in practice for a number of years, and who would reach the retiring age at the expiration of the seven-year period, in which case he would not be reappointed.

Those, I think, were the two major reasons why that was done. The honourable member made reference to the question of expenses; and he will notice that I have handed in certain amendments which cover this aspect. He would not have had time to examine the amendments before he spoke, so I am in sympathy with him there. The amendments are intended to cover the point he raised. There was some misunderstanding, which I intended to rectify, and which the amendments will do, leaving the position as it was under the existing law, which is what is desired.

**Question put and passed.**

**Bill read a second time.**

*In Committee*

The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Watts (Minister for Education) in charge of the Bill.

**Clauses 1 to 17 put and passed.**

**Clause 18—Section 26 repealed and re-enacted:**

Mr. O'NEIL: Section 26 of the parent Act reads as follows:—

A balance sheet showing all receipts and expenditure and properly audited shall be submitted to the annual meeting, and a copy shall be forwarded to the department.

Clause 18 of this Bill proposes to repeal that section. I have no objection to that, but I am wondering whether the clause in the Bill goes too far in prescribing what must be done with the funds of an association.

The associations referred to are parents and citizens' associations. In country towns a number of people who belong to the parents and citizens' associations do not have children attending the schools. Furthermore, some of these associations in the country serve a community purpose in running such affairs as Christmas trees, sports meetings, and the like. If it is to be strictly interpreted that the profits of all associations must be spent only for the benefit of children who are attending the Government school to which the association belongs, I think we might embarrass some parents and citizens' associations—particularly in the country—that are doing a worthwhile job in community effort associated with the schools, but not necessarily for the schools themselves.

Mr. WATTS: I do not appreciate the honourable member's objection. It would appear to me that the purpose of a parents and citizens' association formed inside of a Government school or group of Government schools, is to use the funds that are raised, after payment of normal expenditures—maintenance for carrying on purposes—for the benefit of children who are attending the school in connection with which the association is formed. It is true, as the honourable member says, that these associations run sports meetings and the like; but surely they are for the benefit of the children—they are not intended to be for the benefit of adults.

The point the honourable member raises does not appear to me to be a tenable one. I do not think we should subscribe to the view that these associations should spend money on things entirely unassociated with the children.

**Clause put and passed.**

**Clause 19 put and passed.**

**Clause 20—Section 28 amended:**

Mr. TONKIN: I am a little disturbed at the provisions of this clause, and I rise to give the Minister an opportunity of explaining what is in his mind about it. The clause gives the Minister an additional power to make regulations prescribing grounds, including such moral grounds, whether connected with the employment and functions of teachers or not as the

Minister thinks fit. This is going somewhat out of the ambit which is usually considered in these matters, inasmuch as for something a teacher might be doing outside of his occupation, the Minister might decide that that teacher is to be disciplined; and he could be dismissed.

The term "such moral grounds" is capable of such a wide interpretation that conceivably a Minister who wanted to get rid of a teacher could exercise his power under this regulation; and for something which the teacher had not done in association with his work—some activity which might not find favour with the Minister—the Minister could use this power and the teacher could be dismissed.

I think that is too wide. I am not suggesting the present Minister would be inclined to use a power of this nature in the manner I have suggested, but we have to make provision for all time. I can remember a Minister in New South Wales whom I would not like to have trusted with this power. I think we ought to tidy this up a bit. I agree that if it is misconduct in connection with a teacher's work there should be no question about it; but teachers engage in all sorts of activities outside which are quite legitimate. However, some Ministers could regard these activities as a fair reason for wanting to get rid of the teacher. I do not think a Minister should have that power and I would like to hear from the Minister with regard to the objections I have raised.

Mr. WATTS: There is some substance in the remarks made by the Deputy Leader of the Opposition. As a matter of fact, that substance was recognised in the discussions which I had with representatives of the Teachers' Union. They recognised, of course, that there were some things outside the course of his duties which would render a teacher probably unsuitable to continue his teaching. Let us take for example the offence of attempted rape. It became very difficult to determine a paragraph here which was going to make allowances for that aspect the honourable member mentioned and, at the same time, enable the regulations to prescribe for such things as I have made reference to.

We finally settled the matter by my giving to the President of the Teachers' Union a written undertaking that no regulations would be promulgated unless they had been the subject of discussion and agreement; and he has the letter in his possession.

**Clause put and passed.**

**Clauses 21 to 24 put and passed.**

**Clause 25—Sections 37AA to 37AJ added:**

Mr. WATTS: This is a lengthy clause, and certain amendments that I wish to move commence on page 17 of the Bill. This will have application to the point

raised by the member for Mt. Hawthorn, to which I referred in my reply. The Bill as presented provides that the tribunal may make a recommendation for costs only if the appeal is upheld. That has not been the position under the Public Service Promotions Appeal Board Act in the past. When it was brought to my notice I readily agreed, because the understanding in the matter was that the *status quo* should be preserved, to insert amendments necessary or desirable to bring this Bill into line with what has been the law for some considerable time; namely, that the tribunal or board should have the authority to recommend payment of costs in any case, whether or not the appeal is upheld, if the tribunal is of the opinion that it is deserving of such payment. In order to bring that about, a number of small amendments, of which I have given you a copy, Mr. Chairman, and the member for Mt. Hawthorn another, have to be moved. I therefore move the following amendments—

Page 17:—

Lines 23 and 24—Delete the words "if the appeal is upheld."

Line 27—Add after the word "appellant," the words "or the respondent or both."

Line 29—Add after the word "appellant," the words "or the respondent."

**Amendments put and passed.**

Mr. WATTS: Under the Government Employees (Promotions Appeal Board) Act there is provision for the tribunal or board to order costs in connection with rejected appeals in regard to disciplinary matters; and it is proposed to retain that authority. I move an amendment—

Page 19, line 1—Add after the word "appeal" the words "made to it pursuant to the jurisdiction conferred on the Tribunal by the provisions of paragraph (h) of subsection (3) of section thirty-seven AE of this Act".

That jurisdiction is in connection with those disciplinary matters which are referred to therein, and this amendment helps to preserve the *status quo*.

**Amendment put and passed.**

Mr. WATTS: Having now confined the question of payment of costs in connection with disciplinary matters to which I referred, it is necessary to remove from the clause reference to other matters. I therefore move an amendment—

Page 19, lines 1 to 3—Delete the words "application or any other matter heard or determined by it,".

**Amendment put and passed.**

Mr. WATTS: I move an amendment—

Page 20, lines 5 and 6—Delete the words "against an appellant or applicant" and substitute the words "by

the Tribunal pursuant to paragraph (g) of section thirty-seven AI of this Act against any party to an appeal made to the Tribunal under the provisions of this Act".

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clause 26 put and passed.**

**Title put and passed.**

*Report*

**Bill reported with amendments, and the report adopted.**

## **GOVERNMENT EMPLOYEES (PROMOTIONS APPEAL BOARD) ACT AMENDMENT BILL**

*Second Reading*

Debate resumed from the 9th November.

MR. W. HEGNEY (Mt. Hawthorn) [5.12]: This Bill is consequential upon the measure which has just been dealt with in Committee; and, in effect, it removes from the Government Employees (Promotions Appeal Board) Act references to schoolteachers and the Teachers' Union. It will be appreciated that now the tribunal has been set up to deal exclusively with matters relating to schoolteachers' salaries and conditions, and so forth, there will be no need to invoke the provisions of the Government Employees (Promotions Appeal Board) Act. The provisions of the Bill are consequential and machinery.

**Question put and passed.**

**Bill read a second time.**

*In Committee*

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

## **PUBLIC SERVICE APPEAL BOARD ACT AMENDMENT BILL**

*Second Reading*

Debate resumed from the 9th November.

MR. W. HEGNEY (Mt. Hawthorn) [5.15]: The provisions of this Bill are practically the same in relation to the Education Department as are those of the Bill with which we have just dealt; and, in effect, as the Minister pointed out, they are necessary amendments which are consequential on the introduction of the Education Act Amendment Bill.

The provisions in this Bill remove from the Public Service Appeal Board Act any reference to the schoolteachers of Western Australia and to the Teachers' Union. There will be no representation by schoolteachers on the Public Service Appeal Board, because the teachers will have their

own tribunal. For these reasons I have pleasure in supporting the second reading of the Bill.

**Question put and passed.**

**Bill read a second time.**

*In Committee*

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

## **VETERINARY SURGEONS BILL**

*Returned*

Bill returned from the Council with amendments.

## **WORKERS' COMPENSATION ACT AMENDMENT BILL**

*Second Reading*

Debate resumed from the 9th November.

**MR. W. HEGNEY** (Mt. Hawthorn) [5.20]: I cannot say that I am very disappointed in what the Minister introduced as amendments to the Workers' Compensation Act, because ever since the Government took office it has shown a great amount of apathy towards the interests of the working people of this State. It is not so much what is in the Bill as what has been excluded from it that needs consideration.

The workers' compensation legislation deals with human beings—incapacitated workers who have fallen by the wayside in the course of their employment. The Government has been in office for something like 20 months; and now, within five or six days of the close of the second session of this Parliament, the Minister has brought down a squib!

**Mr Bovell:** You are never satisfied.

**Mr. W. HEGNEY:** What interest has the Government in this legislation compared with the legislation it has introduced in the last few months? Let us have a look at a comparison of values in regard to the Government's legislation—the human element compared with other elements. The Government has introduced Bills dealing with diseases in stock; vermin; absconding debtors; firearms and guns; marketing of eggs; marketing of onions; plant diseases; dogs; the cattle industry; betting; fish. Those are the things the Government has been dealing with for the last four months; and during the previous session of Parliament it did not see fit to introduce any amendment to the Workers' Compensation Act. Therefore I am not at all disappointed at the action of the Government in bringing down this legislation at the present time, and leaving out of the Bill some very important aspects of workers' compensation.

I do not want to duplicate what the Deputy Leader of the Opposition said a little while ago in regard to water rates;

but it can be truly said, in connection with this legislation, that the mountain laboured mightily and brought forth a mouse; and when I look at the Minister for Agriculture, I could substitute the Argentine ant.

**Mr. Nalder:** We have dealt with the Argentine ant.

**Mr. W. HEGNEY:** I wish to read some questions I asked the Minister on the 29th July. These questions, and the Minister's answers, appear on pages 9 and 10 of *Hansard* for the current session. I first asked the Minister—

Is he aware that under the provisions of the Workers' Compensation Acts of New South Wales and Tasmania, the amount payable to dependants of a deceased worker exceeds by about £1,000 the amount applicable in Western Australia?

The Minister's answer was "Yes." My second question was—

Is he aware that in the States of New South Wales and Tasmania, the amount allowed by the Act for medical and hospital expenses to injured workers far exceeds that under the Western Australian Act, the sum of £1,000 being allowed in Tasmania?

The Minister's answer was "Yes." The following was my third question:—

Is he aware that under the provisions of the Workers' Compensation Acts of Queensland, New South Wales, and Victoria, workers are entitled to insurance cover while travelling to and from their place of residence to their place of employment?

To this question the Minister replied, "Yes." My fourth question was—

Does he deny that the foregoing provisions in the Acts referred to are more generous than those existing under the Western Australian Act?

The answer was "No," because the Minister could not deny that they were more generous. My fifth question was—

Does he recollect that on the 30th September last, he stated that the whole question of amending the Workers' Compensation Act was under consideration, but no decision has yet been made (*vide Hansard* page 1862)?

The Minister's reply was "Yes." That was 14 months ago. My sixth question was—

As nearly ten months have passed, can he indicate whether a decision has yet been made and the nature of such decision, if any?

The Minister's answer was—

The matter is still under consideration.

Finally, in my seventh question, I asked the Minister—

Will appropriate amendments to the Act be introduced during this session; and, if not, why?

The answer was "Yes." Anyone reading those questions and answers, and having a look at the Bill, cannot but agree that the provisions of the Bill fall far short of what one could expect.

I propose to deal with a matter relevant to the motion which was introduced earlier in the session in connection with workers' compensation. I moved that in the opinion of this House certain amendments of major importance—of vital importance—to the Workers' Compensation Act should be brought down by the Government during the present session. The Minister, in speaking to the motion said, amongst other things, this—and his remarks appear at page 1003 of *Hansard* No. 7 for the present session—

As I have said, over the period I have been the Minister administering this Act, I have dealt with a great many cases and have had many discussions with the chairman and members of the Workers' Compensation Board. As a result, I have made certain recommendations to my Cabinet colleagues; and, at the present time, active consideration is being given to the form of a Bill to be introduced in this House to deal with many aspects of the Workers' Compensation Act.

The Minister later went on to say—

However, the point I want to emphasise is that it is obviously undesirable for me, at this stage, to deal in detail with the problems which he has enumerated in his motion. I can give an assurance to the House that all of these matters are being considered by the Government; but I am not prepared to say, at this stage, what form the legislation will take.

Then the Minister said—

If members are not satisfied with the legislation after I have introduced it, they can then raise their objections, as they will have plenty of scope to voice them. I am hoping that the legislation to be introduced will cover most of the problems which have been discussed in this Chamber from time to time.

If members look at the eleven clauses of the Bill to see what advantage the working people of this State are going to gain, I suggest they will be disappointed in the Minister's forecast. The Minister went on to say—

It is unreasonable for the House to expect me to say at this point exactly what form the proposed legislation will take. In fact, I do not know at this stage, because obviously any recommendations which I may make will have to be decided by Cabinet, and there may be alterations one way or the other.

Later he said—

As I have already said, the Bill is likely to be comprehensive enough to give members ample opportunity to discuss all aspects of workers' compensation which they might desire to discuss. I do not know whether there is a fear in the minds of the members of the Opposition that that will not be the position. I do not know whether they fear that the legislation may be too cramping to give them that opportunity; but I do not think it will be. Obviously, on a matter such as this, at the second reading stage there is likely to be a great deal of scope for the submission of various points of view.

Whatever points of view are discussed, many of them will not be in the Bill. The Minister continued—

If the member for Mt. Hawthorn does not proceed with this motion at the moment, I do not see that he will damage his cause in any way.

Then he said—

I would like to emphasise that this is not a subject which the Government takes lightly. I can only say again that this subject has been under very active consideration by the Government ever since it has taken office.

That was 20 months ago. To continue—

I naturally took some time to consider many of these aspects. One needs to look at a number of individual cases to see just how great the hardship is.

Then, later on, he said—

I cannot see that it serves any useful purpose, and I think it would be very much more proper for the members of the Opposition to wait until legislation is introduced. I feel certain that such legislation will correct many of the present apparent anomalies, and will go a long way towards overcoming the dissatisfaction which has been voiced from time to time about workers who have suffered a genuine disability in the course of their employment.

I think that is as far as I can go at this stage, and I strongly suggest that the House postpone further discussion on the matter until I introduce the amending Bill.

The amending Bill has now been introduced and members can peruse it for themselves.

Whilst I am in the process of quoting from the *Parliamentary Debates*, I will take the opportunity to quote another small extract from a speech delivered by an honourable member; and if he will stand up to his word he will ensure that there will be no backing out so far as his Government is concerned, but that it will take some drastic action to give to the workers of this State a reasonable measure of justice in workers' compensation.

I am referring to the member for Toodyay; and when the member for Harvey has finished discussing the matter with him I hope the member for Toodyay will turn up this particular debate in *Hansard* and check his speech. In speaking to my motion, to which he subsequently moved an amendment, the member for Toodyay said this:—

So far as the suggestion of substantial increases in compensation and other payments referred to in the Act are concerned, I agree wholeheartedly. The present scale is far too low to adequately compensate for the loss and suffering incurred by the injured worker.

Then the member for Toodyay moved—

That the motion be amended by deleting all words after the word "that" in the first line with a view to substituting the following words—

this House notes with satisfaction the Government's intention to introduce important amendments to the Workers' Compensation Act with the object of providing improved conditions for workers injured by accident (as defined by the Act) arising out of or in the course of their employment, without imposing excessive costs upon industry.

As I said before, I hope the member for Toodyay will ensure that his Government introduces something worthwhile. The measure itself contains eleven clauses. After the Government has had the matter under "active consideration" for one year and eight months and has studied all aspects of workers compensation, and with the Minister recently expressing the hope that the scope of the proposed Bill would be appropriate and allay the fears of the members of the Opposition, we have two clauses out of eleven which bestow some material benefit on that section of the community which comes under the provisions of the Workers' Compensation Act.

I am not going to deal at length with the innocuous clauses. One is purely a machinery provision, and another deals with an amendment that was passed last year concerning the fluctuation of the male basic wage in the future. Another clause deals with the removal of the three-year restriction for claims in relation to industrial diseases under section 8 of the Act. I have here before me amending Bills which I, on behalf of a previous Labor Government, introduced to obtain some relief for those who are inflicted with industrial diseases. The hostility shown to those measures by the members of the then Opposition was extremely pronounced and most vehement.

Suffice to say that the amendments I introduced to this House were defeated in another place by members of the parties which now form the Government. This

provision in the Bill seeks to remove that restriction with certain modifications. However, I am satisfied that it was inserted in the Bill only because the Government was shamed into it. In the Legislative Council, some time last session, following the attempts of the Labor Government to give some relief to these afflicted workers, a member for the North-East Province (The Honourable E. Heenan) moved for the appointment of a committee, and the Government appointed one. I understand the evidence that was tendered to that committee was so strong and the justification for the Labor Government's legislation so pronounced that the present Government could not delay any longer and was forced to do something in regard to it.

Whilst on that point I would like to know from the Minister whether this clause is going to be retrospective in its operation; because, if not, the benefit to be bestowed on those afflicted with industrial diseases would not be nearly as great as it otherwise would be. I would therefore be pleased if the Minister would advise the House whether it is proposed to make this clause retrospective in its application.

Another clause deals with the attempt by any person to malingering or to make a false statement in regard to a claim for workers' compensation. I do not think this amendment is necessary, because the Act already contains a provision under which action can be taken against any person who attempts to commit such an offence. Whilst an injured worker was receiving compensation and was under the care of a member of the medical profession, I do not think he would have much chance of malingering; and therefore there is certainly no need to insert in a Bill of this nature the words contained in that clause.

Another clause deals with obligatory insurance and continuation of insurance. This provision is merely to determine that workers are insured under the provisions of the Act. Following that, it is proposed to introduce a new clause which refers to the inevitable prescribed form; that is, the board will be able to have prescribed forms for certain insurance.

Another amendment, which seeks to alter a very important provision in the Workers' Compensation Act, deals with the protection afforded employees in those cases where contractors or subcontractors have not insured employees. In such instances the principal is liable if the contractor fails to pay compensation or has not insured the worker. That safeguarding clause has been in operation for many years.

It has been said that, on occasions, confusion arises as a result of the operation of this provision. However, the point is that the employee will receive his compensation, if not from the contractor, then

from the principal. This provision is extremely important, especially in these times, when there is a great deal of sub-contracting in the building industry. I would like to take the opportunity at this stage to point out that the former Opposition would not agree to the proposition that these subcontractors—who are really workers—should come under the provisions of the Workers' Compensation Act.

I am going to oppose the amendment which seeks to repeal section 16, because I consider that, as it is a safeguarding provision, there is no necessity to repeal it. The Minister might refer to the next clause in order to justify the repeal of section 16, but I propose to deal with that clause now. This provision in the Bill relates to the establishment of an adequate fund by the Workers' Compensation Board to ensure that any uninsured worker will receive the compensation that is payable to him under the provisions of the Act.

There is such a fund in existence now, but I am advised that it has to its credit only about £3,316, which would not be sufficient to meet one claim by any dependants of a worker who was killed during the course of his employment. I do not intend to oppose the clause seeking to give the Workers' Compensation Board power to establish such a fund; but I do not think that should be used as an argument for the repeal of section 16 as is sought in the previous clause.

Mr. Perkins: I think one is consequential upon the other.

Mr. W. HEGNEY: Not necessarily. In answer to the Minister I would point out that section 16 has been in operation for many years, during which period there has been provision for the Workers' Compensation Board to establish the fund that is proposed by this Bill.

Another clause refers to the powers and jurisdiction of the board. It is a question of redrafting a certain paragraph in the relevant section of the Act. I have no quarrel with that clause, but it certainly does not confer any benefit on the working community. It proposes to add another clause which will enable the Workers' Compensation Board, at its absolute discretion, to pay the costs of the parties when the board is of the opinion that a case should be stated to the Full Court on a matter of law, but not on a matter of fact.

A further provision in the Bill seeks to change the title of the Manager of the State Government Insurance Office to that of General Manager. The last amendment refers to the second matter of material benefit to the working people who are injured. In fact, the first clause seeks to reduce, if anything, the maximum compensation payable to workers who receive less than the basic wage. I intend to

oppose that clause because, so far as I can see, the provision in the Act is preferable to the one proposed under this Bill.

There are two other paragraphs in this provision in the Bill, one of which deals with medical expenses. Under the Act at present, £100 is payable for medical expenses; and the Minister, with this Bill, proposes to increase that amount by £50. At a superficial glance one would come to the conclusion that the worker would receive an additional £50 for the payment of medical expenses; but, in actual practice, that is not the case. The present amount allowed for medical benefits, under the basic-wage variation, amounts to £119 odd; and the provision in the Bill, which will raise the amount to £150, means that there will be an increase not of £50, but of £30.

The basic provision for hospital expenses is £150. With basic-wage variations, hospital expenses amount to £179. Therefore it will be realised that, under the Bill, the amount for hospital expenses will not be increased by £100, but by approximately £70. I understand that by the decision of the Workers' Compensation Board the fee per day allowed for hospital expenses to a worker's compensation case is £3 10s. That represents £24 10s. a week. Even if the amount for hospital expenses were increased to £250, it would be found that, on occasions—for instance when a worker was required to remain in hospital for ten weeks as a result of serious injuries—that amount would soon be exhausted and the worker would then be liable for the balance of the hospital expenses.

In regard to this aspect of the Act, I also consider that too much is being asked of members of the medical profession when they are required to treat injured workers after the amount allowed for medical expenses under the Act has become exhausted. I maintain that the members of the medical profession are entitled to receive their usual fees for professional services.

On a number of occasions when we were in office we introduced several Bills in an endeavour to write into the Workers' Compensation Act a provision that reasonable hospital and medical expenses should be provided for injured workers; and that if there were any dispute as to what were reasonable hospital and medical expenses, the question would be determined by the board. We provided in the Bill that at all times the injured worker should be relieved from liability for the payment of any medical or hospital expenses.

This Bill makes no reference to the Workers' Compensation Board being given a discretion to award hospital and medical expenses greater than the amounts specified in the Act. The Minister said there were only three or four such cases in every 1,000; but even if there were only three or four they should be fairly covered.

Workers should not be placed under the liability for the payment of medical and hospital expenses.

Where this Bill provides for the amounts of £150 and £250 respectively for medical and hospital expenses, in a small State like Tasmania the amount provided is £1,000. In Victoria all reasonable medical and hospital expenses are paid, and there is no limit. Yet in this paltry Bill of 11 clauses, only two have any effect at all. I propose, when the Bill reaches the Committee stage, to move an amendment to section 25 of the Act to provide that the board shall be given the jurisdiction to award greater amounts than those specified in the first schedule.

The last clause in the Bill refers to temporary incapacity of workers. At the present time a worker in this State is entitled to 66½ per cent. of the difference between his pre-injury earnings, and the amount he earns after his injury. This provision has no regard for marginal or basic-wage increases, and the provision in the Bill corrects that position. I propose to move to delete the reference to 66½ per cent., because the time has arrived when the worker should be paid the full amount of the difference between his pre-injury earnings and the amount he earns after his injury.

In the main there is in the Bill a provision dealing with medical and hospital expenses, and another dealing with the removal of the three-year limitation in silicosis, pneumoconiosis and miner's phthisis cases. I would like the Minister to tell us when he replies whether the provision in relation to increased hospital and medical expenses is to be applied retrospectively; or whether injured workers who are being treated by the medical profession are to come under the old order and be liable for amounts in excess of those specified in the Act.

I can best describe the action of the Government as contemptuous when it introduces a Bill of this nature at this late stage—20 months after it has been in office—without including the provisions to which I have referred and which are operating in the other States.

Some time ago the Minister spoke about increases in motor-vehicle registration fees, motor-drivers' licenses, and other charges. On numerous occasions he used the term "matching money". If £4,000 can be paid in Tasmania as compensation for a total and permanent disability or in the case of death—and in some cases higher—and £1,000 can be paid for medical and hospital expenses, why did not the Minister apply the same provisions here and give this State matching legislation?

Let us compare our position with that of New South Wales and Victoria, where all reasonable medical and hospital expenses are paid. In the three non-claimant States—Victoria, New South Wales,

and Queensland—the worker is covered by workers' insurance from the time he leaves home to the time he arrives at his place of employment. If he returns home by an expeditious route, he is entitled to insurance coverage all the way.

If the Minister desires to increase the rates and taxes in this State for the purposes of obtaining matching moneys, by putting forward the argument that the increased rates and taxes operate in the other States, there is no reason why he should not introduce matching legislation in regard to workers' compensation in this State. It seems that is the last thing the Government wants to do.

Mr. Perkins: That is not relevant.

Mr. W. HEGNEY: The Minister has used the argument of matching moneys to increase the charges for motor-vehicle licenses and other registration fees. He has said on numerous occasions that the other States had increased rates and taxes, and we in this State had to follow suit in order to obtain the matching moneys. I say the same comparison is appropriate in this instance, because in three other States there is a provision for insurance coverage of workers travelling to and from work, so the Government should introduce the same provision in Western Australia.

This is a very feeble attempt on the part of the Government to bring some improvement to workers' compensation. The introduction of this Bill is the answer to the motion moved in this House earlier in the session, when it was pointed out during that debate that this State was falling far behind in respect of workers' compensation legislation. This is a feeble and deliberate effort on the part of the Government to prevent progressive improvement to social legislation of this character.

The member for Toodyay agreed that the workers' compensation provisions in this State were inadequate, and I say this Bill certainly falls far short of present-day requirements. One has only to read the awards made by courts of law in these days to find out that people injured or killed in traffic accidents are awarded compensation up to £10,000, £15,000, or even £20,000. Yet, if a worker is injured in the course of his employment, or if he is killed in his work, he or his dependants are entitled to £3,000 without adjustments, or £2,400 with adjustments; and in the case of death of the worker, the widow and dependants are entitled to £3,000.

The time has arrived when the amount of compensation should be increased to at least £4,000. In Tasmania and other States there is no limit to the amount of compensation being awarded to a worker who is incapacitated and prevented from earning a livelihood. I ask the Minister whether he proposes to apply the two

major provisions in his deplorable Bill retrospectively—that is, the provisions relating to the removal of the three-year limit in respect of industrial diseases, and to medical and hospital expenses. I hope that when the Bill reaches the Committee stage we will be successful in improving it, so that the Workers' Compensation Board will be given a discretion to award amounts greater than those specified in the Act.

I understand that because the Minister is studiously refraining from agreeing to amendments in this House it will not be competent for any member here to move amendments which are not relevant to the provisions of the Bill. I support the second reading with reservations, and hope that certain amendments will be agreed to in Committee.

**MR. MOIR (Boulder) [5.55]:** Like the previous speaker I, too, have some criticism to offer against the Government concerning the restricted nature of this Bill. In view of the debate which took place on a motion introduced earlier in the session, and the assurance given by the Minister that amendments to the Workers' Compensation Act would be introduced later on, one would have the right to expect reasonable amendments to be included in the Bill before us.

**Mr. Bovell:** These amendments improve the conditions of the worker.

**Mr. Jamieson:** Do you know anything about this matter?

**Mr. MOIR:** With all due respect to the Minister who has interjected, I say he knows nothing about this matter.

**Mr. Bovell:** That is where you are wrong.

**Mr. MOIR:** I would be pleased to hear the Minister telling us what he knows about workers' compensation legislation.

**Mr. Bovell:** I know more than you do, if the truth is known. I have been associated with workers all my life, both as an employer and as an employee.

**Mr. MOIR:** It pleases the Minister to be a little jocular; that is all I can say in answer to his comments. One would have expected this Government to bring down a measure which would bring the workers' compensation legislation in this State up to date. After perusing the Bill I am forced to the conclusion that the Government has done as little as it possibly can.

Let me refer to the clause which seeks to amend section 8. It deals with workers who have contracted silicosis, pneumoconiosis, and miner's phthisis. Members are probably aware that last year a member representing the goldfields in another place moved a motion for the appointment of a Select Committee to inquire into this question. That motion

was subsequently withdrawn on the assurance of the Minister in another place that such a committee would be set up to inquire into that matter.

I have here a report from the *Kalgoorlie Miner* of the 2nd October, 1959, which reads as follows:—

#### CONFERENCE ON SILICOSIS

#### Minister Reveals Government's Plans Compensation Claims After Three Years

The Government would arrange a conference of interested parties to discuss compensation for silicosis sufferers, the Minister for Mines, Mr. Griffith, told the Legislative Council.

He was speaking on a motion by Mr. E. M. Heenan (Lab.) that the Workers' Compensation Act be amended to give silicosis sufferers the right to claim compensation after three years.

At present there is no liability for compensation payments if a claim is lodged after a three-year period.

The Minister said that three representatives of the Workers' Compensation Board and representatives of the Medical and Mines Departments and the State Government Insurance Office would be invited to attend the conference.

**Mr. G. Bennetts (Lab.):** A member of the mining division of the A.W.U. should attend.

**Mr. Griffith:** I see no objection to that.

The object would be to make recommendations to the Government about compensation.

Subsequent to that, the Minister for Mines journeyed to Kalgoorlie. He gave great hope to the people there that something substantial was to be done for silicosis sufferers—people who were outside the existing provisions in the Workers' Compensation Act.

The following is quoted from an article appearing under the heading of "Unfair Clause in Act To Go," in the *Kalgoorlie Miner* of the 19th February, 1960:—

#### Silicosis Sufferers Will Benefit

#### Announcement by Minister for Mines

In accordance with a recommendation made by a committee appointed by the Legislative Council to inquire into the restriction contained in the Workers' Compensation Act limiting claims by miners suffering from silicosis to a three-year period after leaving the industry, the State Government intends to remove the restriction, the Minister for Mines, Mr. Griffith, said last night.

Details of the amendment necessary to secure that were under consideration and would be put to the Minister for Labour, Mr. Perkins, prior to the next parliamentary session.

"If accepted they should remove any possibility of injustice to miners whose silicosis progresses after they leave the mining industry," Mr. Griffith said.

He added that in his travels he had encountered several instances of injustice occasioned by the restriction in the Act.

Mr. Griffith, who is on a short visit to the Eastern Goldfields, had discussions on aluminium therapy at the Chamber of Mines yesterday. He will leave for Perth this afternoon.

After those pronouncements, one would expect that something really suitable would be introduced; but we find that there is considerable doubt as to what this proposed amendment will really achieve. After studying it with the Act, one comes to the conclusion that it may have been intended by the Government to cover all such cases, or it can be assumed that it is intended to cover only cases which occur in the future. Because of what has transpired in the past, there will not be such a possibility of these cases occurring in future, with one notable exception.

Most miners now leaving the industry make sure they are examined to ascertain whether they are free of silicosis. The exception is the man who, notwithstanding the fact that he has been examined at the time and showed no signs of silicosis—he may have been examined by several competent men and assured that he was not suffering at that time from silicosis—subsequently does show signs of silicosis; because he it remembered that silicosis is a disease of a progressive nature and can manifest itself and progress some considerable number of years after a man has left the industry.

Dr. Hislop who, as members know, is a member of another Chamber, referred to me a man who had been out of the industry for 18 years. Before leaving the industry he had been assured by medical men that he showed no signs of silicosis. He then went to work in the south-west of this State as, I understand, a tobacco grower. He became ill and visited the doctor to whom I have referred. He had not the slightest idea that he had silicosis; but after an examination he was found to be suffering from silicosis in an advanced stage. That was after 18 years.

That may be an extreme case; I do not know. The member for Leederville may know something of the progress and ramifications of this disease. I am not a medical man so I do not know. The only information I have gained is by coming in contact with these people and studying the medical reports on them.

Those are the only people who would benefit in those circumstances, because nearly all miners now leaving the industry make sure of the state of their health before they leave. However, what we have

been, and are, concerned about is the position of those who have already left the industry and whose three years have expired. In the Bill appear the words, "in which the worker was employed at any time previous to the date of disablement."

It would seem, therefore, that the qualifying time is at the date of disablement; and if, for instance, a person left the industry now, in 1960, and in five or six years' time became disabled, one would assume that that would be the date of disablement. If a person had left the industry in 1955 and became disabled from silicosis in 1956, one reading this amendment would think he was covered.

That may be the Minister's intention; I do not know. We do know that cases concerning silicosis have been taken to the High Court of Australia, the verdict given being that the disease must occur after the coming into operation of the amending legislation. That is one point I would like the Minister to consider in order that he might inform us of the Government's intention. Is it intended to cover men who are now beyond the three-year limit, or only people in future who go beyond the three-year limit? I do not expect the Minister to answer straightaway; but I would like him, in his reply to the debate, to tell us something about it.

The Government would have been well advised, when setting up the committee of inquiry, to invite people to appear before it to give evidence of incidents. However, this committee met and functioned in a most extraordinary manner.

I knew that the Government proposed to set up this committee; and on the 11th February, 1960, I wrote to the Minister for Mines as follows:—

Dear Mr. Griffith.

During the last session of Parliament when a motion, "That the Workers' Compensation Act be amended to give silicosis sufferers the right to claim compensation after three years" moved by the Hon. E. M. Heenan, M.L.C., was under discussion in the Legislative Council, you stated that the Government would arrange a conference of interested parties to discuss compensation for Silicosis sufferers with the object of submitting recommendations to the Government about compensation.

The press has recently reported that a committee has been appointed. Would you kindly inform me who comprises the committee, what interests they represent, and the scope of their deliberations.

To my astonishment, I received the following reply from the Minister, written on the 15th February, 1960:—

Dear Mr. Moir,

With reference to your letter of the 11th instant, I desire to inform you that the Committee which was set up

to enquire into the question of silicosis has submitted its findings to the Hon. Minister for Labour, and I hope to be able to make an announcement on the occasion of my visit to Kalgoorlie.

Yours faithfully,

The Press cuttings I read indicated that four days later the Minister did make announcements in Kalgoorlie. But here let me interpolate that although on the 15th February another Minister—the Minister for Mines—stated that the Minister for Labour had received the report, nothing at all was done about it until this late stage of the sitting. Yet the Minister had the report, according to this letter, by the 15th February this year. It has taken all that time for this legislation to be introduced now in the dying hours of the session.

I was rather interested to make sure of the position, and so I asked the Minister himself—the Minister for Labour—the following questions in the House on the 25th October—

- (1) What was the composition of the committee set up early this year to consider the advisability of amending the Workers' Compensation Act to allow of a longer period in which claims could be lodged for disability caused by silicosis?
- (2) When did this committee commence its inquiry?
- (3) What was the scope of its inquiry?
- (4) Did it invite submissions from interested people or organisations?
- (5) Has the committee submitted its findings; if so, on what date?
- (6) What were its recommendations, if any?
- (7) Will he table the report?

The answers I received were—

- (1) N. W. Mews, Chairman of the Workers' Compensation Board; W. P. Mark, employers' nominee; R. C. Cole, workers' nominee; A. H. Telfer, Under-Secretary for Mines; Dr. Letham, industrial hygiene; E. J. R. Hogg, State Government Insurance Office.
- (2) The 13th January, 1960.
- (3) To inquire into the three-year limit on claims for silicosis referred to in the motion of the Hon. E. M. Heenan, M.L.C.
- (4) to (7) The committee met informally and agreed to recommend that the Workers' Compensation Act be so amended as to remove the three-year limit. No formal report was prepared, but the Minister was informed orally. The Secretary of the A.L.P. (Eastern Goldfields) was informed of the recommendations by letter dated the 19th August, 1960.

Subsequently, on the 27th October, I asked a further question as follows:—

Further to the silicosis disability report under the Workers' Compensation Act, would he state on what date he was informed verbally of the committee's recommendations?

The answer to this question was—

Probably about last May; but as no record is kept of routine discussions between the Minister and the chairman of the Workers' Compensation Board I cannot be more specific than this.

The Minister says, "probably about last May". He cannot be specific, he says. But the Minister for Mines said on the 15th February that the Minister had received the report. The Minister for Labour has stated that the committee sat on the 13th February. Therefore I submit that the deliberations could not have taken very long if the committee sat on the 13th February and the Minister for Mines could announce on the 15th February that the report of the findings had been received by the Minister.

Mr. Perkins: I think that must have been a mistake.

Mr. MOIR: On the 19th February, the Minister in another place followed up the statement by an announcement on the committee's report, published in the *Kalgoorlie Miner*. He said that the injustices were to be removed. He must have been saying that authoritatively.

I have related all this because I want to demonstrate that this is a complex and very vexed problem as far as the ex-miners are concerned; and surely that committee should have made fairly wide inquiries. It looks as if it was an open-and-shut business. The committee did not make a written submission to the Minister. The chairman merely gave a verbal report. With all due respect to the gentlemen who sat on the committee, I state that their only knowledge of the ramifications of this situation would be limited to the scope of actual claims which were made before the Workers' Compensation Board.

Generally, when the three-year limit has expired, a person does not make any claim because he knows he is outside the scope of the legislation. Therefore the committee would not know the extent of this disease. A committee of that nature should have invited evidence; and, as suggested in another place, the A.W.U. should have been represented because it is the body most concerned, particularly the mining section. It has claims coming before the board.

However, before such claims are made, a legal opinion must be sought. But when it is known that a case does not come within the scope of the Act it is not pursued. The committee could have been given

ample evidence of the very serious injustices being suffered by individuals. If this Bill is as a result of that committee's inquiries, I say here and now that its inquiries did not go far enough if this is what has been recommended.

Mr. Perkins: Of course, the lifting of the time limitation was the principal matter under consideration.

Mr. MOIR: Already one Minister has announced through the Press that injustices have arisen. But this Bill does not intend to do anything to rectify such injustices. I will put a question mark against that remark, because I have already asked the Minister to endeavour to ascertain whether that is correct. If it does rectify the injustices, I will be the first to applaud the Minister.

Mr. Perkins: I think it does cover that situation.

Mr. MOIR: I would be very pleased and grateful if the Minister would have a look at that situation—

Mr. Perkins: I will check it.

Mr. MOIR: —to see if it does. If so, it rectifies the position.

Mr. Perkins: I think it does.

Mr. MOIR: If so, these people will be relieved of the injustice under which they are suffering. After all, there would not be such a great number; but it is a very serious matter for the poor beggar who has the experience.

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

Mr. MOIR: Just prior to the tea suspension I was expressing the fears held by those on this side of the House in regard to the coverage of section 8 of the Act. The Minister said he thought this would cover the situation I outlined. However, I would like the Minister, after he has had a look at it, to put the issue beyond any doubt during the Committee stage, if it is the intention to cover the people whom we fear are left out at present.

Mr. Perkins: The question is as to when the disablement takes place. That is what it will hinge on. However, I will have the matter checked for you.

Mr. MOIR: That would meet the requirements. But the way the amendment is worded at present, and in view of the judgment given in 1945 when the Kraljevic case went before the High Court of Australia, the injury would have to occur after the coming into operation of the amendment. The position would have to be made quite clear. Naturally, at the time of the injury the person is not entitled to compensation; but when the disablement has occurred, he is entitled to compensation.

In this instance we are dealing with something that is entirely different from anything else in the Act. With most other injuries disablement takes place almost at the same time as the injury—if not at the same time. However, I think we should put the issue beyond all doubt, because there can be a lot of mistaken ideas with such a piece of legislation as this is.

Now I want to refer to the amendment in the Bill which deals with malingering. While I, along with other members, hold no brief for people who deliberately malingering, I suggest to the Minister that malingering is something on which there can be different ideas. For instance, I had knowledge of a person who was injured; and, to be quite frank, I and other union officials considered he was malingering. This was after advice had been received not from one but from several medical men. Some considerable time afterwards it was found that that man was not malingering, despite the strong suspicion to the contrary. In some cases it is very hard to determine, and the case I just quoted is not an isolated one of where an injured worker is suspected of malingering but is subsequently found to have been quite truthful in his statements.

Further on in the Bill there is a provision which states—

and any person who, by a false statement—

There is no excuse for a person who makes a false statement. But this part of the Bill goes on to state—

or other means, aids or abets a person in that attempt, is guilty of an offence.

After studying that verbiage one could envisage a number of cases where a person would be deemed to have committed an offence, and could have done so quite innocently. For instance, a person may have made a claim on behalf of an injured worker who was subsequently found to have been making a fraudulent claim. Such a person could make it in all good faith, but under this clause in the Bill he could be deemed to have been aiding or abetting a person who had made a fraudulent claim.

In the Act as it stands there is a provision which deals with people who make fraudulent claims against the workers' compensation fund. Also in other Acts that are on the statute book there are provisions for dealing with people who attempt fraud. I think this is a rather dangerous provision to put in the Workers' Compensation Act, particularly when one considers all its implications.

When one looks at section 12 of the Act one sees that no penalty is provided with respect to the provisions of that section; but further on in the Act, under section 33, it is stated that where no penalty is defined the penalty shall be £50. This

means that a person who was doing something in all good faith could render himself liable to a fine of up to £50, even if he were only taking a case or making a claim on behalf of somebody, and it was subsequently found that that person was making a fraudulent claim.

I put it to the Minister: There are members of this Chamber who could be placed in that position, because at various times members have compensation cases brought to them; and if the person concerned does not belong to an organisation which will take a case on his behalf, individual members frequently make the necessary representations. In doing so they may put forward statements that they honestly believe to be correct; but the circumstances could be such that it could be adduced that they were trying to aid and abet a person making a fraudulent claim.

I think that is another part of the Bill that the Minister should look at carefully with the idea either of wiping it out altogether, in view of the fact that already there are adequate provisions in the Act to cover it—or at least there are adequate provisions in other legislation on the statute book—or he should modify it to cover such cases as I have mentioned.

Another provision in the Bill to which I take exception is the proposal to repeal section 16 of the Act. That section was placed in the Act in the light of experience, and it covers contractors and subcontractors who may be working for a principal. The section concerned imposes a responsibility on those people to insure their employees. Since its introduction it has cleared the way in a lot of cases where previously there was trouble with arrangements of this sort.

We on the goldfields have had a good deal of experience in matters of this kind in relation to the supply of mining timber. Previously when employees of subcontractors were injured it was usually found that the subcontractor had no workers' compensation cover for them. However, since the introduction of the provisions of section 16 the responsibility of contractors and subcontractors has been made quite clear. The question of covering workers under the provisions of the Workers' Compensation Act has caused argument over a number of years.

There is a fund in existence at present from which an injured worker receives benefits if no provision has been made by his employer under the Workers' Compensation Act. If the section to which I have referred is wiped out it will mean that a subcontractor or a contractor will have no liability in this matter, and he will not feel impelled to cover any workers employed by him. He will say, "Of course, if they are injured it is the responsibility of the Workers' Compensation Board to reimburse these men from the fund."

If that amendment is agreed to we could have workers in the far north—say, for instance, on the Ord River project—who would be employed by subcontractors who would have no obligation to insure them under the Act. A worker in such a place who met with an injury would have to go through all the processes of approaching the board and getting an order from it. This could take some time and it might be many weeks before an injured worker would receive any money at all for his injury. It would be bad enough in a case where a worker was suffering a disability, but the position would be much worse in the case of an injured worker who was in need of weekly payments—and an injured worker is in need of weekly payments if he is away from work because of an accident.

It may be weeks or months before his case is determined and payment is made out of the fund by the Workers' Compensation Board. The board is composed of responsible men, and they would need to have absolute proof that the injury occurred while the worker was actually at work, and so on and so forth, before they would make any payment. In the meantime the injured worker would be deprived of any weekly payments.

That is one difficulty I can see that could arise by virtue of this amendment; it will arise as surely as night follows day. I think it is an unwise provision to have in a Bill of this nature; and I would like to ask the Minister, through you, Mr. Speaker, where the money to cover these cases is to come from. Presumably it would come from other insurers.

Mr. Perkins: That is so.

Mr. MOIR: Then is it a fair thing to load other insurers with the responsibility of making provision to cover these accidents when it should be the responsibility of the employer concerned—

Mr. Perkins: Of the subcontractor?

Mr. MOIR: —whether he is a subcontractor or a contractor?

Mr. Perkins: It's the responsibility of the subcontractor.

Mr. MOIR: But this provision will release him entirely from responsibility, because nowhere else in the Workers' Compensation Act is the subcontractor bound to pay insurance premiums; it is only by virtue of section 16 that this has come about—and that has been in the Act for not a great number of years. It was placed in the Act because of that difficulty.

Mr. Perkins: I do not think you are right. Any man who employs labour is liable for workers' compensation.

Mr. MOIR: Section 16 was placed in the Act in the latter 1940's. I know that to be so, because it was the mining division of the A.W.U. that pressed for this provision for years because of the trouble it had in

obtaining compensation payments from subcontractors. That union had considerable trouble which was not cleared up until section 16 was included in the Act. Previous to that subcontractors did not bother to insure their workmen at all. It was a very haphazard affair indeed.

Mr. Perkins: They were liable to.

Mr. MOIR: That provision in the Act cleared up quite a lot of anomalies, and placed the responsibility on subcontractors to insure their men. If that provision is removed it will make things a lot harder; there will be delayed payments to injured workers—they will not get their weekly payments—and it will throw an unfair burden on the insurers if a sum is to be set aside outside their premiums to enlarge this fund.

Why the necessity to enlarge the fund if it is not expected that there will be a large number of claims? There is a fund at the present time, although I must admit I was surprised to know how small it was. The member for Mt. Hawthorn said it was in the vicinity of £3,000. If section 16 is taken out of the Act, that fund will have to be considerably greater to meet its commitments. Accordingly, I think the Minister should have a long look at that one.

Another provision in this amending Bill about which I am not happy is in clause 11 which states, in effect, that the first schedule in the principal Act is to be amended by substituting for the words "shall be" the words "shall not exceed". Previously when the Act laid down that a certain sum of money "shall be" paid, that was to be the sum. Now it is proposed to amend the provision to read "shall not exceed," which presupposes that the amount can be something less.

In the case of workers not earning the basic wage—and there are a few who earn less than the basic wage—there is a formula for computing the amount of compensation. Previously it was laid down that the compensation should be a certain amount but now it is to be amended to read that it shall not exceed a certain amount. At first glance there does not seem to be any difference, but it would leave the way open for considerably less to be paid, and the Minister should give that matter some consideration.

I am also not at all happy about the increase in the medical and hospital expenses. The increase in the medical amount is to be £50; and in the hospital figure, £100. Of course, that means the amounts already in excess of the base rates will be absorbed. At the present time the medical amount is £100; and the hospital, £150. That is the base rate. But when the adjustments are made, those amounts will be absorbed. I have the adjustments till May. I am not aware whether further adjustments have been made. The medical expenses in May were

£116 3s. 2d.; and the hospital expenses, £174 4s. 10d. Those amounts will be absorbed. So the increase will not be £50 and £100.

In any case the amounts are not proportionate; because the medical side will get an increase of £50, while the hospital allowance is to be £100. The people concerned on the medical side will not be very happy about that. I think these cases should be dealt with by the board—the board should be given power to adjudicate in matters like this. Where the hospital allowance is exceeded and the medical allowance is exceeded, the board—having been given the power, and after consideration of the case and consultation with medical men appointed by the B.M.A. to see that the amounts are reasonable—should have authority to grant such further amounts as may be desirable.

The Minister knows we have cases of workers who are seriously injured, and where the amount laid down in the Act does not cover reasonable hospital and medical expenses involved. I refer to a recent case of which the Minister is well aware. He is giving the matter sympathetic consideration, but it is quite a problem. The case in point is that of a 17-year-old girl who had her hand badly mangled. The doctor is endeavouring to do his best to save some part of the hand, and the State Insurance Office is most sympathetic about it.

At the present time, however, the hospital and medical expenses amount to £500; and I am reliably informed by the manager of the State Insurance Office that before the treatment is completed the charges could possibly amount to £1,000. That might be an isolated case; and I know there are not many instances, fortunately, where the amounts are exceeded. However, I think we should have some machinery in the Act whereby the board is given discretionary power. After all, the board is charged with the responsibility of administering the Act and of making decisions on the Act involving many thousands of pounds. Surely to goodness we could also give the board responsibility and discretion to decide whether the position is such that it would justify further medical and hospital expenses being ordered.

The SPEAKER: Order! The honourable member has about another three minutes.

Mr. MOIR: Thank you, Mr. Speaker; that will be enough. In Vol. 2 of the 1948 *Hansard* we find that Dr. Hislop in another place is reported as having advocated this very thing. I know it has been advocated many times; but he faced the position in the Council and suggested that the board be given the power to award higher medical and hospital expenses where the position warranted it.

It is a dreadful thing to find that somebody seriously injured—as in the case of the unfortunate girl I mentioned—has no disability payment coming to her on the completion of her treatment. I should perhaps put that in another way and say that the disability payment would be made to her from the insurer; but the amount she would get could be largely taken up by the excess doctors' fees she would have to pay, together with the hospital charges she would have to meet. I know that at the present time this girl's parents are very worried after having received bills from the hospital, because they know the amount is exceeded, and the bills for the excess amount were sent on to them.

Fortunately those bills have by arrangement gone to the State Insurance Office. At this juncture I would like to express my deep appreciation of the sympathetic manner in which the State Insurance Office is treating this case. But it must be bound by limitations and cannot keep on paying out money. The Minister is also bound by the same limitations. The Minister has power to make *ex gratia* payments; but there must be a limit to these payments, and he might find he cannot exceed his authority in this matter.

These difficulties would be overcome if the board had power to make such decisions. I think I mentioned these matters some months ago, and the Minister said there were only five or six cases that cropped up. If the cases are so few, it is an added reason that the Workers' Compensation Board should be given power to award these amounts. The board could do it only after consultation with people who knew whether or not the charges were fair and reasonable, and whether the treatment was fair and reasonable. So I hope the Minister will have a look at that aspect and see what can be done in regard to it. While it does not affect the people generally, it is a serious matter for the poor unfortunate person concerned.

**MR. EVANS (Kalgoorlie) [7.58]:** I support the second reading of this Bill, and trust that in Committee the Government will accept certain amendments, the net result of which will be to give some promise of assistance to the workers, for whose benefit the Bill has, I trust, been introduced. I presume the Bill has been introduced for those unfortunate workers who become injured either permanently or for a time and who are incapable of working.

I would like to speak with particular reference to the clause in the Bill which seeks to amend section 8 of the Act relating to the three-year period which, at the moment, acts as a bar to many workers who wish to claim compensation for disability caused through silicosis. The member for Mt. Hawthorn and the member for Boulder spoke at length on this subject—and in my opinion extremely well—and covered it wholly. However, I am very

pleased to see that an attempt has been made to give them some assistance; and that some recognition is to be given to the plight of those unfortunate workers who have been debarred by the operation of the provision in section 8.

I remember that in the few short years I have been in this Chamber—since 1956—I have seen three Workers' Compensation Bills placed before the House, each containing this particular provision, or a provision to achieve the purpose outlined. Unfortunately, those Bills never became law; and as a result, this provision debaring workers in some cases—that is the provision in section 8—is still law.

I understand it is the intention of the Government—emanating from the report of the committee appointed to inquire into the operation of this provision—to remove the three-year limit and the disability that it inflicts on those people who have in the past—that is, before the coming into operation of the proposed amended Act—not benefited; and give them the opportunity to receive the benefit of this amendment. I believe that is the intention of the Government; because, otherwise, the amendment will not achieve the purpose that has been sought for so long.

However, there is some doubt whether the clause in the Bill dealing with this subject will really achieve that purpose. The doubt arises from a well-known gold-mining case which was mentioned by the member for Boulder, and which I propose to mention again. It is my intention to read from the *Commonwealth Law Reports* to show that a doubt—a very strong doubt—exists as to whether this clause in the Bill will achieve the purpose we all understand it is intended to achieve.

I would like to quote from the *Commonwealth Law Reports*, Vol. 70, of 1945. The case is one heard by the High Court of Australia and concerns one Kraljevich, who was the appellant, and Lake View and Star Limited, the respondents. It was first heard in the Local Court in Perth; and a decision was given against Kraljevich, who was the worker. He appealed to the Full Court of Western Australia, and he lost his appeal. He then took the case to the High Court of Australia, and again he was unfortunate in that the verdict was given against him.

I would like briefly to mention the words of Chief Justice Latham, who puts the case in a nutshell and makes a very important statement. I quote from page 649 of the report, as follows:—

The following written judgments were delivered:—

**Latham, C. J.**—The appellant, J. Kraljevich, on 8th June, 1943 suffered injury by an accident within the meaning of the Western Australian Workers' Compensation Act, 1912-1941 while he was employed by the respondent company.

The company admitted liability and paid a weekly sum up to 30th December, 1944. On 15th December, 1944, the appellant duly made an application under the Act for redemption of the weekly payments payable to him by the payment of a lump sum. The respondent company is willing to pay a lump sum by way of redemption calculated under the legislation which was in operation at the time when the accident happened, and when the application for redemption was made. But, on 11th January, 1945, assent was given to the Workers' Compensation Act Amendment Act, 1944, and under the amended provisions workers to whom that Act applies became entitled to a larger amount by way of redemption. The worker's application was heard in March, 1945, when the magistrate of the Local Court fixed the amount of redemption in accordance with the Act of 1912-1941 and not in accordance with the amending Act of 1944. An appeal to the Full Court of the Supreme Court failed, and the worker now appeals by special leave to this Court.

Chief Justice Latham continued—

It is a general rule that where a statute is passed altering the law, unless the language is expressly to the contrary, it is to be taken as intended to apply to a state of facts coming into existence after the Act.

He then went on to say—

The rights of the worker and the liabilities of the employer under the 1912-1941 Act are, however, preserved by reason of the rule of interpretation which in Western Australia has been given statutory form in the Acts Interpretation Act, 1918, s. 16, which provides as follows:—

Where any Act repeals . . . a former Act or any provision or words thereof . . . then, unless the contrary intention appears, such repeal . . . shall not . . . (c) affect any right . . . created, acquired, accrued, established, or exercisable . . . prior to such repeal.

It is obvious from those words of the Chief Justice that in the case in question the benefits available under the Act in 1944 applied when the worker made his application. That is the Act which came into operation when the worker applied for the benefits available under the Act at that time. He failed, and was given only compensation which was available at the time he suffered his accident. That is the *ratio*

*decidendi*; and it is intended that the *ratio decidendi* of that case apply with equal force to the provision before us. In other words, it is contended that the benefits to be gained from this particular clause will be available to cases only where disablement occurs after the coming into operation of the amending Act.

If such is the case, a very serious anomaly will continue to exist; and some workers—not too many, but I know of some—will be still handicapped and prevented from receiving compensation, as intended by this clause. I have here an amendment which I feel should be written into the Bill. It relates to section 8 of the Act; and if it were accepted the particular part of section 8 would be governed by the following proviso:—

The provisions of this section shall extend to the case of any worker whose disablement or death caused by silicosis, pneumoconiosis or miner's phthisis due to the nature of any employment in which such worker was at any time engaged, has occurred prior to the coming into effect of this Act, but more than three years after such worker ceased to be so employed.

That amendment would have the effect of introducing contrary language into the Bill; and those words "contrary language" were expressly used in the written judgment of Chief Justice Latham and other justices who sat on the High Court bench. The report stated that unless contrary language were used the Act must be considered as giving its benefits to those who would be eligible after the coming into operation of the Act. I would like the Minister to have a look at the position—and he has assured me he will.

I pass now to another clause of the Bill—that which deals with a person fraudulently attempting to obtain any benefit under the Act by malingering or making any false claim or statement. I stop there and pause so that the full purport of those words will be brought home to members of this Chamber. I listened with particular interest to the clarity with which the member for Boulder expressed his objection to this provision; and to the reasons why the provision is harsh, unjust, and—in certain circumstances—quite unconscionable.

I pass on to the remainder of this provision, which is as follows:—

. . . and any person who by a false statement or other means aids or abets a person in that attempt is guilty of an offence.

It is a requirement for a worker who wishes to apply for workers' compensation that he complete a certain application form. That application requires, where possible, a testimony from someone who has witnessed the accident. It often happens that a worker is engaged in his duties, and to all intents and purposes has an accident. A

fellow worker is present and is quite willing to sign a testimony that he has been a witness to the accident.

A case could quite logically happen—and I am sure it has happened—whereby a person who signs a testimony, does so thinking he has been a witness to the actual accident, whereas he has only been a witness to the state of disability of the man to carry out his work. The case of hernia is a typical example, whereby a worker could sustain this injury and have it a day or so and possibly be unaware he had been injured.

He could return to work the day after the accident, not knowing its serious nature, commence to do his work, and become disabled. A fellow worker could notice he was disabled—that he had collapsed—and sign a testimony that he was a witness to the actual happening of the accident, whereas it could be shown later he was not an actual witness to the accident; he was only a witness to the state of disability of the worker in question.

Under this provision, a person who gave a testimony of that kind could be involved as one who, by a false statement, aided or abetted a person in an attempt to defraud, and would therefore be guilty of an offence. I do not intend to speak longer on that question. There are several reasons why this clause should not be proceeded with; but I feel the reason I have given, together with those given by the member for Boulder, should be sufficient for the Minister to have another look at this clause.

I pass to a further clause relating to an incorporated insurance office handling workers' compensation. The clause in the Bill provides that if an incorporated insurance office, having been approved under the provisions of this subsection, fails or refuses to comply with the requirements of the Act, or of the regulations, or so requests, then, in any such but no other case, the Minister may revoke or suspend, and thereafter withhold, his approval of that office. This is a surprising provision—that if a company which has undertaken workers' compensation coverage, by some reason or other fails to carry out its obligations, or does not want to carry them out, and applies to the Minister to be relieved of such obligations, the Minister may revoke or suspend, and thereafter withhold, his approval of that office.

Why should a company which has undertaken to give workers' compensation coverage, and fails to carry out its obligations, merely receive the O.K. of the Minister by his withholding his approval? Why should not that company be guilty of an offence? I feel that the clause, if it is not to be opposed, should be amended so that any company which fails or refuses to comply with the requirements of the Act or of the regulations shall be guilty of an offence. If it is good enough for a worker to be guilty of an offence, then

any such company which fails to carry out its obligations should also be given sufficient punishment. I feel that the sanction provided here is completely inadequate.

Mr. Perkins: Surely that is the most severe penalty that could be imposed on a company.

Mr. EVANS: If a company wants to get out of its obligations, it can make a request to the Minister and it can be relieved of its obligations. Why should such a company be relieved of its obligations without suffering a penalty? We know that workers' compensation is not the cream of the insurance field. But if a company applies to take on this coverage, then it should be held to be responsible, particularly where it fails to carry out its obligations.

There are several other speakers who will deal with the general nature of the Bill; and as a goldfields member I do not wish to anticipate their comments. I will leave mention of hospital and medical benefits to others who can deal with them more adequately than I.

I would refer again to the clause dealing with malingering; and particularly the last line of that provision which states that such a person is guilty of an offence. To my way of thinking, anyone who makes a false statement, as envisaged here, would be covered by the Criminal Code at the present time under the heading of false pretences. I cannot see why a provision has to be written into the Worker's Compensation Act when the matter is already covered, as I have mentioned, in the Criminal Code, where the application is to any person who makes a false statement or gives a false impression. It would seem to me that this clause is a deliberate attempt to deprive a person of a heritage of British justice; and that is, trial by jury.

Mr. Perkins: It is much more expensive in those circumstances.

Mr. EVANS: But expense is not the matter which should be of most concern. A person's liberty is of more importance than expense. If expense were the prime factor, we would dispose of trial by jury tomorrow. Summary trials are much more economical for the Government of the day. Why should a person under the Workers' Compensation Act be deprived of his rights of trial by jury? I support the second reading of this Bill, but I hope to see some of these clauses amended.

MR. BRADY (Guildford-Midland) [8.21]: I will support this Bill simply for the sake of protecting, mostly, the workers, but I am very disappointed with it. Earlier in the session, the Minister gave us to understand there would be more comprehensive and all-embracing amendments than have appeared in this Bill; and I feel that most workers throughout the

State who have read the Minister's remarks in the Press would have envisaged a more comprehensive coverage of workers' compensation than is in this Bill.

It would appear that after about 40 years men who are engaged in the mining industry, and in the quarries, are going to get a semblance of justice which they have been denied over this period. There is many a man now in his grave who suffered, and others around the metropolitan area who are suffering from diseases incurred while employed in the mining and quarrying industries. Those men were denied justice; and their families have been denied justice. This Bill simply gives a measure of protection to such people.

Like the members for Mt. Hawthorn, Boulder, and Kalgoorlie, I am disappointed that the Bill does not do very much more than tidy up the administrative side of the Workers' Compensation Act. For many years there has been a big anomaly between what is paid in workers' compensation in other States and what is paid in this State. I recollect a case in which I was personally interested as a union secretary. I tried to obtain compensation for a man who was killed while going over the railway crossing at the Cresco superphosphate works.

This route was the only way the man could get to work. The wind carried away the sound of an approaching train, and the man was run over. His wife was denied compensation because it was argued that other people used the crossing. Yet it was the only way the man could get to his employment; and because he crossed over that track and was run down by a train, his family was denied compensation. That is one of the reasons why we on this side of the House continually argue that there should be protection for men coming and going to and from work. It would not hurt the Minister to introduce that part of the Bill into this State, because other non-claimant States in the Commonwealth already have that provision to protect workers going to and coming from their work.

As I am interested in railwaymen particularly—as indeed in all workers—I am concerned over the fact that for the best part of 50 years men in the boilermaking industry have suffered from boilermaker's deafness. This Bill, as I understand it, does not protect those men from that disability. I suppose that two-thirds of the boilermakers of Western Australia, whether inside or outside of the railways, suffer from boilermaker's deafness; and yet no compensation is paid to them.

Industry is supposed to pay a man for his disability. I remember that years ago I took the case for a man in the Cresco superphosphate works who injured his neck when he was in the process of shovelling phosphate rock. That man was denied compensation because it was argued that

he could continue to do his work despite the fact that he had a permanent disability to his neck, which was ricked in the course of his employment.

A case was quoted of a shop assistant in New Zealand who suffered an accident in the shop, as a result of which her face was disfigured and she was unable to serve behind the counter. She received compensation because she could not carry on her normal occupation as a shop assistant. However, the employee at the superphosphate works was denied compensation—despite the fact that he had a permanent disability—because he could continue to handle a shovel.

Some boilermakers leave the industry with deafness—go right away from the trade—and they get no compensation. I do not think it is an unreasonable claim on the employer that he should be asked to pay compensation in such cases.

I am mainly concerned that the Minister, when introducing his amendments, has not had regard for the steep increase in the basic wage in recent years and the increase in margins. Payments to the injured worker—or to the unfortunate widow if the man is killed—remain the same as they were two years ago, despite the fact that the basic wage has gone up considerably.

The basic wage today for male workers in the South-West Land Division is about £14 14s. 7d. About 12 months ago the margins went up for some tradesmen by 28 per cent; and yet this Bill to amend the Workers' Compensation Act does not take the relative values into consideration. A widow whose husband is killed in industry now receives £3,000. That amount will not buy a decent brick house; and if the woman is unfortunate enough to have a number of children, her difficulties are increased by her having lost the breadwinner. I feel that the Minister, if he has no particular regard for workers in industry, might have regard for the widow and children where the breadwinner of a family has been killed in industry.

As the member for Kalgoorlie pointed out, there are some remarkable amendments in this Bill; particularly the clause which says that the Minister can give an insurance company the right to more or less get out of workers' compensation insurance. The clause contains the following:—

whether an insurer shall be permitted to—

- (i) refuse the insurance of an employer against all or any liability under this Act and, if so, upon what terms;
- (ii) cancel a policy of insurance and, if so, upon what terms and, in any event, upon the term that the cancellation be effective as between the parties to the policy, irrespective of the terms of the policy and

whether or not the policy was effected prior to the coming into operation of this item; or

- (iii) declare a policy void or refuse payment of any claim which is, or might be, made thereunder, by reason that the employer, worker or any person has failed to comply with any term of the policy;

As I understand this particular clause—I may be wrong—the Minister is starting to come in to take over activities which were normally carried out by the board. I feel that is not quite the right set-up. Goodness knows, the insurance companies are getting plenty out of insurance today!

If there is any imposition connected with commerce and industry today, it is among insurance companies which are charging high premiums despite the precautions workers and industry have taken to reduce accidents. These insurance companies are going to be protected by the Minister if they like to try to walk out of workers' compensation. I am not happy about asking the Minister to do that.

There is another clause here which deals with the provision of medical and hospital expenses for workers. It would appear by the figures in the Bill that these payments have gone up by £50 or £100. But the fact remains that the figure in the Bill has risen in accordance with the basic-wage variations. Therefore the workers will not get the full amount appearing in the measure.

I am not very happy to think that medical expenses will be limited to an amount less than that provided for hospital expenses. I feel that the servant is worthy of his hire. If a doctor is obliged to do an operation or several operations—and sometimes doctors have to perform several operations over 12 or 18 months in workers' compensation cases—his costs are limited to the figure set out in the Bill; and the hospitals are similarly treated.

As the member for Mt. Hawthorn pointed out, in accordance with the present rate of charges at the Royal Perth Hospital of £3 10s. a day, which is £24 10s. a week, in 10 weeks the whole of a worker's hospital allowance could be absorbed. I have seen workers' compensation cases remain in hospital for three, four, and five months. Surely it will not help the recovery of a worker for the worker to know that after 10 weeks he has to carry his own insurance. I would think that the insurance companies, even in their own interests, would be urging the Government to step up that allowance.

There should be a provision in the Bill to give the Workers' Compensation Board the right to pay whatever charges it feels are reasonable over and above a certain limit, because the board is an excellent one in its own activity. I do not think there is any other body—the law courts

and the insurance companies thrown in—that is more expert in this field. The board could consider a worker's compensation claim in regard to medical and hospital charges, because it specialises in this subject.

During the last five or six years I have received telephone calls from chemists asking me to intercede with the insurance company concerned, or the board, to get extra money because some worker, as a result of paying doctors' fees and purchasing medicines, etc., had used the whole of his allowance.

In this day and age of 1960, when we are supposed to be up to date and giving the workers justice, I feel we are not doing that. It would be a revelation to members if they went back to the original Act of 1924 and had a look at the allowances provided then and compared them with the allowances provided today. I think members would find that in many cases the workers are worse off today than they were in 1924.

Although the Minister said earlier in the session that comprehensive amendments would be brought down—to be fair to the Minister, he may not have used those words; but he used words conveying that quite a number of substantial amendments would be made—I fail to find them in the Bill; and I hope that the Minister, even at this late stage, will consider giving the board power to make payments for medical and hospital charges over and above the minimum figure set down at present, which, in my opinion, is the maximum figure.

I understand the board will not be able to pay more than the figure provided for in the Bill; and I believe that figure should be the minimum in the interests of even the insurance company; because it will be found that patients who have been in hospital for 10 weeks will, instead of getting well rapidly, stagnate because they will start to fret and worry about the charges they will be incurring at the end of the period of 10 weeks.

There is another part of the measure which seeks to absolve subcontractors from having to insure their employees. As I have understood the Workers' Compensation Act over the years, the onus has been, firstly, on the principal to see that all employees were covered; and, secondly, on the subcontractor to see that they were covered; so that one or the other invariably had the men covered, with the result that an employee had a claim in the first instance on the subcontractor, and then on the principal or the main contractor. But the Minister appears to want the right to remove this obligation from the subcontractors and put the complete onus on the principal to do the insuring.

Under the existing system, the board employs a man whose job it is to make sure that all subcontractors and all principals have their employees covered. So

an employee has a hundred to one chance that he is covered by either the principal or the subcontractor. If the Minister gets his way and the subcontractor is cut out, I venture the opinion that overnight 25 per cent. of the workers in the building trades, and in industry in Western Australia will not be covered in respect of workers' compensation.

If that occurs it will be putting the onus on the board to pay these men compensation from the uninsured compensation fund. As the member for Mt. Hawthorn pointed out, the fund has a credit of £3,000, which would not cover the claims in respect of a widow and one child.

That will be putting the interests of these workers in jeopardy, because there would be considerable confusion, difficulty, legal disputation, and financial upsets if the workers could not get their compensation from the contractors to whom they normally look; and they are the people who, I believe, Parliament desired—whether Parliament was controlled by Liberal, Country Party, or Labor supporters—should cover their employees under the Workers' Compensation Act.

The very fact that an inspector is employed to see that the subcontractors cover their employees gives the employees the necessary coverage; and it is a very good method of seeing that people accept their workers' compensation responsibilities, because I suppose there are 25 per cent. of subcontractors today—I am disappointed to say this—who are new Australians feeling their way in industry. Some of the poor devils are taking contracts at the basic wage in order to keep themselves in employment. But they are taking the contracts; and some, in order to get contracts at a cheap price, are taking a risk by not insuring their workers.

I feel that I should give to the members of the House the benefit of even the limited knowledge I have so that they may know what is going on. It is most desirable that all members, no matter on which side of the House they sit, should realise that employees must be covered for workers' compensation, whether by contractors or subcontractors—and there are many of them today.

If, however, we remove this provision from the Act, we will set up a position whereby workers will be fighting employers and fighting subcontractors, and all sorts of difficulties will arise for the average worker and his family.

Mr. Perkins: You are right off the beam; you have not read the Bill.

Mr. BRADY: I am not; and I have read the Bill. I do not think the Minister realises what he is doing. If he did, he would not be including the provisions in the Bill that he is. During the last 15 years it has been found desirable by

Liberal Governments, by Labor Governments, and by Country Party Governments to have this provision in the Act; and there have been some very keen men in past Governments—just as keen as the Minister who is handling the Bill. Some of the men in the past have been legally-trained men, and they have seen fit to include this provision in the legislation.

I will be pleased to hear from the Minister how he is going to cover the workers once he has relieved the subcontractors of their responsibilities. I know the Minister will say that the fund will cover them. But wait until the Minister has to approve of £40,000 or £50,000 being paid out of the uninsured employees fund! When that happens he will be rushing back to this House to get the subcontractors covered again.

I may be wrong, and I hope I am wrong, but I believe I am right. I will be pleased to hear the Minister's explanation of why, when subcontracting has become so rife, he seeks to remove from the Act a provision that has been in it for the last 20 years, despite the fact that some of the best brains in the legal profession have been concerned with the earlier measures.

I am thoroughly disappointed with the Bill as introduced. Practically half the measure has simply been devoted to tidying up administrative matters, such as providing for a general manager instead of a manager—something of no consequence at all. The Minister might have made the Bill look a large one by saying that it contained 11 clauses; but, in effect, the only people who will get some long looked-for relief are those working in the mining industry who are covered in respect of the diseases which are referred to in the Bill: silicosis, pneumoconiosis and miner's phthisis; because where those workers have suffered for many years and have gone out of the industry and not received the compensation which they were due for and which their wives and children should have received but did not get, they will now obtain some relief.

My final submission is in connection with the following clause which the Minister hopes will be agreed to—

A person who fraudulently attempts to obtain any benefit under this Act, by malingering or by making any false claim or statement, and any person who, by a false statement or other means—

I emphasise those words "or other means"—

—aids or abets a person in that attempt, is guilty of an offence.

One could speak for an hour on this clause, but I will try to abridge it by saying that today it is extremely difficult for doctors, apart altogether from laymen, the Workers'

Compensation Board, or insurance companies, to determine whether a man is malingering.

Only a month ago a young man that I knew died. I went to the Social Services Department to examine his file. In doing so I discovered that his doctor, in effect, had stated that this young man was inclined to malingering. Despite his opinion, however, this young man died. As a secretary of a sick and death benefit fund years ago I sometimes made reservations in regard to paying out benefits to people who I thought might have been malingering. I expressed my views to my executive; and yet, in some instances, the patient died. Here we have a provision in this Bill which seeks to deal with a person who attempts to malingering or makes a false statement. Very often a worker, because of a psychological disability, feels he is suffering from some disorder, and may appear to be malingering, but it is difficult to convince the medical profession that he is not.

This proposed new subsection continues as follows:—

by making any false claim or statement, and any person who, by a false statement or other means—

I do not know what the words "or other means" seek to convey; but, under the Criminal Code, a person who makes a false statement is liable. Invariably, one has to make declarations in regard to a claim for compensation which are properly stamped for the protection of the insurance company. Therefore, I cannot see why the Minister should want in the Bill a provision such as this.

I suppose that 25 per cent. or 35 per cent. of the claims made for compensation are made by injured workers through their union secretary, or the office staff of the union, and such persons, in accepting in good faith a statement by the injured worker for whom they are filling out the form, could quite unconsciously be liable under this provision for making a false statement in view of the inclusion of the words, "or other means, aids or abets a person in that attempt".

Unless the Minister can bring forward evidence that there have been numerous and flagrant breaches of the Act which would warrant the inclusion of such a provision, he should not press for the clause. Today most men are responsible, and they know the penalties for which they are liable if they make a false statement, especially when such statements are made before a justice of the peace. The Minister could well remove this clause because innocent people could be affected by such a dragnet provision.

The workers expected a great deal more than what is envisaged in this Bill; and I am hoping, even at this late hour, the Minister will not press for some of the clauses

in the Bill which are not as comprehensive as we were led to believe. They do not meet the existing position; and, in fact, none of the amounts set out in the schedules, as I understand them, has been altered in any way, despite the fact that the basic wage has risen considerably during the past few years. I support the second reading of the Bill as I am particularly in favour of those provisions in it which relate to those workers who are suffering from industrial diseases.

**MR. SEWELL (Geraldton) [8.52]:** I support the Bill and my feelings are the same as those expressed by the member for Guildford-Midland. I am extremely disappointed in regard to what is contained in the Bill. We have waited for 18 months for the Government to amend the Workers' Compensation Act in a way that we thought it should be amended to meet present conditions, but this measure falls far short of that objective.

The speeches made by the member for Mt. Hawthorn and the member for Kalgoorlie are well worth considering because, together with the member for Guildford-Midland, they are men who have had a lifetime of experience with workers' compensation. Therefore, the Minister should have a further look at the points which have been raised by those members.

One amendment in the Bill which meets with the approval of members on this side of the House is that which seeks to amend section 8. This clause intends to give examiners, who are suffering from silicosis, pneumoconiosis, and so on, the right to claim compensation for industrial diseases.

Like the member for Guildford-Midland I am wholeheartedly opposed to clause 7 which seeks to repeal section 16 of the Act. This section deals with subcontractors, and anyone who has had experience with workers and subcontractors is well aware of what goes on. Therefore, I can bear out the remarks of the member for Guildford-Midland in that regard.

What disappoints me most is that the Bill does not contain any provision to include the *to-and-from* clause which is provided in legislation in other States. The *to-and-from* clause is the one which seeks to cover the dependants of a worker who is killed whilst travelling either to or from his work. The Government has indeed committed a shameful act in omitting that provision from the Bill. Further, I decry the niggardly way in which the Government has increased the amounts allowed for hospital and medical expenses and the fact that it has no intention of increasing the amount payable to a widow and her dependants whose breadwinner has been killed during the course of his employment.

I join with other speakers on this side of the House in supporting those parts of the Bill that will prove to be of benefit

to the workers and I condemn the Minister and the Government for omitting from the Bill those provisions which we consider should be incorporated in this legislation.

**MR. NORTON** (Gascoyne) [8.55]: Like other members on this side of the House, I intend to support the second reading of the Bill. I am not going to traverse the same ground that was covered by previous speakers, but I will confine myself, more or less, to the clauses of the Bill which deal with medical and hospital expenses. This is a subject on which I have spoken before in this House and one which concerns the people in the outback particularly in so far as the transport of an injured person is concerned.

On a previous occasion in this House the Minister told us that only about three people in every 1,000 who became eligible for the payment of medical and hospital expenses exceeded the amount provided by the Act, the existing amounts being £100 for medical expenses and £150 for hospital expenses. That proportion does not seem to be very great, but it is those people who sustain serious injuries who require the extra money to enable them to meet their expenses until such time as they regain their health to continue in industry. It is well known that any expenses incurred over and above the amounts allowed in the first schedule for medical and hospital expenses become the responsibility of the injured person.

When a person is injured so badly that his medical and hospital expenses have reached such a peak that they exceed the amount allowable under the Act, such a person is badly in need of financial assistance. If he is to be encumbered with medical and hospital expenses after his discharge from hospital his rate of convalescence is going to be slow when, instead, he should be assisted in every way to regain his place in industry. The person I am concerned about is the one who sustains a serious injury in the outback where specialised hospital treatment is not available. As a result, if a person is badly injured it is often necessary, after a few days or a week in hospital, for him to be transferred to Perth to obtain the necessary treatment. In most instances such patients are transported on a stretcher.

I will quote Wyndham as an example because that is probably one of our remotest areas and the transportation of an injured person from this centre would incur the greatest expense of all. I point out that transport expenses are deducted from the amounts allowed for hospital and medical expenses, and naturally the transport expenses would be a first priority because such charges would be amongst the first incurred against an injured person; that is, the transport charges for conveying him to a hospital.

According to the amended schedule in the Bill the amount allowed for hospital expenses has been increased to £250. Taking today's hospital charges into consideration, that would hospitalise a patient for only ten weeks without the amount of £250 being exceeded. If a person has to be hospitalised for ten weeks it means that the injuries sustained by such person must have been pretty serious. If that injury was sustained in the outback it would necessitate, first of all, the removal of the patient from the country centre on a stretcher to Perth, and probably with a nurse as an escort.

In the North-West, especially in those places between Carnarvon and Wyndham, there is only one means of transportation to convey an injured person to Perth for specialised hospital treatment, and that is by plane. In the conveyance of a patient from outback centres to Perth, the airline companies have been extremely considerate. Normally, a stretcher occupies the space taken up by two seats. However, in order to make such space available the airline company has to remove four seats. Therefore, an injured person transported by plane occupies space equivalent to four seats in the aircraft, plus one seat which is taken up by his escort. Fortunately for the injured person, the airline company charges for only two seats. An injured person who is transported to Perth on a stretcher with an escort is thus charged a fare equal to that charged for three passengers.

In addition, his escort nurse has to be transported back to the hospital from which she came, which increases the fares to be paid by the injured person to the equivalent of the fares charged for four passengers in an aircraft. After the completion of his hospital treatment in Perth the patient then has to pay his fare back to his home town. Therefore, in all, a person who has been injured in the outback and who requires specialised hospital treatment in Perth, has to pay the equivalent of the total for five passenger fares. If such a patient was injured in Wyndham, five fares in an aircraft would amount to £212 5s. If that amount is deducted from the allowance of £250 for hospital expenses, it leaves the injured person only £17 15s. to cover his hospital expenses.

After that amount had been exhausted the patient would then be liable to pay any additional hospital expenses. In turn, this would mean that the amount allowed to that patient for medical expenses would be insufficient to meet his commitments and his liability would be further increased.

The Minister should have a close look at this aspect of workers' compensation to ascertain whether some other amendment cannot be incorporated which will adjust the amounts provided in the first schedule for hospital and medical

expenses. I cannot see any reason why such an amendment cannot be included to provide for transport expenses.

If the Minister is desirous that a statutory amount for medical expenses and for hospital expenses should remain as in the schedule itself, he should include in the Bill a provision which would enable the Workers' Compensation Board to allocate further money to meet the extra costs incurred as a result of transporting an injured worker who has met with an accident in an outlying part of the State.

I consider that an expense such as air fares should be set out as a separate item in the schedule. This expense should not be a drain on the hospital or medical expenses. If one reasons logically, air fares do not form a part of the hospital or medical expenses; they are definitely transportation charges.

If an injured worker resides in the city, he would be entitled, under the Act, to the fares which are payable for transporting him between his home and the outpatient centre for his treatment. However, air fares do not come within the meaning of the fares provision in the Act, and they are considered as a definite charge on the hospital and medical expenses. I ask the Minister to have another look at this aspect. As he has said, such cases amount to three in every 1,000; so, over-all, the additional expense involved would not be very great for the insurance companies.

I would like the Minister to assure me, when he is replying, that the provision applying to silicosis, pneumoconiosis, and miner's phthisis also covers asbestosis, which is a new industrial disease contracted by people employed in the mining of asbestos. It is not specifically mentioned, but it could be covered by the definitions in the Act. I support the second reading.

**MR. FLETCHER** (Fremantle) [9.2]: This Bill is lacking in many directions; but as pointed out by other speakers in this debate it does provide for some extra coverage to mineworkers and subcontractors. To that extent it has to be supported. I would have liked to support the Bill with much greater enthusiasm, I would have done so if it had contained many of the desirable provisions outlined by the member for Mt. Hawthorn in the debate on the motion which was introduced earlier in the session.

I have scanned the Bill, hoping to find therein some of the desirable provisions—such as the removal of the limit on hospital and medical expenses, and the inclusion of insurance coverage for workers travelling to and from work—but I could not find any. I failed to find in the Bill any substantial increase in respect of compensation and other payments generally; I failed to find any provision extending a more reasonable treatment to incapacitated workers in certain circumstances.

I want to refer to *The West Australian* of the 8th September, 1960, which contains a report in huge headlines to the effect that wide changes were promised in the Workers' Compensation Act. It states—

Broad changes would be made to the Workers' Compensation Act during the present session, Labour Minister Perkins told the Legislative Assembly last night.

Are these amendments the broad changes we were promised, and in respect of which the member for Toodyay congratulated the Government?

**Mr. Court:** They are very substantial.

**Mr. FLETCHER:** I do not congratulate the Minister or the Government for the introduction of such paltry amendments to the workers' compensation legislation.

**Mr. Jamieson:** The member for Toodyay must have used a magnifying glass.

**Mr. FLETCHER:** Further down in the same report the following is stated:—

Mr. Perkins said that compensation provisions in W.A. were better than in any other State.

Did the Minister hear what the member for Mt. Hawthorn had to say about the workers' compensation legislation in this State? He outlined the conditions which exist in the other States, and without exception they are better than the conditions in this State. Either the Press misrepresented the position in that report, or the Minister deliberately misconstrued the position.

None of the desirable improvements to the Workers' Compensation Act which are required in this State have been included in the Bill. I would be lacking in my duty if I did not express my disapproval of the omission from this Bill of the desirable provisions which operate in the other States.

The Government is lacking in a sense of responsibility to the wage and salary earners of this State. They are the people upon whom industry and the economy of the State depend by and large. I want to express my disappointment on and dissatisfaction with the Bill. Members on this side who have been active in industry will be aware of the shortcomings of the measure—and there are many shortcomings in it.

However, I do not want to weary the House by outlining all that the Bill lacks, except to point out to members opposite that I realise the fear of sickness or injury held by the workers. They know they cannot afford to be sick or injured. They realise that if there is a limitation placed on the amount allowed for medical and hospital expenses, while they continue to remain in hospital those expenses are running out. It is a real fear among workers.

The Bill provides for paltry increases of £31 in one case and £50 in another. In these days of inflation, such increases give very little satisfaction to the wage and salary earner who is receiving treatment in hospital for an injury received in the course of his work. He is worrying about what will happen to his children, family, and dependants when the limits of his medical and hospital expenses are reached.

It is no satisfaction to the worker of this State to see the magnificent insurance buildings which have been constructed in St. George's Terrace. He would much prefer a fairer and more equitable return to him from industry—a return which industry could well afford to pay. However, since the Bill does contain some benefits to the mining industry, I do not suppose I should look a gift horse in the mouth. Looking at it as a gift, I say it is a toothless wonder. I support the second reading.

**MR. JAMIESON (Beeloo) [9.8]:** While I must support the microscopic improvements to the Act contained in the Bill before us, I must complain bitterly that the Government has not seen fit to bring the Act more up to date, and into line with the legislation in operation in the other States.

Earlier this evening the Minister for Immigration interjected while the member for Mt. Hawthorn was putting forward the views of the Opposition on the measure. I draw attention to some of his interjections and the manner in which they were made. First of all, he said, "You are never satisfied." Of course, if anyone representing the workers were satisfied with the workers' compensation legislation in this State, while prices of goods and financial pressure were increasing, he would find himself in a sorry state before many years.

As was made abundantly clear by speakers on this side, this State is falling further and further behind the other States in respect of workers' compensation legislation. At one time the legislation here was looked on as an example of fair treatment of workers in industry. That cannot be said of our Act as it is.

Another interjection made by the Minister was, "These amendments improve the workers' conditions." If they do improve the conditions, they improve them to a microscopic degree. I ask the honourable member whether he would be prepared, in his capacity as Minister for Immigration, to meet the migrant ships at Fremantle and tell the migrants that the workers' compensation conditions under which they were to work in this State are the worst of any in Australia; or under those circumstances, would he be absolutely dishonest by shutting up and saying nothing? That is the problem he has to face up to, if he seeks to buy into an argument on workers' compensation.

I say to anyone who has the duty of recruiting skilled workers to this State that it should be made clear to them before they arrive that their conditions here under the workers' compensation legislation would be worse than the conditions in any other State. If I were a migrant and knew the position, I would not leave the boat at Fremantle. I would be inclined to go to greener fields which offered greater opportunities.

In the past, many migrants have suffered injuries shortly after they started work in this State. They were disappointed to find the shortcomings in our workers' compensation legislation. Surely the conditions of workers' compensation which prevail in this State should be explained to them before they decide in which State to settle. The officers in Australia House in London, or in similar immigration headquarters in Europe should examine the position in regard to workers' compensation in Australia, because tradesmen who have a keen association with the trade union movement in other countries would want to know the provisions in the schemes which operate in the various States. I presume the officers concerned would have knowledge of the various schemes.

I am sure that if that information were given to prospective migrants they would not decide to settle in Western Australia. I would not blame them for making such a decision, the position being as it is. I do not know how migration into this State will be increased if the existing workers' compensation legislation remains as it is.

The Government should not make a plea for more migrants to come to this State unless it is prepared to do something for those people. After all, 99 per cent. of the migrants are workers, and they are entitled to satisfactory workers' compensation conditions when they arrive in this State. For that reason this proposition of the Government, contained in the Bill, stands condemned. The Workers' Compensation Act should receive further attention as soon as it is possible for the Government to give it.

The provisions in the Bill have been clearly explained by those who have already taken part in this debate. All the ground appears to have been covered, except the aspect of the effect of our workers' compensation legislation on migrants. I support the Bill with grave reservations. I consider it does not go nearly as far as it should.

**MR. HALL (Albany) [9.15]:** Like the previous speakers this evening, I feel this measure has certain qualities which will definitely ease the position for the mining section of the industry; but the other types of industry are totally neglected. With the continuance of our industrial expansion we can be assured that many problems will arise under the Workers' Compensation

Act as it stands at present, because no provision is made for such problems. The schedule contains many weaknesses.

I was associated with the wool-scouring and wool-combing side of the textile trade before I entered this Chamber. I know that provision is made in this legislation for wool combing and sorting. This will be acceptable because dermatitis is created in wool combing as a result of the action of mineral oils upon the hands of the workers. When the wool is in a damp condition during wool sorting, dermatitis irritation is experienced which results in boils which cause quite a loss of time for the industry, and a big claim for compensation.

However, on looking through the schedule I find a complete lack of provision for one of the most essential machines which operate in conjunction with wool combing. I am referring, of course, to carding. In the carding plants the wires on the machines have to be ground with carborundum paste; and without a doubt when that starts to strike off, it is very detrimental to the workers' health. This has been proved over a period in the trade, yet no provision has been made for that in this Bill, although other phases of the industry are covered.

I feel that is rather remarkable, because if one were to visit the premises where that particular type of manufacture is carried out, one would notice that when these carding machines are being ground, the grinding dust is very prevalent in the air. A test was made and a statement issued as to the detrimental effect upon workers employed for any length of time on the machines. Therefore the Minister should make a research of that industry.

Another aspect of the same industry is that of carbonisation. I do not know whether you, Mr. Speaker, know much about carbonisation; but the process is that the wool or cloth is run through sulphuric acid and during the processing fumes are created which contain very high particles of acid. When it settles on the lungs of the worker there is no doubt that his health is detrimentally affected. One or two I know have left the industry and suffered after-effects. Therefore, this is another aspect which should be studied by the Minister.

I recently encountered the problem of dust associated with wheat. Where dampness commences, a fungus is formed which has to be treated with a highly poisonous chemical. We find that this results in reaction on the lungs of the workers. This has been reported in Press cuttings to which I have referred, but no provision has been made for it. I do not suppose the Minister can be perfect when presenting his first workers' compensation legislation to the House; but he could have been more elastic.

The *to-and-from* provision is another very important one. There have been many accidents to both male and female workers in transit to and from their place of employment, but the Bill makes no provision for such occurrences. However, in New South Wales this provision is covered quite comprehensively. Section 7, subsections (1) (a) and (b), read as follows:—

(a) A worker who has received an injury whether at or away from his place of employment (and in the case of the death of the worker, his dependants) shall receive compensation from his employer in accordance with this Act.

(b) Where a worker has received injury without his serious and wilful misconduct on any of the daily or other periodic journeys referred to in paragraph (c) of this subsection . . .

Paragraph (c) is as follows:—

(c) The daily or other periodic journeys referred to in paragraph (b) of this subsection shall be—

- (i) between the worker's place of abode and place of employment; and
- (ii) between the worker's place of abode, or place of employment, and any trade, technical or other training school, which he is required by the terms of his employment or is expected by his employer, to attend.

I could quote a lot more; but I have proved conclusively—or I hope I have—that our legislation does not adequately cover our workers. This is an important matter and should be given serious consideration because it does give stability to the industry if a worker feels he is covered when travelling to and from his work.

Another matter I would like to raise here is a bit unusual. It concerns a case which has been placed before me since I have entered this House. It deals with the death of an employee at the Albany superphosphate works in 1952. He was killed by a falling sheet of asbestos, there being no doubt about the coroner's verdict. However, by some form of misrepresentation, no application was made for compensation within the period of 12 months; and his parents, who were partially dependent upon him, were denied any form of compensation.

I inquired whether he had a wife or fiancée and how much he paid to his parents, as did those handling the case before me; but, as I said, because of some form of misrepresentation his aged, pensioner parents were deprived of any income or assets—if they can be called assets—from compensation for their son's death.

I followed the matter up, and part of the correspondence involved is a letter to his mother, Mrs. Amelia Crofts, of Cockburn Road, Albany, as follows:—

Dear Madam,

*re Your Son, William Walter Crofts*

We act for the insurers under the Workers' Compensation Act of the Albany Superphosphate Works and your letter of the 21st October has been handed to us.

Pursuant to the Workers' Compensation Act, a claim should be made within twelve months of the occurrence giving rise to the claim, and accordingly, a claim cannot be entertained at this late juncture.

Yours faithfully,

Jackson, McDonald, Connor & Ambrose.

I was amazed to find that I had run into the same trouble experienced by the person handling this matter before me. However, I did feel that some leniency could have been shown and these people given the assistance.

I approached the Crown Law Department through the bureau which aids poor people, but was informed that the case could not be pursued. That is an example of where an old couple, because of misrepresentation or lack of advice—I do not say the firm was at fault—were deprived of money which was rightfully theirs. The final result was that the father passed away very shortly afterwards, and the mother was left much more in need of the compensation which should have been available to her. Therefore I consider this aspect should be studied.

We have to face up, also, to the advent of TV. Recently a case was lodged by Mr. Fletcher, of the Electrical Trades Union, in connection with an employee in that trade. We must adjust our Act according to the advent of modern inventions.

I have no more to say but to commend the Bill to the second reading stage with the proviso that amendments are necessary to make adjustments to suit the requirements of the miners.

**MR. CURRAN** (South Fremantle) [9.24]: I wish to make a small contribution to this debate. I am rather disappointed; because although the Minister intimated to the House that most of the matters submitted by the members of the Opposition in connection with this legislation would be included in the Bill, I find that practically none of them have been. Certainly none of the points raised by the member for Mt. Hawthorn have been included. This legislation is something of a confidence trick on the part of the Government, because it knows that the Bill cannot be opposed as it will have some little advantage to a certain proportion of workers who contract industrial diseases.

The member for Toodyay will be far from satisfied because of the assurance the Minister gave him when he spoke to the motion introduced by the member for Mt. Hawthorn. At that time I said I did not doubt the sincerity of the member for Toodyay; but I do doubt the sincerity of the Government for introducing such a palpably weak compensation Bill and expecting the working people of Western Australia to be satisfied with it.

The reason for the introduction of this legislation was merely to save the Government having to oppose the amendments suggested by the member for Mt. Hawthorn. It looks much better for the Government to introduce a Bill of this nature than to fight the issues raised previously, and receive the publicity thus involved.

The most important benefits which the workers should receive are completely excluded from this Bill. I refer to the medical and hospital charges. Surely any member of this Chamber, whether a member of the Government parties or of the Opposition, knows it should not at any time be the responsibility of the worker himself to pay for an injury sustained during the course of his employment. No reasonably-minded person would agree with that contention; but what do we find? The Government has the opportunity of rectifying this anomalous situation, but it does not even attempt to alleviate the position for the worker except to the extent of a miserable few pounds.

Surely it is obvious that if a worker incurs injury during the course of his employment, he should be hospitalised and looked after medically until such time as he is fit to resume his employment. The same applies to the increase in the lump sum paid to a widow. Members will recall that I quoted an instance in this House where a widow received a bill for £15 after having obtained her so-called lump sum. She was ordered to pay £15 when she was supposed to have received compensation for the death of her husband.

Another point which I feel will have to be considered sooner or later is that of travelling to and from a place of employment. It is quite obvious that workers are killed going to and from work because they are forced by circumstances to be at a certain place at a given time. It is only fair and reasonable that a certain amount of time should be allowed the employee to take the shortest possible route to and from work; and if he is killed during that time it is logical to conclude that his widow should be entitled to compensation.

It has been asked whether it is possible for industry to stand a greater increase in compensation. Is this question justified when we consider the firms about which

articles appear in the financial columns of the Press? On the 3rd September was the following under the heading "£32m. B.H.P. Bonus Issue Australian Record:—

Broken Hill Pty. Ltd. plans a one-for-two bonus issue of £32,198,611—the biggest bonus issue ever undertaken by an Australian company.

The issue was announced at the firm's annual meeting in Melbourne yesterday."

That is only one company. I will admit that it is one of the largest; but, by the same token, day after day we read in *The West Australian* financial column of record profits being made which surpass the dreams of even the shareholders themselves. Yet some people have the audacity to tell us that in respect of giving wives of workers another £1,000 if their husbands are killed, and with respect to such things as covering workers travelling to and from work, hospital and medical expenses, and the like, industry cannot afford to stand the burden. That sort of thing is going on right throughout Australia at present.

When working people ask for increases in the basic wage, for example, we hear the same old catchery that it is too big a burden for industry to bear. From the Government's attitude towards this question it would appear that it is showing a certain amount of class bias. In my opinion that is a correct statement, because the Government never adopts the same attitude when it is a question of giving something to industry, or to some big private company. Then there is no question of the Government not being able to afford it; the money is just handed out to these companies without a murmur. If it were not for members of the Opposition opposing such things perhaps they would not be brought to the light of day.

I am very disappointed with the provisions in the Bill although, obviously, none of us on this side can oppose it. However, I believe the Government should be taken to task for the lack of amenities provided for workers in this State.

**MR. J. HEGNEY** (Middle Swan) [9.31]: I propose to say a few words on this Bill. I read the Governor's Speech at the opening of Parliament this session, and also last session; and when I spoke on the Address-in-Reply debate I mentioned the fact that the outstanding part about the document on both occasions was its failure to mention anything about legislation being introduced which would be beneficial to the workers of Western Australia.

I would say the introduction of this Bill is a belated attempt to meet criticism that was levelled at the Government for its failure to provide for injured workers when the member for Mt. Hawthorn, on behalf of the Opposition, sponsored a resolution urging that such a Bill should be introduced—a fair and reasonable

measure that would provide suitable compensation, by comparison with the Eastern States, and would deal fairly and reasonably with workers unfortunately injured in industry.

But no such legislation is before us at this stage. This Bill fails miserably to provide a fair and reasonable measure of compensation, as has been pointed out by members on this side who have had experience in the workers' compensation field. They have shown the inadequacy of the present compensation law.

I have been in this Parliament for many years, and I have supported many Labor Governments. Members of the Labor Party who were Ministers for Labour introduced many amendments to the compensation laws of this State, one of the outstanding provisions being what is referred to as the *to-and-from* clause, which would cover a worker travelling from his home to his place of employment in the morning, and from his place of employment to his home in the evening. Such provision has been sponsored here on many occasions by Labor Government Ministers. Such a provision was introduced during the time the late Mr. McCallum was Minister for Works and Labour. Each year for the 14 years that Labor was in office that clause was inserted in Bills covering workers' compensation.

Also, during the six years that the member for Mt. Hawthorn was Minister for Labour, he, on behalf of the then Labor Government, sponsored Bills to amend the Workers' Compensation Act; and in every measure he introduced, provision was made for the *to-and-from* clause. Labor Governments were elected by a substantial majority of the people in this State; but, notwithstanding that fact, the *to-and-from* clause was opposed in this Chamber by members opposite. They bitterly opposed it and said it was impracticable. The fact that Labor Governments were elected by a majority of the people indicated that they had been given a mandate to put their policy into effect, but such attempts were bitterly opposed in the other Chamber and were never agreed to.

In Victoria and New South Wales—and I think in Queensland—this provision is incorporated in the law, and has been for many years. But when we want to introduce it here, our friends opposite bitterly oppose it. Labor Governments carried the day here on several occasions only to find, when the Bills went to another place, that the Liberal and Country Parties which have a majority there found some subterfuge for circumventing the desires of the Labor Government; and the provision was never accepted.

The same thing applies with respect to other benefits for injured workers. We all remember when the late Mr. McCallum amended the Workers' Compensation Act

to provide £100 for medical benefits. At the time he had the law amended the sum was only £1, but he succeeded in getting the amount increased to £100, and it has remained at that figure almost ever since that day. However, States in Eastern Australia have made progress; and where an industry has become buoyant, and workers are unfortunately injured as a result of accidents, some reasonable provision is made for them. We have waited for the Minister to introduce a Bill which would deal with some of these matters in a reasonable fashion. Unfortunately this Bill does not do that.

Boilermaker's deafness has been referred to. I have worked in the boilermaking industry, and fortunately I was able to get out while my hearing was still good. But I know of fellows who were in the industry with me and who are now almost stone deaf; yet they have been unable to get any compensation for that deafness. They work in a very important industry; and although there has been a dearth of such tradesmen in this State, no compensation is paid for boilermaker's deafness.

It is important to have these skilled tradesmen working in heavy industry; and they should be compensated when, because of the terrific noise involved in their work, they suffer deafness. Despite the fact that they become almost totally deaf, no provision is made to compensate them for that loss of hearing.

I would not expect the Country Party, or even the Liberal Party section of the Government to sponsor improvements to the workers' compensation legislation, because they are opposed to extending benefits to workers. Through their journals, and through their propaganda, they are always stating that industry cannot stand this or that; therefore I suppose we could not expect any anti-Labor Government in this State to bring down legislation which provided for a reasonable measure of compensation for injured workers.

But when the time comes, and some of those members opposite who represent metropolitan electorates, and who have a large number of workers in their areas, are called upon to show how they voted on some of the provisions of this legislation, it will probably be a different tale. I represent a working-class electorate, and many of my electors will be disappointed with the proposals contained in this Bill.

I have glanced down the list of Bills introduced this session, and I find that this is the last one to be introduced; it is 73rd on the list. I noticed that in the Governor's opening Speech some reference was made to a Bill to provide for safe working conditions. But there is no reference to that in the list of Bills. I do not know whether the Minister intends to deal with that question, because I know he cannot deal with it under this measure.

However, no reference was made to the introduction of workers' compensation legislation which would radically amend the law as it stands, or bring our compensation laws up to date with those of the Eastern States.

I repeat: This is only a belated attempt to meet criticism brought about by the motion moved by the member for Mt. Hawthorn some weeks ago. There are several clauses in the Bill which will be the cause of pitfalls, and the onus will be on the Minister to explain how they can be overcome, and that the Bill actually covers what he says it will provide for. There is some doubt in respect of these clauses, and they will require some explanation in Committee.

I support the Bill, but I am disappointed that it does not provide more adequately for injured workers in this State.

**MR. MAY** (Collie) [9.40]: There is hardly anything left for me to say in connection with this matter, but I still have my own opinions in regard to workers' compensation.

**Mr. W. Hegney**: That is more than some members opposite have.

**Mr. MAY**: Sometimes I feel that the biggest drawback with respect to workers' compensation is the fact that some people who deal with it do not realise or appreciate what it means. So long as I can remember, workers' compensation has always been a bone of contention, and it is likely to be so for many years. In my opinion workers injured in industry have never been compensated to the extent they should have been; the Act does not cover the situation sufficiently, not so much in regard to compensation payments, but in regard to the cost of medical and hospital treatment and the like. If a worker could get proper care and attention he would be returned to industry quicker than otherwise would be the case.

It is of no use setting aside a small sum for the doctor and a small sum for hospital expenses; because where a man is injured in industry such industry should be able to afford to carry that injured worker, and he should be looked after until the time is right for him to re-enter the industry after his accident.

There is a vast difference between the amount of compensation awarded under the Workers' Compensation Act and amounts granted by the courts in regard to other injuries. No injured worker has been fully compensated under the Workers' Compensation Act; yet we see huge sums being granted by the courts these days when people suffer injuries. When one compares compensation paid under the Workers' Compensation Act with the amounts granted for other accidents by the courts, the worker is not in it.

I want to mention a case which I quoted some two or three years ago. A man I know had worked in the timber industry for 43 years without making any compensation claim whatever. One day he was unloading logs as they came into the mill; the logs rolled and he rolled with them and, as a consequence, was injured. The man concerned had no idea of the nature of his injury and he thought the pain he had was only temporary. So he kept working. Eventually he had to go to the doctor and it was found that he was suffering from a hernia. The man had no idea of the nature of his injury, and even less idea that he had to report an injury within 48 hours.

As a consequence he got no compensation; and, in my view, that sort of thing ought to be altered. The human aspect should be allowed for. No-one would ever convince me that man was malingering. He spent 43 years in the timber industry without claiming any compensation whatever; and yet, when he developed a hernia as a result of his work, and he did not report it within 48 hours, he got no compensation. That sort of thing should be altered.

I know a man is supposed to report to his employer if he develops a hernia; but people do not do these things—they are not all medically educated. The majority of men who work for their living desire to keep on working. Some of them work under great difficulties without knowing they have been injured in the industry in which they are working. That is the sort of thing we have to contend with.

The story I have told is quite true. The man's name is William Grondal, and he works at the Buckingham Mill, should anybody wish to check my story. I lodged an appeal on his behalf at the local court in Collie. The court was very sympathetic about the matter but said that if this man's claim was granted when he did not report the injury within 48 hours, then it would be bound to grant all such claims that came before it in the future. That is why the man was granted no compensation at all. He is one of the most sincere men I have met, and I have known him for a long time.

The question of medical fees, travelling expenses, and hospital expenses have always been a bugbear in relation to compensation. I have always maintained that no industry should be permitted to function unless it is capable of protecting the men and women who work in it. It would seem that those responsible for the conduct of industry have always tried to do as little as possible by way of compensation for the people working in their industries.

I can understand a company being careful in regard to its expenses, but surely it should approach the matter differently when it comes to a man or woman really being injured in the industry. Surely it

should acknowledge the disability caused to such people while working in those industries. There is nothing wrong in asking that such a principle be accepted.

One clause in the Bill says that any person who by a false statement or any other means aids or abets a person in an attempt to make a false statement will be liable. What is the definition of "any other means?" Why should those words be included in the clause? The provision is well covered in another part of the Act at the moment. Why are such provisions included? Are they necessary when every protection is already provided in the parent Act? I would like the Minister to tell us the definition of "any other means." Surely the provision in the Act is sufficient protection for the employer.

I have expressed my opinion with regard to workers' compensation, and in relation to industry accepting responsibility for people working in such industry. I emphasise the point that no matter which industry it is it should at least protect the people who work in it from the dangers of machinery and that sort of thing and compensate them in the event of injury and consequent medical attention, hospital treatment, and travel to and from Perth. Provision should be made for that.

Workers should not even have to ask for it; it should be provided for them. But no! They are told, "You can have £100 for medical expenses and £150 for something else." Who knows what expense is likely to be involved when a person gets badly injured or smashed up in industry? When a person is hit by a car in a street he merely goes to the local court and gets himself awarded phenomenal damages. But when it comes to a man getting smashed up in industry a fixed sum is stipulated; it does not matter whether or not it is enough. That is what the Act says the employer or the insurance company shall pay, and that is the end of it. It does not matter what the amount is once the compensation has been worked out.

The treatment for some of these accidents lasts for years; in some cases the men never recover. Yet there is no means of recompensing them; they must either go on the invalid pension or be kept by somebody else. Surely we should not permit such a state of things in our modern age; surely we should treat human beings with more respect. It would seem, however that the companies concerned are too busy worrying about pounds, shillings, and pence, and the dividends they are likely to pay. One has no objection to that if some provision is made for compensating the workers injured in industry.

I am most disappointed with the Bill because it does not go nearly far enough. As the Bible says, we must accept the crumbs from the rich man's table. The Bill contains nothing worthwhile, and I

do not know why it has been brought down. It will provide no benefit whatever.

Mr. Perkins: Would you like me not to go on with it?

Mr. MAY: I did not say that.

Mr. Perkins: Well, you just keep your feet on the ground.

Mr. MAY: The Minister is not going to put those words into my mouth. We have already had experience of that happening before. The Minister may not know it but he has developed a nickname while he has been here.

Sir Ross McLarty: What is it?

Mr. MAY: The Minister is called "Stick-fast Perkins."

Mr. Court: Standfast.

The SPEAKER: The honourable member is out of order.

Mr. MAY: Just as a remedy has been found for stickfast in poultry, so a remedy will be found for the Minister. Although we accept the Bill, we feel it does not go far enough in its coverage of employees injured in industry, and of those who require attention after they have been injured. It is all very well to sit back and smile. I know the Minister happens to be one of thosefortunates who has not had to work in industry; and, as a result, he does not know what it means.

Mr. Perkins: I have probably done a lot more hard work than you have.

Mr. MAY: How would the Minister know that? He never met me before I came into this House. I could show the Minister for Police something about work.

The SPEAKER: I do not think the honourable member had better; not tonight, anyway.

Mr. MAY: It would depend on the Minister. I know you would be agreeable Mr. Speaker. In conclusion, I would say that I accept the Bill, but I would add that I can only hope some spark of human decency will eventually creep into the hearts of members who at present appear to have no sympathy for the workers.

MR. PERKINS (Roe—Minister for Labour—in reply) [9.56]: Members opposite have said a lot of hard things both about this Bill and about the Government. As a matter of fact, if a disinterested person were sitting in the Chamber listening only to the Opposition's story he would wonder why the Government brought Bills of this nature in at all.

Mr. Norton: Why don't the Government members say something?

Mr. PERKINS: If we were the hard-hearted people that members would have us believe, would we bring in Bills of this

nature? The fact is that the statements made by members of the Opposition are not true. It is not out of character for a Government such as the one governing Western Australia at present to introduce this sort of legislation. If members think back they will recall that when the McLarty-Watts Government came into office it fulfilled an election pledge and appointed a Royal Commission to inquire into workers' compensation.

I believe the report of that Royal Commission was a very worthwhile document, and some members on the other side of the House would do very well to study it again. As a result of that Royal Commission the present Deputy Leader of the Government, the Attorney-General and Minister for Education (Mr. Watts), who was in charge of workers' compensation at that time, brought down legislation which constituted the Workers' Compensation Board as we know it today. That was probably the biggest step forward in recent times in relation to workers' compensation legislation.

It is just as well to remind members opposite of some of these things because apparently they have forgotten them. It is very easy to bring in legislation in the knowledge that it is so extravagant and contains such unreasonable propositions that it is unlikely to pass both Houses of Parliament. Some of the legislation brought down by the previous Government was legislation of that kind.

Mr. Fletcher: Why wasn't it passed?

Mr. PERKINS: Because it was unreasonable legislation.

Mr. Fletcher: Because it was thrown out by the Liberals.

Mr. PERKINS: Members on the other side would do well to study workers' compensation legislation a little more closely. All sorts of extravagant statements have been made to the effect that our workers' compensation legislation is right out of line with that in the Eastern States. That is not true.

The members on the other side of the House realise that probably the maximum weekly payment is the most important aspect of workers' compensation. That is the provision that affects a worker immediately he is injured; and it is a provision on which his family depends in those weeks immediately after the disablement takes place. If members look at the schedule they will find that in Western Australia we have a weekly rate of £14 8s. In South Australia, the rate is £12; in Victoria, it is £12 16s; in New South Wales, it is £14 5s.; and in Queensland and Tasmania, it is 75 per cent. of the weekly wage. To obtain the maximum paid in Western Australia

at the present time, at 75 per cent. of the weekly wage, a worker would have to earn £19 4s.

Mr. Heal: What is the minimum rate?

Mr. PERKINS: That has no connection with this Bill, but I thought it was necessary, in view of the rather extravagant statements made by members on the other side of the House, to remind them of those particular facts.

Mr. Fletcher: Do they have a *to-and-from* work provision over there?

Mr. PERKINS: It appears that although many hard things have been said against the Bill no-one on the other side of the Chamber is going to vote against the second reading, so there does not seem to be much point in my spending a great deal of time in answering the arguments produced. However, I can say this: Although the legislation which has been brought down may not go as far as some members would have wished, the Government feels that it can really recommend it to the Parliament, and I sincerely hope the measure will go through.

Several points have been raised. The member for Boulder raised the question of the provision in the Bill dealing with silicosis. I will have those particular points examined; but as there are one or two legal points involved, such as when the actual disablement from silicosis takes place and just how that fits into the provision contained in the Bill, I would not like to give an answer now as I do not know exactly what the legal position is. However, I will obtain that information before we proceed with the Committee stage. One or two other legal points have been raised. I think the member for Guildford-Midand has misinterpreted a particular provision in the Bill, but that can be dealt with when we reach the particular clause in Committee. At this stage I suggest we pass the second reading of the Bill and deal with the Committee stage at a later sitting of the House, by which time I will obtain as much information as possible on the various technical points which members have raised.

If members desire to move amendments in the Committee stage, I would be pleased if they would place them on the notice paper so they can be seriously considered. Workers' compensation is a very technical subject. I deal with it quite frequently, but I do not profess to be an expert in this particular field. Therefore, I would like to have the opportunity of obtaining legal advice on the various amendments which members contemplate; and for that reason, I would be grateful if those amendments could be placed on the notice paper.

Question put and passed.

Bill read a second time.

## MILK ACT AMENDMENT BILL

### *Second Reading*

Debate resumed from the 9th November.

MR. KELLY (Merredin-Yilgarn) [10.51]: This Bill has had rather a remarkable existence in this Chamber. I think it was in its embryo stage for something like 12 weeks. I think that would be a record in regard to a Bill being introduced and no further action being taken for such a long period. I fully expected something highly controversial when the Bill finally made its way into the second reading stage, but my disappointment was supreme because the controversial sections were just not in the Bill. So instead of enabling us to get our teeth into something worthwhile, the Minister disappointed the House in that regard.

Mr. Brand: He has introduced a Bill that pleases everyone; is that right?

Mr. KELLY: Apparently that would be the case.

Mr. Brand: That is the sort of legislation we like.

Mr. KELLY: The Bill is based on the recommendations of the annual report of the Milk Board. The tendency of all boards, as we all know, is to develop more or less into dictator bodies. To be totally effective it is very often necessary that boards be dictatorial so they can carry out the intentions of the law in every aspect.

Regarding the amendments in the Bill, the most important one is that dealing with section 26 of the Act. In reading the parent Act, it is hard to visualise that anything could have escaped that dragnet section which was first initiated in 1946 and which has been amended several times. Under the parent Act the board has tremendous power. I should think that if one perused the many Acts in this State governing boards, one would not find a section with such far-reaching powers as those contained in section 26 of the Milk Act. So it is surprising, after 12 or 14 years of existence, that a Bill is being the House to amend the Act.

The Act enables the board to carry out the decisions of Parliament in so far as the milk supply in Western Australia is concerned. I understand the quantity of milk at the present time is over 16,000,000 gallons per year, which is a high figure in relation to our population; and the board's activities undoubtedly cover every avenue—as I think the Minister said—from the cow to the consumer. That is perfectly true; and in the administration of an Act as far-reaching as the Milk Act, it is not hard to realise that the board would want to be certain that it had the power to enforce some of the unpleasant sections of the Act.

There are one or two matters in connection with the Bill that are causing certain people some concern. I know that in the deep south-west of this State the matter of substandard milk does not enter into the picture as forcibly as it does in some other parts of Western Australia that are less fortunate in the amount of green feed available during the summer months. In one area which I have in mind that is circumstanced in such a way that the dairy farmers are expressing quite an amount of concern in regard to the changes in this Bill.

Personally, I do not think their concern is soundly based, because the majority of the provisions in this measure were contained in section 26 of the Act, in which it was found, by the court's interpretation, there was a weakness. The Bill undoubtedly will endeavour to correct that weakness. Unfortunately it had been thought over the years that what is now being done by way of amendment was already covered in the Act; and it was only after the validity of certain parts of the parent Act had been questioned—this was highlighted in July of this year when a case was brought before Chambers and a judgment pronounced—that there appeared to be some faulty sections in the Act.

I think it would be a very poor lookout if the board were not able to enforce the conditions laid down in regard to milk producers and other sections handling milk in the State. We all agree it is very necessary that a high standard be maintained where milk being supplied to the public is concerned; and any laxity on behalf of the board would undoubtedly have tremendous repercussions in the minds of the people throughout Western Australia. It is very difficult for a board to act in the best interests of all unless the legislation under which it operates is watertight. In this case, that position has been proved to be somewhat in jeopardy because of the judgment given some six or seven months ago.

As far as this measure is concerned, it has been expressed to me that many dairymen will go out of existence if the Bill is enacted in its present form. I do not think that position does really exist, because the provisions of the Bill have been far-reaching during the whole course of its operation. Dairymen and milk producers in the Serpentine area, and on the Serpentine flats are affected. I came into contact with some of those men, and a number of them met me within the last 24 hours in connection with this aspect. When the Minister replies I would like to have his assurance that the amendments to be included will not be any more severe on those people than in the past.

The Minister will know that each year the season tails off very suddenly in those areas. Within a matter of days the majority of feed goes off very quickly; and to maintain the standard desired in the Bill,

and which has existed in the Act over many years, is a difficult proposition for these people. Many of them would be compelled to go out of business as milk producers if the conditions, as they are interpreted, were applied in the sense that they feel they might be. I would ask the Minister to give some assurance, in his reply, that the conditions will be no more severe in the future than they have been in the past.

Mr. Nalder: The standard required under this measure is the same as was required previously.

Mr. KELLY: Two of these producers have told me that they would not continue any longer than it takes them to dispose of their cows, if the severity which exists in the Bill is actually put into effect. The Bill covers legislation in the method of raising and applying funds. The over-all result would be much the same, so far as the total collections are concerned, as in the past. If that is the case, I would say that the method now proposed would be an improvement and would enable producers to know where they are heading and what they are called upon to do. I think that the fractional system which has been in operation in the past was not conducive to easy reckoning, particularly as many of these people are not as familiar with mathematics as they would like to be. The improvements which are envisaged will undoubtedly be to their benefit and will, I think, minimise the amount of bookwork.

I would like clarification of clause 3 of the Bill, which reads in part—

(FA) Fixing minimum standards of quality for milk and cream, and preventing the supply of milk or cream which does not comply with the prescribed standard.

The Press statement had this to say—

Mr. Nalder said the board was considering a scheme under which producers of poor quality milk can be assisted to overcome their problems and lift the standard of their product.

On those two statements—and on a further statement which, I think, the Minister must have made in recent days—there seems to be an interpretation that inspectors of the Milk Board are going to be given the power of going to dairies where substandard milk has been produced, and where the offence has been committed on several occasions, and more or less closing them up as producers.

I am not quite sure whether that is the intention in the Bill; but apparently it is being interpreted on those lines. The fear of these dairymen is that the board, in its desire to step up the quality of milk, is also going to enter into the field of advising farmers on all sorts of angles, among them being the nutritional side. It

is felt among many people that board inspectors are more or less clothed with the authority of health inspectors, and would have little knowledge of the other end of the cow, with which dairymen would be well acquainted.

The Minister has been understood to have suggested that that action was likely to take place; and there would be a great deal of objection from every quarter against the effects of this Act. I would ask the Minister to give some assurance that there is no intention of the Act being utilised in that way. In his second reading speech the Minister explained all of the points contained in the Bill. No good purpose would be served by my reiterating those aspects. I support the second reading.

**SIR ROSS McLARTY** (Murray) [10.24]: If any primary industry has benefited as a result of the formation of a statutory board to deal with its products, I think the milk producers have certainly benefited in this regard. I have been in Parliament for something over 30 years. When the Milk Board was formed in those early days there was much bitterness. It was during the time of the depression, when milk producers were well below the bread-line and life was very difficult. I can remember, on my many visits to group settlements in those days, hearing tales of hardship—and they were real tales of hardship—when many difficulties were being faced. As a result of those hardships, with little prospect ahead of milk producers, the Milk Board was brought into operation.

Over the years it has been found necessary to amend this Act. The amendments have been mainly in the interests of the producing section; but I think one can say that, generally speaking, they have helped the industry as a whole. I always feel, with acts of Parliament, that when they have to be constantly amended it creates some uncertainty, and those concerned wonder where they are going. But that has not been the position with the Milk Act. It has become a permanent measure, and many amendments that have been made to it have, generally speaking, improved the Act.

At this stage I think one would be justified in paying some tribute to the services that have been rendered by the chairman of this board over the many years that he has occupied that position. I refer, of course, to the present chairman, Mr. Stannard. He joined the board from its very inception. He was the original secretary and, shortly afterwards, became the chairman. He has had to fulfil a most difficult task—I think that is generally realised—and has had to take a strong stand on occasions, which did not meet with the approval of all concerned. But even among his critics I think it will be generally conceded that he has rendered

a great service to the industry, and all sections of the industry owe him a great debt of gratitude.

The member for Merredin-Yilgarn said that boards sometimes assumed dictatorial powers. I think he also said that at times that might be necessary. It may have been necessary on the part of the Milk Board in days gone by—and even now—to assume what some people might regard as dictatorial powers. But from my very long experience of, and very close association with the board, I would say that whatever powers have been assumed have been assumed in the interests of the industry as a whole. I remember that, in those early days, the slogan used to be, "A reasonable price for the producer and a good quality milk for the consumer." I think that state of affairs has been brought about; the producer is today receiving a reasonable price, and the consumer is getting a good quality milk.

The Minister, when introducing the Bill, said something about quality with which, I think, we all agree. We feel that when there is an assured market and a fixed price the consumer is entitled to expect a good-quality article. I think that has been brought about. The Bill, as the Minister explained, deals with quality, certain financial aspects, and milk improvement. He went on to say that the board should have power to ensure to the consumer milk of good quality. I think that should be so.

I know that difficulties have arisen from time to time; and in its efforts to ensure good-quality milk to the consumers, the board has had to be somewhat hard. I have a particular producer in mind at the present time, who was prosecuted for under-standard milk—being short in regard to solids-not-fat. I felt that this particular producer was struggling and that this state of affairs had been brought about not because of any fault of his own. I am not going to argue that milk should not be of a required standard; and when the board insists upon its being brought up to the standard, it does receive some criticism from certain quarters.

I would like to say something about the proposals under this Bill by which money should be collected. It will be a much easier method, and not nearly so cumbersome. Furthermore, it will ensure that all those who are licensed under the Milk Board will pay into the administration fund. They will also pay into the compensation fund. It is right that all producers should pay into the administration fund. I do not know whether members are generally aware of the fact, but a number have not been paying into this fund; and unless the Act is tightened up some producers will leave it to others to pay into this fund, while they escape the payment. Members will appreciate the fact that no board can function unless it has administrative funds with which to function.

So I cannot see that any reasonable producer can offer objection to paying into this administration fund. The fund, of course, is at present voluntary; and if a producer does not pay into it he does not receive compensation if his cattle, or part of his herd, is condemned. He takes that risk. Actually, only a small contribution is required of him; it is one-thirtieth of one penny per gallon.

It must also be borne in mind that the Government contributes to that fund on a pound for pound basis. There again, it can be said that the producer is being fairly treated. I suppose that, if the Act is left as it is now, there are many producers who will say, "I will take the risk and not contribute to the fund." Today, I asked the Minister in charge of the Bill what amounts had been paid in compensation during the past three years. However, had I looked at the annual report of the Milk Board I could have found those figures for myself. I also asked the Minister what amount was in the fund at the 30th October, 1960, and I was told it amounted to £59,728. The amount paid out, by way of compensation, for the year ended the 30th June, 1958, was £4,200; and for the year ended the 30th June, 1959, it was £4,320. For the current year, ended on the 30th June, 1960, an amount of £3,275 had been paid in compensation.

On a rough calculation, there is enough money in the fund at present, together with the interest that is accumulating, to provide for any demands on the fund for the next 15 years. Now that contributions will be compulsory, more money will be obtained and the Government will still provide the pound for pound subsidy, so I think it is probable that this fund will increase to a considerable extent. It is proposed to use from this fund certain moneys for the testing of cows in order that producers might be advised as to what cows are not up to standard and so give them an opportunity to rectify the position. I understand the fund will be used in other directions for the purposes of advising and assisting producers to overcome difficulties which may confront them, particularly in relation to the problem of solids-not-fat.

As the Department of Agriculture is also engaged in this work the member for Harvey and myself have had this question put to us: Will there be any overlapping? Perhaps, when the Minister replies, he will be able to give some information in this regard. I do not think the Milk Board would waste money in this direction. I feel certain it would be gainfully used in the interests of producers generally. However, if the Department of Agriculture is to do the same work we do not want overlapping, because that would cause unnecessary expense.

The Bill also provides for a system of license fees, which would be based on the amount of milk sold in the preceding year.

It appears to me that this will be a more practical and economical method of calculating the fees to be charged. I was interested to hear the Minister say that the amounts to be paid would be practically the same as they are at present. In reverting to the compensation fund, I notice, from the annual report of the Milk Board, that £174,000 has been paid in compensation since the inception of the compulsory testing of dairy herds, which system was inaugurated in 1947.

I do not think the average producer—or the average person, for that matter—realises that such a large sum has been paid in compensation. I now notice that the incidence of tuberculosis, for example, in cattle, is practically negligible. The disease has just about been wiped out. I do not know of any other diseases among cattle, comparable with tuberculosis, which would require such a large expenditure of money from the compensation fund. Other diseases, which this State has fortunately escaped, but which have caused tremendous losses to stockowners in other places, are covered, I understand, by the Stock Diseases Act, and they would not necessitate a call being made upon the fund established under this Act.

I say to the Minister that whilst I realise the great benefits producers have derived from the fund, and the amount that now lies to its credit, I think the position should be watched closely because a fund which has now reached a sum of £59,728 should not be greatly increased. I cannot see the need to establish a huge reserve fund. I have no objection to a portion of this fund being used for the purposes outlined in the Bill because, as I have said, it will be used in the interests of the producing section of the industry generally.

I notice from the annual report that the Milk Board is giving consideration to ways and means of assisting producers who are not supplying quality milk. I would be interested to know what the board has in mind and in which direction it proposes to render this assistance. I presume it will not only be practical assistance, but also technical assistance. However, has the board the officers who can supply this information, or is it the intention of the board to endeavour to employ such persons?

The member for Merredin-Yilgarn expressed concern about some producers being stood down in the event of their milk not being up to the required standard. In that regard I notice that the following appears in a newspaper article on the Milk Board's report:—

A producer whose milk fell below 3.2 per cent. and 8.5 per cent. solids-not-fat twice in three months and whose milk was again found under standard should be prevented from selling milk.

I read that to mean that a producer whose milk is found to be under standard on two occasions within three months, will be stood down. However, during the period he is stood down he will not lose a market for his milk. He will sell it to the manufacturer of butterfat, cheese, or whichever section of the industry suits him best. Then, as soon as his milk is brought up to the required standard once again, he will be able to fulfil his quota for whole milk.

The following also appears in a newspaper report published by *The West Australian* newspaper on the contents of the Milk Board's annual report:—

The ban should also apply until he could prove to the board that he could supply milk of the quality it required.

At the same time the board should instruct the milk vendor to stop buying inferior milk.

The report recommended that the board should extend its advisory services to dairymen to include a wider development of testing for solids-not-fat content in individual cows.

This would necessitate the development of herd testing, the keeping of additional records and greater laboratory facilities.

So the report goes on. It is quite clear to me, at any rate, that it is the intention of the board to do everything it possibly can to assist producers who may be stood down for the purpose of getting them back into the whole milk industry as soon as possible. This will probably inflict a greater financial loss on producers than the imposition of fines. When producers are fined for supplying under-standard milk the financial loss may amount to £5 or £10; but the whole-milk producer is in such a position that if he is stood down for an appreciable period his loss will be considerably greater than £5 or £10.

I notice that in the annual report it is also stated that milk sales in the State have increased by over 380,000 gallons in the past year, to a total sale of 16,113,537 gallons, and that the industry has a cash turnover of approximately £6,000,000 a year.

Quite a number of producers in this industry are operating under low quotas. I know it is the policy of the board not to regard this as a closed industry; it allows new producers to become licensed as circumstances permit. Whilst I have no objection to new producers entering the industry—I am all for encouraging them if they can be brought in—I do think the board should, first of all, take into consideration the position of those who are already engaged in the industry and who are operating on quotas of 50 gallons and less. When a producer operates on 50 gallons or less—from my reading of the report some producers operate well below

that quota—and whole-milk production is his sole means of livelihood, he must be very hard put to it to make a living.

It would be a sound and wise policy to try to bring the small producers up to a living standard of production, before permitting new producers to become licensed in the industry. Over the years the board has tried to take a broad view in this regard. I think it took the right step in declaring that the industry should not be a closed industry.

The manner in which milk consumption is increasing in this State should encourage the milk producers. The board can justifiably claim considerable credit for the increase in the milk consumption. I think this increase will continue as this State progresses steadily, as it will. When the population increases there will be a greater demand for milk production.

When we deal with the question of the quality of whole milk we should take into consideration that thousands of school-children in this State are supplied with free milk. It is supplied from Commonwealth funds, and it does not cost the parents of the children anything. This free supply of milk creates an additional market for the milk producers. Because of this fact, the question of the quality arises. The huge consumption of milk by children is an added reason why whole milk should be of a high quality.

Generally speaking, this Bill has been introduced in the interests of the dairying industry. As far as I can gather, at the present time there is a good feeling within the industry—far different from the feeling in days gone by when there was much bitterness. The companies which are handling the distribution of milk seem to be established on solid foundations, and there is close co-operation between them and the producers, and the dairying industry has benefited as a result.

Today there are fewer depots in the industry, compared to days gone by. When the board first came into operation there were many depots, and it is remarkable how the number has been reduced. I hope that no more will disappear. The number should not be reduced, and there should be room in the industry for the establishment of new ones, particularly as the industry is expanding. The Bill has merit, and I support the second reading.

**MR. ROWBERRY** (Warren) [10.52]: It goes without saying that I welcome this legislation. On the 18th August, 1960, I asked the Minister for Agriculture the following question:—

- (1) In view of the inability of the Milk Board to protect consumers legally from producers who supply whole milk with a solids-not-fat deficiency, is the Government's

intention to introduce legislation to give the Milk Board this power during this session?

- (2) If so, will he indicate what steps he intends to take to protect the milk consumers of this State?
- (3) Will he consider amending the Health Act to give the Milk Board the status of a local authority with power to make by-laws under the Act?

The Minister replied as follows:—

- (1) and (2) Yes, by measures to ensure that only milk conforming to legal standards under the Health Act is supplied to consumers.
- (3) In view of No. (1) and No. (2), such measures will not be necessary.

I hardly need to reiterate that I support this measure. Especially do I support that part of the Bill which gives teeth to this legislation—the provision which gives the board the power to fix the minimum standard quality for milk and cream, and to prosecute suppliers who do not comply with the prescribed standards. I hope there will be no lessening of the standards which are prescribed under the Health Act; namely, the butterfat content of 3.2 per cent., and solids-not-fat content of 8.5 per cent.

I have listened to the contributions of members who have taken part in this debate, and who expressed the opinion that hardships will be imposed on milk producers because at the end of the year, when the feed dies off, they have difficulty in keeping up the milk standards. It should be realised that these prescribed standards are international standards.

In the milk and butterfat-producing countries in the northern hemisphere there is no grass fodder available during six months of the year when snow and ice cover the ground. Even though the cows may scrape away the snow and consume the grass, there is no life in it. The grass dies off entirely in the winter and cows have to be stall-fed. Yet it is possible for stall-fed cows to produce milk of the standard prescribed by the Health Act. The standard set under the Health Act in respect of butterfat and solids-not-fat contents has been copied from the standard applicable in Britain. I learnt that when I studied for the health inspector's examination in this State.

If it is possible under the conditions I have outlined in the countries in the northern hemisphere, which are primarily milk, butterfat, and cheese producers, to produce the prescribed standard of milk, then the same should be possible in a country such as Australia where, during the growing period, feed can be put aside for the stock by ensilage; by converting

the grass into hay as is done in the Old Country; by growing root crops for the stock; and by the storage of hay.

The argument that hardships will be imposed on producers by setting these minimum standards for milk is unfounded. These are not average standards, but standards well below the average for milk and whole-milk production. I must discount any suggestion that hardships will be imposed upon the milk producers in this State by enforcing these minimum standards.

I welcome the idea that assistance will be given to milk producers—technical, scientific, and in the field—to improve the pastures, and improve the nutrition of the fodder supplied to the herds, thus bringing the stock up to standard.

Judging by the reaction of some of the members in this House who represent farming communities, to suggestions as to how farmers should conduct their affairs, I do not see how the farmers in this State will take kindly to instruction or advice. I have had the opportunity to sit among farmers and listen to their discussions. I have found that nearly every farmer had an individualistic attitude towards the development of his farm and the method of farming. That seems to be part of the nature of the farmer; he is individualistic. As a result of this outlook he sometimes takes very unkindly to advice or instruction.

Mr. Nalder: That may have resulted from the way you went about giving the advice.

Mr. ROWBERRY: The Minister should not accuse me of advising farmers as to the methods of farming. I do not believe in teaching my grandmother how to suck eggs. The farmers in this State know much better than I do how to produce good cattle and good crops.

The milk producers should realise that because they have an assured price for their produce as well as an assured market, they have had conferred on them a great privilege. Because of this great privilege they should realise they have a great responsibility to the milk consumers of this State. I imagine that the interests, health, and well-being of the milk consumer should be the first consideration in legislation of this description.

The reason for the setting of these minimum standards in the Health Act was the protection of the health of the community, especially as so many children consume large quantities of milk. One of the reasons for our young people being so sturdy in health and limb, and so beautiful in stature, arises from the large quantities of pure milk they consume at home, and in the form of milk products.

The deep south has been mentioned in the course of this debate. I would point out to milk producers around that part of

the country which supplies milk to the metropolitan area that some of the dairymen in the deep south would be happy to change from butter fat production to whole-milk production. As a matter of fact I think the member for Murray mentioned something about a closed house. He did not want any more milk producers licensed until the ones already in the industry were raised to a high standard of living.

It must not be forgotten that in the deep south the dairy farmers and settlers look forward to the day when they will be able to participate in the whole-milk industry. As a matter of fact, last year I had several discussions with the chairman of the Milk Board (Mr. Stannard) with a view to the board issuing a license for the establishment of a factory in Manjimup for the pasteurisation and supply of whole-milk. It was gradually borne in on me in the course of discussions that this was indeed a very closed house. Mr. Stannard put numerous objections in the way of this gentleman in Manjimup setting up his factory. Of course I realise that he had the interests of the present producers to consider together with the consumers of milk as well as this gentleman's interests. However, underlying the whole discussion appeared to be the fact that this was an industry which was kept for a select few. I hope I am wrong in that assumption.

Eventually I persuaded Mr. Stannard that some of the viewpoints he raised and stands he took were not justified because he was not entitled to such viewpoints under the Milk Act. That, along with my persuasive eloquence—despite what the Minister stated a few moments ago—eventually made it possible for this gentleman to be granted a license.

The time has come when there should be more milk factories in the country. We should not bring all the milk into the city to be treated. For instance, the time has come for a factory to be established in Bunbury now that Manjimup has achieved this objective. This would result in reduced transport expenses because the milk would not then have to be carted all the way from the Harvey district to the city.

This Bill should be welcomed by everyone in this House. The provisions made for helping the milk producer to raise the standard of his herds and output are very generous. It must have been a disappointment to discover that there was a loophole in the Act which enabled the unscrupulous supplier to further his own nefarious plans to make profit at the expense of the community. Because of the facts outlined I will support the Bill in its entirety.

**MR. I. W. MANNING** (Harvey) [11.6]: I have studied the Bill and can support the amendments contained therein.

**Mr. Brand:** Hear, hear!

**Mr. I. W. MANNING:** The amendments are timely because it is necessary at this stage to write into the Act the authority for the board to fix the standard of both milk and cream.

I agree with the graduated scale for the industry's contribution to the cost of the board's administration, and the preparing of a specific classification of the dairymen, treatment plants, and milk vendors for the purpose of determining their payments to the board.

A further amendment makes it compulsory for contributions to be made to the compensation fund. Today there are dairymen who do not contribute to this fund, and I suppose they will not be too pleased that the contributions have now been made compulsory. However, as this House has recently passed a Bill providing for a compulsory contribution to be made to a compensation fund in the butterfat industry, I do not see why on this occasion the contribution to the whole-milk compensation fund should not also be made compulsory. I do not think there could be any real objection; because, as the member for Murray indicated, the amount is very small, working out at approximately 1/30th of a penny to the gallon.

The Bill further envisages a scheme for milk improvement, which I believe is very desirable. It also provides for such a scheme to be policed and the provisions within the scheme to be enforced. One method by which they could be enforced to maintain the quality of the milk would be the previous method of prosecution. However, we have no moral right to prosecute for failure on the part of the farmer to maintain the required standard, because, as has been proved, he has committed no wrong in failing to produce milk of the required standard.

However, there is a necessity that we approach this matter from another angle and that we should prevent milk below the required standard reaching the market; and set out in this Bill is a provision to do just that. All those producers who were fined for supplying under-standard milk were very upset that they were taken to court and prosecuted, and therefore it is desirable that we should give away completely that approach to the enforcement of the standard. Those men had the sympathy of the court and were fined only the minimum.

This proposed milk-improvement scheme provides for the milk from the herd which is consistently below standard to be diverted to manufacture until such time as it does meet the required standard. As the member for Murray pointed out, this scheme could impose a very severe financial penalty upon the farmer, because the milk which would be diverted would be worth approximately half the amount of whole milk. If a producer supplied approximately 100 gallons a day, it would amount to a continuing financial loss of £10 a day.

In his report to Parliament, the chairman of the Milk Board suggests that where a dairyman's milk is below the 3.2 per cent. butterfat content and 8.5 solids-not-fat content on two occasions for a period of three months, and then tested again and found to be below standard, it should be diverted from whole milk and would have, of course, to be used for manufacture.

At least three months' grace should be given to the farmer in order that he would have a reasonable opportunity to correct the problem. This problem of quality is a very real one on the question of solids-not-fat, and he would need all of three months in which to correct the problem.

We will have to define more clearly just what the procedure will be and at what point the milk would be diverted and the license reinstated. I recommend that when on two consecutive tests it is shown that the milk is deficient in quality, the farmer should be notified within 28 days. Also to be notified should be the Department of Agriculture which should carry out an inspection and investigation.

The department's findings and recommendations should be forwarded to the Milk Board and the farmer. If the farmer reasonably endeavours to carry out such recommendations, and any further recommendation as may be given, the license should not be suspended. If the farmer fails to take steps to correct the deficiency within 28 days, or, having undertaken corrective measures, the milk after three months is still below standard the license should be temporarily suspended until the prescribed standard has been regained, whereupon the license should be immediately reinstated.

That recommendation indicates that the Department of Agriculture would be required to play a very important part in the assistance rendered to the farmer to regain the quality. It also highlights, too, the point at which the activities of the Milk Board inspector cease and those of the Agricultural Department officers commence.

There is a good deal of resentment throughout the milk areas against some of the activities of the Milk Board inspectors. My belief is that they are appointed to police the Act. It is their duty to go on to the properties, inspect the dairies, and make their report to the Milk Board. When they enter into conversation with the farmer and make recommendations as to how he should conduct his farming activities, and what he should feed his stock on, and so forth, it is not wise in my view because a Milk Board inspector is not qualified to offer such advice; and in a number of cases that I have in mind it has been somewhat misleading. Therefore when, under this measure, the inspector goes on to the property and after having taken the necessary tests finds the quality of the milk is below the required

standard, the extension officers of the Department of Agriculture, who are qualified men, should be sent to the property to investigate, make recommendations, and generally advise the farmer regarding the steps that could and should be taken to build up the quality of the milk until it is of the required standard.

The financial loss is such that the farmer could not afford to have his milk remain below the required standard for any lengthy period of time. It would be reasonable to give him time to correct the problem and lift the standard of the milk, but it would not be reasonable to allow him to go on for any long period supplying milk below the standard, because I see by this measure an opportunity of showing the public that the milk being sent to the metropolitan area, and from there through the retailers to the consumers, is all of the required standard. By that means, consumers would have confidence in the product and would know that they were paying for milk of high quality.

I believe in the interests of the industry as a whole that is very necessary, and I think the measure will assist the industry to encourage an ever-increasing consumption of milk.

I would like the Minister for Agriculture to give a great deal of thought to the point at which the milk will be diverted, and what period of time is to be allowed the farmer, bearing in mind all the time that the penalties provided under this measure are far greater than the farmer has had to face up to in the past. Considerable bitterness was engendered by a prosecution when the farmer concerned claimed that morally he was not in the wrong.

There are a few other points I would like to touch on; and, firstly, I would like to mention something which the member for Murray referred to when speaking on the question of quotas. I notice the chairman of the Milk Board in his report to Parliament mentioned this aspect, and he set out a scale which, if applied, would have the effect of gradually but surely lifting those producers who were on a quota below 50 gallons a day up to 50 gallons and over. This scale, if applied, would be a very good one; but I know of no instances where the formula is being applied at present.

Several applications have been made to the board for an increase in quota. Farmers who have been on 50 gallons have applied and reapplied without any increase being granted. In one instance a farmer had two sons who came home from school to live and he applied to the Milk Board for an increase in quota. It was refused and he then reapplied and the quota was increased from 50 gallons a day to 51 gallons a day. I know of another instance where a farmer who is producing 100 gallons a

day has a quota of 50 gallons. He has applied and reapplied for an increase, but it has not been granted. But if the formula is applied it should have a beneficial effect upon the milk industry.

In my view those farmers who are on a quota of under 50 gallons a day are virtually peasant farmers; because they have all the added costs of producing whole milk the whole year round, and yet only benefit to the extent of 50 gallons and under a day. It is only when a producer reaches a quota of 80 gallons a day that he really has an economic unit and can afford to employ labour. Many of the bigger producers today are employing three married men with families and they are making a big contribution to their districts in that way.

Looking at the over-all picture, the industry is being efficiently administered and is on a very sound basis; and there is no reason to believe that it will not continue in that way. The member for Warren claimed that it was a privileged industry; but I cannot follow his reasoning. I cannot see that it is a privileged industry, although it is a sound one. Its buoyancy is derived from the ability of the farmer to assess his income in advance, and the income of the farmer is good. Being on a set quota he can anticipate his income for 12 months in advance; and in that way he is able to do his planning and manage his affairs accordingly.

In my view that gives the industry its solidarity, and it has a decided advantage in that respect. To a large extent other farmers have to gamble, and it is a somewhat hazardous business, even for the butterfat producers. Their incomes are largely influenced by the seasons, as is the position with wheat farmers. The whole-milk producer has a quota to meet and he sets out to meet it. He plans accordingly and can anticipate his income in advance. Because of the price paid for milk, and because of the need to maintain his production, the whole-milk farmer is generally a very efficient one, and is becoming more efficient as days go by. I think the whole-milk producer, more than anyone else, realises his obligations and at all times he sets out to keep down his costs of production and farm efficiently.

The economics of the industry are such that he could not afford to do otherwise, and the man who is not efficient is the man who is not doing well. I support the Bill.

**MR. NALDER** (Katanning—Minister for Agriculture—in reply) [11.24]: I am pleased to know that members on both sides support the measure, and I can assure them that much time and thought have been put into the amendments set out in the Bill. That has been done with the object of giving the board the authority it

requires; which it should have; and which it thought it had until the Act was challenged in a court of law some few months ago.

I hope to be able to satisfy members on the various points they have raised; but I would like to say, firstly, that this is an industry which is contributing much to the economic position of our State. Because of its sound economic basis, farmers are constantly faced with a challenge, and they know they have a responsibility to see that the quality of their product is continually kept up to the mark.

One of the main reasons for this legislation is to give the Milk Board the authority that it should have, and it will be a challenge to the producers to keep up their standard so that consumers who are constantly demanding a quality product will be satisfied and will have no doubt that they are getting that quality product.

During his speech, the member for Merredin-Yilgarn suggested that the legislation would be severe on those producers who perhaps were not able to maintain the quality of their product. As far as that is concerned, the position is exactly the same at present. The standard set down in the Act has not been altered. As several members have said, the standard required is a certain butterfat content and a certain solids-not-fat content. If the producers keep to that standard they will have no trouble.

That brings me to the other point mentioned—milk improvement. That matter is mentioned in the Bill, and the amendment will give the board power to suggest improvements to the Minister with the object of assisting the producer who has for a period been supplying under-standard milk, to improve the quality of his product. It will be up to the board to go into details and bring the amendment into effect as time goes by.

I suggest to members that these improvements will not be brought about in one week, or even one month, or even one year; it will be a matter that will be considered from time to time. As conditions change, the board will go into the pros and cons of the problem and will offer assistance and advice to those producers where it is felt that such advice is necessary.

The point has been raised that there could be overlapping in respect of the advice that will be tendered by the officers of the board and that given by the Department of Agriculture. It is hoped that this will not be the case, and every endeavour will be made to see that there is no overlapping. Where a producer was in difficulties he would automatically turn to the officers of the board and ask for suggestions, and the competent officer concerned would no doubt offer suggestions to that producer which would enable him to get over his difficulties.

But it would still be the responsibility of the producer, especially if it were a matter of fodder conservation, soil analysis, or anything of that nature, to seek the advice of the officers of the department; and that advice would be readily available to the producer who sought it.

As far as I can see, the position is fairly clear. I do not think there will be any overlapping and I am sure that, from the board's angle, and also from the departmental angle, efforts will be made to co-operate in every way to see that the producer who is in difficulties will be able to get that advice and assistance which will help him to overcome the solids-not-fat problem.

The member for Murray suggested that the consumer should expect a good quality product. That will be the result of the improved scheme which the board will endeavour to bring into effect. I can assure consumers not only in the metropolitan area, but wherever milk is sold, that it will be the keynote of the board to see that consumers get a good-quality product.

It was also suggested by the member for Murray that the question of the compensation fund be kept in mind. He said it should not be allowed to increase to proportions that would not be considered reasonable. I can assure the honourable member that this matter will be watched; and I would point out that in other compensation funds where the sum has reached proportions that are considered to be quite safe, the contributions paid by the producers have been reduced. This matter will be kept constantly under review; and when it is considered that the fund has reached reasonable proportions, thought will be given to reducing the contributions made by the producer.

The member for Warren and the member for Harvey also put forward some suggestions. The member for Warren referred to the fact that this group of producers could be classed as a closed group. When the Milk Board started its functions those producing milk nearer the metropolitan area were called upon to supply that product to consumers in the metropolitan area. But as the activities of the board have extended so also has the area of the producer supplying milk extended. As the demand increases so will the area where the milk is produced be extended. While I cannot completely agree with the honourable member's view, I do admit that producers in these areas find themselves in perhaps a more favoured position than those in other parts of the State.

I am quite sure that the details mentioned by the member for Harvey will be looked into by the board, because from time to time it will be necessary to make regulations; and I am sure the details

pointed out by the honourable member will be given due consideration. If it is felt that the regulations are not operating in the best interests of the industry then the House will have an opportunity to look at them and discuss them if it is felt necessary to do so. I again thank members for the reception they have given this amending Bill.

**Question put and passed.**

**Bill read a second time.**

*In Committee*

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

*Third Reading*

On motion by Mr. Nalder (Minister for Agriculture), Bill read a third time, and transmitted to the Council.

*House adjourned at 11.35 p.m.*

## Legislative Council

Wednesday, the 16th November, 1960

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