

all Commonwealth revenue is based, a most powerful case is urgently necessary to be laid at the door of the Commonwealth, shorn of political prejudice and based on equity and justice. Until we can bring that point in its true perspective before the Federal Treasurer and Federal civil servants, who I feel to a large degree dominate Treasurers' thinking, we have very little chance, no matter how objectionable other courses may be, of curing the present situation.

Whatever weaknesses there are in the finances of any State at this moment, are due, I think, to the power of the purse held by the Commonwealth Government. There is no other answer, because no State Government willingly taxes its people. It endeavours to find enough to meet public requirements and demands; but while the present situation lasts, no State Government, excepting the more opulent, has any chance of that situation obtaining.

I think, too, that although only the Auditor General of the Commonwealth has a chance of commenting on Commonwealth accounts, there is a vast field open in that direction. We heard recently of some comment regarding unspent surplusses of a big Defence Department which was £100,000,000 out in its estimate. It was able to put tens of millions of pounds away which were not calculated in its estimates of expenditure.

All of that money is coming from the citizens of Australia and equality in taxation is based on the principle that whether a dentist lives in Perth or Cairns, he is taxed according to his income. The principle, under the reimbursement formula, is that those who are not endowed as richly as the strong States should get some reimbursement from those States, and that formula must continue if Australia is to have the true Australian spirit in the future as was anticipated by the founders of the Federation.

No matter how we may cavil at the State's requirements in this Bill, we must go a lot deeper than petty criticism based on parochial instincts, which I will admit are quite justified since the first law of nature dominates the thinking of most members—self-preservation. But we must go much deeper than mere party criticism of things being not what they seem, when a State Government is endeavouring to carry on under difficult circumstances and when we know that but for reimbursement under Section 96 it could not carry on at all. I support the Bill.

On motion by Hon. H. K. Watson, debate adjourned.

House adjourned at 10.24 p.m.

Legislative Assembly

Tuesday, 13th November, 1956.

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

ASSENT TO BILL.

Messages from the Lieut.-Governor and Administrator received and read notifying assent to the Corneal and Tissue Grafting Bill.

QUESTIONS.

EDUCATION.

(a) *Timber Supplies for Manual Training.*

Mr. CROMMELIN asked the Minister for Education:

(1) Does the Education Department still supply *pinus radiata* to the schools for manual training purposes?

(2) If so, is he familiar with the quality of the timber supplied to the schools?

(3) Why cannot the schools be supplied with suitable jarrah, as plenty of it is available?

(4) What is the cost to the Education Department per super foot of—

- (a) *pinus radiata*;
- (b) jarrah;
- (c) *ramin*;
- (d) red meranti;
- (e) *parana pine*?

(5) In the case of boys buying timber for use, will the Government subsidise the cost to them?

The MINISTER replied:

(1) Yes.

(2) Yes.

(3) Some jarrah is supplied. There was less during recent years while local demand for jarrah in industry was high. It is anticipated that more will be supplied from now on.

- (4) (a) 190s. per 100 super feet.
- (b) 155s. per 100 super feet.
- (c) 210s. per 100 super feet.
- (d) 230s. per 100 super feet.
- (e) 225s. per 100 super feet.

(5) For small jobs the timber is supplied. For large jobs such as traymobiles, bookcases, sets of occasional tables, etc., the boys buy the timber. This is a very good arrangement. Boys are encouraged to make worth-while articles of furniture for their own homes for the cost of the timber.

(b) *John Curtin High School, Attendance, etc.*

Mr. ROSS HUTCHINSON asked the Minister for Education:

(1) What is the anticipated number of pupils who will be attending John Curtin High School in 1957?

(2) How many of these will be accommodated in the new building?

(3) How many will be accommodated in the present Princess May Girls' School?

(4) Will the pupils referred to in No. (3) be girls, as at present?

(5) What additional accommodation will be required to cater for pupils, and what number will be accommodated at each annexe?

(6) When is it anticipated that the new high schools planned for Applecross and Melville will be built?

(7) Can a school, so widely dispersed as John Curtin will be in 1957, be efficiently administered as one school unit?

(8) In such a large, widely dispersed school, will not conditions deleteriously affect pupils, teachers, and administration alike?

(9) Would it not have been preferable to have retained Princess May Girls' School as a separate school until—

- (a) the new school had been completed; and
- (b) the outlying high schools of Applecross and Melville had been completed?

(10) What advantages, if any, are gained by the premature wiping out of Princess May Girls' School?

The MINISTER replied:

(1) Two thousand five hundred and twenty.

(2) Seven hundred—increasing throughout the year as further rooms become available.

(3) Seven hundred.

(4) Girls and boys.

(5) None, other than present annexes—350 at Princess May annexe and 210 at North Fremantle annexe.

(6) As soon as funds permit.

(7) Yes.

(8) It is not an ideal arrangement but the best for the period of transition. No deleterious effects on pupils, staff and administration are anticipated.

(9) (a) and (b) No.

(10) (i) Overall organisation has been simplified and unified.

(ii) Classes will be transferred to the new building as classrooms and ancillary rooms become available.

(iii) Co-educational classes can be established immediately.

(c) *Publication of Answers in "Sunday Times".*

Mr. ROSS HUTCHINSON (without notice) asked the Minister for Education:

With reference to my question relating to conditions, etc. at the John Curtin High School, will he please inform me how it was that this question was postponed on Thursday last but the "Sunday Times" was able to give the substance of the greater part of the answers in its edition of Sunday last?

The MINISTER replied:

The hon. member knows as much about it as I do. I do not know how the "Sunday Times" got the information; as a matter of fact, I rarely get the "Sunday Times."

(d) *Investigation of Position.*

Mr. ROSS HUTCHINSON (without notice, asked the Minister for Education:

Will he endeavour to find out what occurred and why the information was given to a newspaper before it was given to Parliament?

The MINISTER replied:

I shall endeavour to find out for the hon. member; but as I said, he knows as much about it as I do, because I did not give the information.

(e) *Supply Teachers, Preference.*

Mr. ROSS HUTCHINSON asked the Minister for Education:

(1) Is he aware that at least in one State school, supply teachers have been given preference over permanent staff, as far as training-teacher positions are concerned?

(2) Whether he is aware of this or not, will he state the departmental view on whether such preference is considered fair to permanent staff?

(3) Is it a headmaster's sole prerogative to make the appointments referred to in No. (1)?

(4) If the situation as posed in No. (1) happens, would he state the correct procedure that aggrieved permanent staff should take, to remedy what might be considered an injustice?

The MINISTER replied:

(1) Yes, but only in cases where the permanent teachers are not suitably qualified.

(2) Yes.

(3) No.

(4) They should state their case to the department for investigation.

FISHING INDUSTRY.

Crabs and Crayfish, Catch and Prosecution.

Mr. CROMMELIN asked the Minister for Fisheries:

(1) What weight of crabs was caught by licensed fishermen in the Swan River using hauling sunken seine nets and drop nets for the three years 1954, 1955 and to the 30th September, 1956?

(2) How many prosecutions took place for catching undersized crabs for the seasons or years 1954, 1955, and to the 30th September, 1956?

(3) With reference to the news items in the "Daily News," page 2, on the 24th October, 1956, re inspection in cold storage of 1,700 crayfish, 60 per cent. of which were

undersize, even to half inch, how many prosecutions took place for this offence for the year 1954-55 and to date this year?

The MINISTER FOR EDUCATION (for the Minister for Fisheries) replied:

(1) 1954—15,341lb.

1955—16,694lb.

1956 (to the 30th September, 1956)
—20,966lb.

(2) Nil.

(3) 1954—51.

1955—34.

1956 (to the 30th September, 1956)
—42.

RAILWAYS.

(a) Elleker-Nornalup Line, Freight, Revenue, etc.

Hon. A. F. WATTS asked the Minister for Transport:

(1) For each of the years 1953-54, 1954-55, and 1955-56, what was the total tonnage of freight carried to and from sidings on the Elleker-Nornalup railway?

(2) What was the total revenue derived from all goods of all kinds carried on such railway?

(3) In the event of the railway being discontinued, can he indicate what type of transport service will be substituted for it and how frequently it will run?

(4) What loss is it alleged the railway makes per annum and on what figures is such loss calculated?

(5) What tonnage of timber was carried by rail during the last three years over the line from—

(a) Kent River mill;

(b) other mills?

The MINISTER replied:

	Tons.
(1) 1953-54	18,134
1954-55	14,083
1955-56 (estimated)	13,270

(2) Revenue credited to the Elleker-Nornalup section was:—

	£
1953-54	12,228
1954-55	12,410
1955-56 (estimated)	11,600

(3) Probably a railway road service with a frequency at least equal to the existing service.

(4) Section of line results for 1954-55 which is latest information available for Elleker-Nornalup section were:—

	1954-55.	Saving on closure (no over heads).
Expenditure	£55,440	£39,485
Interest and depreciation	£20,565	£4,770 depreciation
	£76,011	£44,255
Earnings	£13,936	£13,936
LOSS	£62,075	£30,319 (saving on closure)

(5)—

	1953-54. tons.	1954-55. tons.	1955-56. tons.
(a)	3,386	2,018	1,620
(b)	4,774	4,779	5,427

**(b) Ongerup-Gnowangerup Section,
Accuracy of Grain Freight Statistics.**

Hon. A. F. WATTS asked the Minister for Transport:

(1) Will he revise the figures in respect of tons of grain carried from Ongerup and other sidings east of Gnowangerup given in answer to my question on Tuesday, the 6th November, in view of the facts—

(a) that the total figures given by him for "grain" which would include wheat, barley and oats total only 8,945 tons for 1953-54, 3,480 tons for 1954-55, and 5,970 tons for 1955-56, while the receival figures for Co-operative Bulk Handling for wheat alone show 619,718 bushels for 1953-54, 240,192 bushels for 1954-55, and 640,622 bushels for 1955-56, which at 37 bushels to the ton calculate to 16,749 tons in 1953-54, 6,491 tons in 1954-55, and 17,314 tons in 1955-56;

(b) that his figures totalling 18,395 tons for the three years are less by 22,159 tons than the C.B.H. figures for the same three years, and that the latter figures are for wheat only; therefore excluding substantial quantities of barley and other grain?

(2) In the light of these discrepancies, can he give an assurance that the figures for other freights carried to and from the same sidings, as given in answer to my question on the same day, are accurate?

(3) At what place or places is the freight paid on the grain carried from these sidings?

(4) What portion of the total freight paid in respect of such gain is credited to the Gnowangerup-Ongerup section of railway?

(5) What portion of other freights, paid elsewhere than at the sidings mentioned, is credited to the section of railway mentioned?

The MINISTER replied:

(1) In compiling the railway statistics, "Grain," which is mainly oats and barley, is shown separately from "Wheat," as may be seen by reference to the Railway Commission's annual reports. The wheat totals were included in the "other traffic" figures furnished in reply.

(2) A typographical error occurred in the figures given for traffic from other sidings east of Gnowangerup for 1953-54. The figure of 4,803 for "other traffic" should read 6,803 and the total 14,092. The 1955-56 "other traffic" figures which were estimated have been checked and reveal a

shortage of 606 tons which makes the total 8,987 tons instead of the total of 8,381 given.

(3) Perth.

(4) and (5) Gnowangerup-Ongerup sub-section is included in the Tambellup-Ongerup section which is credited with its proportion of the throughout freight on a pro rata basis.

**(c) Buffet Servery Economics,
Country Trains.**

Mr. HALL asked the Minister representing the Minister for Railways:

(1) Will he investigate the economics of a buffet servery for country passenger trains?

(2) If so, will he consider reducing sleeper accommodation by one berth to be used as a servery to reduce haulage costs?

The MINISTER FOR TRANSPORT replied:

(1) Considerable experience has been gained in buffet servery operation with the "Australind" train, but, in view of the losses incurred, the service was discontinued.

(2) Answered by No. (1).

**(d) Geraldton-Ajana Line, Employees
Affected, etc.**

Mr. SEWELL asked the Minister representing the Minister for Railways:

(1) How many railway employees will be affected by the proposal to suspend traffic on the Geraldton-Ajana line?

(2) What is the annual salary and wages bill of the employees affected?

(3) What is the anticipated financial saving for one year if traffic is suspended on this line?

(4) What tonnage of—

(a) wheat;

(b) superphosphate;

(c) wool;

(d) other goods;

was carried on the line in last financial year?

The MINISTER FOR TRANSPORT replied:

(1) 35.

(2) Approximately £29,000.

(3) Figures for 1955-56 are not yet available but for 1954-55 the saving on closure of the line was assessed at £26,296.

(4) (a) 21,872 tons.

(b) 1,590 tons.

(c) 931 tons.

(d) 12,117 tons.

(e) Net Loss on Railways to be Closed.

Mr. EVANS asked the Minister representing the Minister for Railways:

What was the net loss on all the railway lines proposed to be closed, for the year ended the 30th June, 1956?

The MINISTER FOR TRANSPORT replied:

Figures for 1955-56 are being collated but will not be available for some time. The total net loss for 1954-55 was £543,435. This total includes the sections Dwarda to Narrogin and Tambellup to Ongerup as separate details are not recorded by the Railway Department for the sections Boddington to Narrogin and Gnowangerup to Ongerup.

GOVERNMENT TRANSPORT.*Net Loss for 1955-56 on Metropolitan Services.*

Mr. EVANS asked the Minister representing the Minister for Railways:

What was the net loss on all Government forms of transport in the metropolitan area for the year ended the 30th June, 1956?

The MINISTER FOR TRANSPORT replied:

The net loss was £1,544,893.

COALMINING.*Westralia and Black Diamond Mines, Financial Assistance.*

Mr. MAY asked the Minister for Mines: Referring to the replies to my question of Tuesday the 6th November, 1956, relative to finance supplied for the development of the Westralia and Black Diamond mines—

- (1) Will he state the source of such funds as have been made available to coal companies at Collie?
- (2) Will he give an assurance that in the event of any coalmines being closed by any of the companies, action will be taken by the Mines Department to ensure that the mines will not be allowed to flood, which would render them useless?

The MINISTER FOR EDUCATION (for the Minister for Mines) replied:

(1) The Westralia and Black Diamond pits were developed by the company from its own resources.

(2) I am unable to give an assurance, as requested.

PENSIONS SUPPLEMENTATION ACT.*Amending or Continuing Legislation.*

Mr. JOHNSON asked the Treasurer:

As the Pensions Supplementation Act expires at the end of this year, can he indicate when amending or continuing legislation will be introduced?

The DEPUTY PREMIER (for the Treasurer) replied:

In the near future.

NATIVE WELFARE.*Alvan and McDonald Houses, Children Catered For.*

Mr. NALDER asked the Minister for Native Welfare:

(1) How many children are catered for annually at

(a) Alvan House;

(b) McDonald Home?

(2) How many children have passed through the homes since their inception?

(3) Can he give reasons for their continuance?

(4) Does the Government intend to extend both places so as to make facilities available for more children?

The MINISTER FOR WORKS (for the Minister for Native Welfare) replied:

(1) (a) Yearly average since 1951, 13 girls.

(b) Yearly average since 1952, 6 boys.

(2) Alvan House, 44. McDonald House, 26.

(3) Yes. Both houses function as hostels for the accommodation of country children who have qualified for secondary education but could not attend high school due to (1) the inability of the parents to pay the high costs of secondary education and (2) the lack of alternative accommodation.

(4) Not at present. By an arrangement with the several natives concerned, some high school native students are being boarded there by the department. This has relieved the pressure on the city hostels.

LESCHENAULT ESTUARY.*(a) Tabling Papers re Departmental Investigations.*

Mr. ROBERTS asked the Minister for Works:

In view of my questions on the 1st November, 1956, in relation to the stench and deterioration of Leschenault Estuary, will he lay on the Table of the House the file dealing with the departmental investigations on this subject?

The MINISTER replied:

Yes, for one week.

(b) Chemical and Bacteriological Analyses, Papers.

Mr. ROBERTS asked the Minister for Health:

In view of my question on the 1st November, 1956, in relation to pollution tests, and sampling points in Leschenault estuary, and his replies thereto, will he lay on the Table of the House the file appertaining to

the detailed results of chemical and bacteriological analyses since 1952, and also the plan showing the location of the 24 sampling points in Leschenault estuary?

The MINISTER replied:

Yes, and I present it for tabling.

COLLIE RIVER BRIDGE.

Maximum Weight of Motor-Vehicle Load.

Mr. ROBERTS asked the Minister for Works:

(1) In view of the strengthening, re-decking and metal sealing recently done to the bridge over the Collie River between Bunbury and Australind, what now is the maximum all-up weight that can be hauled by motor-vehicles over this bridge?

(2) What is the estimated future life of this Collie River bridge?

The MINISTER replied:

(1) General strengthening of the bridge was not undertaken. Some defective bearers, together with the deck, were renewed. Permissible gross loads for this structure as published in the "Government Gazette" on the 9th December, 1955, are:—

(a) Motor-wagons, 7½ tons.

(b) Road tractor and semi-trailer or road tractor and trailer, 12 tons.

(2) Subject to these restricted loadings, it is reasonable to expect that the structure has a remaining useful life of from 10 to 15 years.

CHAMBERLAIN INDUSTRIES LTD.

Personnel of Board of Management.

Hon. D. BRAND asked the Minister for Industrial Development:

(1) What are the names of the members of the board of management of Chamberlain Industries Ltd.?

(2) Who is the chairman or acting chairman?

The MINISTER FOR WORKS (for the Minister for Industrial Development) replied:

Mr. N. Fernie; Mr. P. Butterworth; Mr. H. W. Byfield and Mr. G. Harken.

There are two meetings held each month, one of which deals largely with routine matters; and the other deals largely with policy matters. The Premier is chairman at the policy meetings. Mr. Fernie is deputy chairman.

WUNDOWIE CHARCOAL IRON INDUSTRY.

Recommendation for Additions, etc.

Hon. D. BRAND asked the Minister for Industrial Development:

(1) On whose recommendation has the Government decided to make additions to the Wundowie charcoal iron industry plant?

(2) What are the qualifications of the general manager of the works?

The MINISTER FOR WORKS (for the Minister for Industrial Development) replied:

(1) On the recommendation of the board of management.

(2) (a) Bachelor of Science in Engineering.

(b) Associate member of the Institution of Engineers (Aust.).

(c) Associate member of the Australian Institute of Mining and Metallurgy.

FIG IRON.

Imports and Exports.

Hon. D. BRAND asked the Minister for Industrial Development:

(1) What amount of pig iron was imported from the Eastern States during the last two years?

(2) From what source was the pig iron obtained?

(3) Is it anticipated that any pig iron will be imported during the next 12 months?

(4) If so, what will be the approximate tonnage?

(5) What is the landed cost per ton of pig iron brought from the Eastern States?

The MINISTER FOR WORKS (for the Minister for Industrial Development) replied:

(1) Nil.

(2) None.

(3) Yes.

(4) 1,000 tons.

(5) The 1,000 tons to be imported comprises three grades. The price for two grades is £21 12s. 6d. per ton and for the third £21 10s. per ton, these being the common c.i.f. prices at capital cities throughout Australia.

HOSPITALS.

(a) Standard of Nursing Staffs.

Mr. CORNELL asked the Minister for Health:

What is considered by the Medical Department to be the standard nursing staff at each of the following hospitals:—

South Perth;

Pinjarra;

Merredin;

Busselton;

Kellerberrin;

Manjimup?

The MINISTER replied:

Pinjarra—Matron, 7 sisters, 8 nursing assistants.

Merredin—Matron, 9 sisters, 9 nursing assistants.

Busselton—Matron, 9 sisters, 9 nursing assistants.

Kellerberrin—Matron, 7 sisters, 7 nursing assistants.

Manjimup—Matron, 7 sisters, 7 nursing assistants.

With regard to South Perth, this is a private hospital and not under the jurisdiction of the department.

(b) Comparative Work of Sisters.

Mr. CORNELL asked the Minister for Health:

Adverting to question No. 14 asked by the Leader of the Country Party on the 1st November, can he say why it takes 16 sisters to do the same work at the South Perth Community Hospital, as it takes six sisters to do at Pinjarra, five to do at Kellerberrin and Merredin, and six at Manjimup?

The MINISTER replied:

Because of the amount of surgery done at the South Perth Community Hospital, which is a private hospital, no true staff comparison can be made as between these hospitals.

In any event, the hon. member has made no reference to the fact that, in addition to trained staff, there are a number of nursing assistants at the three country hospitals.

(c) Wongan Hills and Dalwallinu, Tabling of Files.

Mr. ACKLAND (without notice) asked the Minister for Health:

On Thursday of last week the Minister agreed to lay on the Table of the House the files dealing with the Wongan Hills and Dalwallinu hospitals. Are these files available, or when will they be available?

The MINISTER replied:

I will ascertain the information and the files will probably be laid on the Table of the House tomorrow.

BILLS (2)—RETURNED.

1, Oil Refinery Industry (Anglo Iranian Oil Company Limited) Act Amendment.

2, Pig Industry Compensation Act Amendment.

Without amendment.

RESOLUTION—RAILWAYS.

Discontinuance of Certain Lines—Council's Message.

Message from the Council received and read requesting consideration of the following resolution:—

That in the opinion of this House, the discontinuance and cessation of operation of the railways, referred to in Appendix "B" for the reasons mentioned in Appendix "A" be deferred:

(a) until after they have been considered and a decision made by the Legislative Assembly, and

(b) until after the Government has brought forward definite separate proposals in respect of the area served by each railway—of road transport and roads in lieu of rail services.

Appendix "A."

(1) The annual cash deficits of the State railways.

(2) The condition of State railways generally and particularly of the railways listed in Appendix "B."

(3) The need for improvements in the economical operation of the State railways, and for the concentration of railway resources to permit of all-round improvements in the cost of operating the railways.

(4) The facts that the railways listed in Appendix "B" are unprofitable and that their rehabilitation and operation would involve heavy expenditure when compared with existing and anticipated future traffic on those railways.

(5) The rising costs of operating railways.

(6) The need to avoid, to every possible extent, any necessity to increase rail freights on the remaining railways, and to provide for the adequate rehabilitation and operation of the remaining railways.

(7) The recovery of materials for use on other railways.

(8) The availability and use of other means of transport.

(9) The most satisfactory and economical employment of staff.

Appendix "B."

Railways.	Length of Railway. Miles.
Meekatharra to Wiluna	111
Cue to Big Bell	19
Malcolm to Laverton	64
Geraldton to Ajana	67
Wokarina to Yuna	38
Burakin to Bonnie Rock	76
Mukinbudin to Lake Brown	8
Lake Brown to Bullfinch	50
Bullfinch to Southern Cross	22
Boddington to Narrogin	51
Busselton to Margaret River	38
Margaret River to Flinders Bay	29
Elleker to Nornalup	61
Brookton to Corrigin	56
Lake Grace to Hyden	58
Katanning to Pingrup	59
Gnowangerup to Ongerup	35

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BILL—FRUIT GROWING INDUSTRY (TRUST FUND) ACT AMENDMENT.

Read a third time and transmitted to the Council.

BILL—INSPECTION OF MACHINERY ACT AMENDMENT.

Report of Committee adopted.

BILL—LAND ACT AMENDMENT

(No. 3).

Second Reading.

THE MINISTER FOR LANDS (Hon. E. K. Hoar—Warren) [15.55] in moving the second reading said: The purpose of this Bill is to remove the restrictive powers of the present Act and pave the way as far as possible for large scale settlement in the State by private financial means, wherever that is deemed desirable from the State Government point of view. As members know, the maximum area of land that can be made available to any one person, or group of persons, or corporations, either on leasehold or conditional purchase, is 5,000 acres.

While that might have been all right in days gone by—and to some extent it still is, because I do not think we ought to lose sight of the fact that we should encourage people who are anxious to take up land privately for their individual requirements—there has developed in recent years a new line of thought which necessitates large parcels of land to be developed by somebody—either by the Government or by private people by spending money to the best advantage in order to make land available to settlers under the best possible conditions.

Since its earliest inception, the State has, of course, developed in an individual way. People in the earlier days were quite satisfied to go into the isolated parts of the State and take up land. That did, of course, have its disadvantages, such as extreme isolation and the lack of facilities and amenities generally. But I do not think they were missed so much in the earlier days of settlement in this State because those people were not so concerned with isolation—they had not known much else—and the lack of school facilities and hospitals were also not missed to any great extent in those days because they had never enjoyed them.

I think it was the fact of education playing such a tremendous part in our lives that brought about a completely new outlook so that these amenities—which were indeed luxuries in the earlier days of settlement—became, as time went on, necessities when new land was opened up. So, gradually, over the years, and over very long years at that, there developed a changed outlook in land settlement quite away from the isolated scattered farms that we had known hitherto and which were, of course, responsible to a large extent for the ultimate development of this State as we know it today.

There was a movement away from that to the more compact settled areas where the provision of normal facilities and amenities was an early promise. This applies particularly to the throwing open of Crown land. So, gradually over the years there came to people's minds the need to develop a kind of group system, or some project area which would enable

people to be grouped together in fairly close proximity. Not only is this done, as I said, to facilitate the easy movement of money to the best advantage in these days of high costs, but also to provide those facilities that were lacking in the early days.

The question arises as to how this particular type of development is to be done. It can be done in only one of two ways. Either Government finance itself must undertake this work, or private enterprise or private money must come into the picture to carry out this particular class of development and settlement work for the Government and the people. I think it will be readily agreed by all members, no matter to which political party they belong, that in these days of high costs it is quite beyond practical application for any Government in this State to undertake such large scale settlement within the scope of its own funds. It cannot possibly raise money for this purpose and whenever an effort has been made in the past to obtain Commonwealth aid, the Federal authorities interested in matters of this kind, have usually discouraged us, possibly for very good reasons from their point of view.

Therefore we must of necessity—if we are to place any value at all on the need to further develop this State in an agricultural sense—turn our eyes in some other direction; and it is when we do that that we find the restrictions of our present Act more apparent now than at any other time. If we are to have an Act of Parliament which lays down that only 5,000 acres can be obtained under conditional purchase by any one person, or group of people, then that would be completely out of line with modern thought and development. In recent times we have had quite a number of important people and companies interesting themselves in land development in Western Australia.

Mr. Nalder: It looks as though there is a change of policy in the Labour Party.

The SPEAKER: Order, please!

The Minister for Transport: Tommyrot!

The SPEAKER: Order!

The MINISTER FOR LANDS: It is a habit of mine to ask interjectors what they said, so the interruption was my fault, I suppose. I was saying that there had been a number of influential people making inquiries in recent years with regard to land in this State. Most of us will remember that only about three years ago there was an area in the North Stirlings which had been partially developed by this State for war service land settlement purposes; but it was ultimately turned down by the Commonwealth Government and some nine blocks became available for selection.

There was a Mr. Pech from Brookton who is, in his way, something of a phil-anthropist, I imagine. Certainly he has

some good ideas regarding the opening up of country, and does not mind using his money for that purpose. Mr. Pech became interested to the extent of forming a syndicate of eight persons, who have been actively engaged in developing 20,000-odd acres over the last two years, and he could be involved to the extent of £100,000. I cite this case merely to show one of the weaknesses of our present Act. For, because it was unlawful for a corporate body with power to obtain a larger area of land than 5,000 acres, it was necessary for each of those eight persons in the syndicate to be allotted separately the area of land in question while, at the same time, Mr. Pech was financing the whole undertaking. Consequently, there is no real security for that man.

Had the Act been differently framed, we could have reached an agreement immediately with that gentleman and provided him, through the corporation or syndicate, with far more security than he now enjoys. There is no real danger at all in allowing private people or corporations with large sums of money to undertake this development for the State, so long as we tie up any agreement in such a way as to make it conform to the State's requirements as to the best use of the land, with particular reference to closer settlement opportunities.

Apart from Mr. Pech, we have Northern Developments Ltd., a body experimenting in rice-growing in the Fitzroy River country. It claims that it has already spent £30,000 on this project and desires to move in a bigger way. It requires 20,000 acres to do the job it has in mind, but it is faced with the restrictive influence of our present Act.

In 1953 an Adelaide company, Michell & Sons, was particularly interested in 22,000 acres in the Owinup Swamp district around Denmark. In 1954 a Mr. Cameron of Victoria wanted 100,000 acres, and did not care a hoot where it came from. In 1955, Rural Securities Pty. Ltd., of Sydney, was interested in large areas, as was, in the same year, the Scottish Australian Company Ltd., also of Sydney. So it can be seen that great interest is being shown in our State by concerns with wide and varied interests and people who have a lot of money. Recently we have had the Allan Chase American group of financiers who have shown great interest in the Esperance area.

My view, and that of the Government, is that the Act should be so amended as to enable the Government immediately to deal with any worth-while offer from an applicant instead of having to wait, as we now have to do, for a special agreement to be drawn up between the Government and a particular group that is interested and later have that agreement ratified by Parliament.

Hon. Sir Ross McLarty: No limit as to area?

The MINISTER FOR LANDS: Yes—no limit. Because obviously we could not say what the limit should be. But if this power were given to the Government, it would expedite development by such people as the Chase group. We are fortunate in this case inasmuch as Parliament is sitting. But Mr. Chase, from the records I have read and from what I have heard of him, has such driving force that, if he had approached the Government early next year when Parliament was not sitting and had wanted an agreement there and then—because he has other interests and opportunities, I understand, in New Guinea and other countries—and was refused an agreement or was granted one only on the understanding that it would have to be ratified seven or eight months later when Parliament was in session, he would have refused to negotiate and would have gone elsewhere.

People who desire to develop and settle on the land must have a lot of money, because they can no longer lean on the Government for assistance until such time as they have built up for themselves a considerable equity. If we look at the advantages of large-scale development from the point of view of cheapness, we have to admit that people like Mr. Chase and his associates must be granted, if we agree upon the fundamental points of interest between us, every facility to operate as quickly as possible.

Tomorrow night Mr. Chase arrives in Western Australia, and he is coming to conclude an agreement with this Government for the settlement and development of approximately 1,500,000 acres to the west and east of Esperance. I have placed a small map on the wall of this Chamber which members may be interested in during the tea suspension or at some other time. It shows the location of this land, which is ideally situated for project development. Esperance itself is separated from the railhead at Ongerup by 200 miles—about 210, I think it is—and it is necessary, if we are to do anything at all with the Esperance area, to develop it as one complete, self-contained project because of its extreme isolation.

We have reached the stage where we can look confidently to the development of this area, and that has been made possible largely because of the establishment of the Government research station which is about 18 miles north of Esperance and was established in 1949 in the time of a previous Minister for Agriculture, the late Garnet Wood. In the seven years which have elapsed since then, the area has been improved agriculturally and there is no doubt as to the success of that area if it is developed and farmed along the right lines.

In our own research station we have worked out the cost of 1,000 acres of pasture including housing, sheds, fencing

and water supplies at approximately £14 per acre. I believe it is slightly less, but I mention £14 to be on the safe side. It is in the 20-inch rainfall region, and it is certain that three sheep to the acre could be carried on that land within three or four years of its development.

That is a very conservative estimate. Most of our qualified officers feel that as many as four to five sheep per acre could be carried. But from the point of view of farm economics, and to put it on a safe basis, if members work out the cost at three sheep per acre, or £4 to £4 10s. per sheep, they can see for themselves what the prospects of this part of the country are.

Mr. Nalder: How many years did it take to get to that stage?

The MINISTER FOR LANDS: They can start to feed after the second year's growth, and from three to four years there would be a full complement with three sheep to the acre.

Mr. Ackland: That is more an understatement than an overstatement.

The MINISTER FOR LANDS: I am sure of that; but it is just as well to err on the conservative side in dealing with matters of this kind. Following the very valuable work done over the years, this Government appointed a committee to inquire into the prospects of successful farming in that area. A report was made to members, and it became increasingly clear to anyone who read it that the opportunities of safe farming in that area were very evident. Because of that, the Government asked that its officers should embark upon a detailed costing plan of farm establishment.

This has been done. Bearing in mind the carrying capacity of the area, which would increase as the heavier rainfall belt closer to the coast was approached, it became increasingly clear that we could not go wrong if we could only find somebody to assist in this large-scale development, which would cost anything from £10,000,000 to £12,000,000. That is obviously an amount far beyond the resources of any State Government.

The Government first became aware of Mr. Chase through the good offices of Hon. F. J. S. Wise, who had personal contact with him in the Northern Territory in connection with the rice-growing project in that area. The Government lost no time in getting in touch with Mr. Chase who, after reading our report and studying our assessment of costs, became intensely interested to the point where negotiations were commenced.

I cannot give the whole details of the proposed agreement at this stage, because Mr. Chase will not have had an opportunity of signing the agreement until a few days hence. But I hope that when that is done, we will be able to have it printed

and make a copy available to all members as we did in connection with the Esperance report and subsequent work.

But the main points in the agreement are that 1,500,000 acres will be sold to this financial group at 4s. per acre, plus survey fees. The company shall select and apply for the following minimum areas:—50,000 acres by the end of the first year; a further 100,000 acres at the end of the second year; a further 100,000 acres at the end of the third year; and a further 100,000 acres at the end of the fourth year, the total then being 350,000 acres. The total of 1,500,000 acres is to be selected by the end of December, 1961. The allotment of successive areas will depend on the company bona fide proceeding with progressive development according to the agreement.

The company will undertake to develop such parcels of land according to the agreement within ten years. East of Esperance the area will be subdivided into farms of not less than 1,000 acres or more than 2,000 acres and west of Esperance not less than 1,500 acres or more than 10,000 acres. The 10,000-acre area will be that situated to the north of the western area. Within ten years after the permit to occupy has been issued, the company is to have available for share farming, lease or sale 50 per cent. of such parcel of land. The lessee himself will have the right to exercise an option to purchase the farm after ten years.

The State will construct all developmental and access roads and will maintain them until the local authority can, through its rates, undertake this work. A fertiliser works will be established as soon as the quantities used in the area make it an economic proposition and a killing works will be required as production increases.

The settlement of people will be on the basis of at least 50 per cent from the Commonwealth of Australia, where such are available and the intention is that not more than one holding shall be allotted to any one person. The State will plant trees on forest reserves and on the sides of main developmental roads. The State research farm will continue to co-operate closely with the company. Where practicable the company will purchase machinery, implements and materials produced in Western Australia.

The total area there will be subdivided, all told, into approximately 650 farms of all sizes and will cost, as I have said, between £10,000,000 and £12,000,000 on our figures, although that could be amended according to the system of development, which will be the sole prerogative of Mr. Chase and his friends who undertake the work. Whether or not he will be able to do the work cheaper than that I cannot say at the moment but that is a rough outline of the proposals in the agreement,

and I do not think there will be any objection at all to having them printed a little later on and making copies available to members.

Mr. Hearman: Who will pay for the super works and the killing works?

THE MINISTER FOR LANDS: The company. I do not want members to imagine that this proposal, if and when it comes off, will mean the end of any other form of land settlement scheme in this State, because the opportunities are still here and I feel that so long as men are imbued with the pioneering spirit and desire to carve places for themselves in remote areas of the State, they should be given every encouragement, provided they have the money with which to build up their properties into what would be considered a safe proposition.

Apart from the need for further development on an individual basis—and I expect to see it go on apace as people can afford it—there are other opportunities of a large-scale nature which people within the Commonwealth or elsewhere in the world might ultimately become interested in. I have drawn up a list of four such areas and it shows that between Mingenew and the Murchison River there are 100,000 acres; between the Midland Railway and the coast 1,000,000 acres; and between Ravensthorpe, Ongerup and Albany and the coast, 500,000 acres, while sundry areas throughout the present farming districts provide 400,000 acres, or a total of 2,000,000 acres of known agricultural potential if our research in the Esperance area has anything at all to commend it.

As far as we can ascertain the same type and quality of land exists in large areas in many parts of the State and so, whether big interests inquire after this land or whether we throw it open gradually in the time-honoured fashion, making selections available on an individual footing, I say this State has still wonderful land to offer anyone sufficiently interested to invest his money in it. I consider that the present scheme is just a start.

The American financial group at present interested want urgently to make a start and Mr. Chase wishes to commence operations before the end of this year. I look on that as a pointer to what could occur in other parts of the State if we can interest other people similar to this group.

Hon. Sir Ross McLarty: Under this scheme the settler would require a fair amount of capital, I take it

THE MINISTER FOR LANDS: I have no idea what this group will ask of the settler, but there may be share farming or a period of leasing and at all events the leasehold period would not exceed five years, after which the land could be made available to the settler freehold. If that is not done, then at the end of ten years

the settler could exercise his own option in that regard. I feel that there is a wonderful future ahead of Western Australia in the matter of land settlement. Day by day, as other influential people either elsewhere in the Commonwealth or overseas show interest in our land settlement opportunities, the overall picture will develop and I feel that our present Act is virtually outdated as it does not allow the Government to operate quickly enough to seize opportunities. I believe the Bill will do what we require, and so I have much pleasure in moving—

That the Bill be now read a second time.

On motion by Mr. Ackland, debate adjourned.

BILL—RURAL AND INDUSTRIES BANK ACT AMENDMENT (No. 2).

In Committee.

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

Clauses 1 to 10—agreed to.

Clause 11—Division 2A Added:

Mr. COURT: I move an amendment—

That Subsections (2) and (3) of proposed new Section 65E, pages 6 and 7, be struck out.

This long clause covers the proposed new sections of the Act and sets out the machinery for the Savings Bank division of the Rural & Industries Bank. I propose to handle these amendments in the absence of the member for Vasse. The reason for this amendment is that the subclauses sought to be struck out would appear to give this savings bank powers not possessed by other savings banks.

When introducing the Bill the Minister said it was the intention of the Government that the savings bank division should operate on approximately the same lines as other savings banks and they are limited by the Commonwealth Banking Act of 1945-53. As I see it, this, being the newer of the two State Acts, would give the commissioners of the Rural & Industries Bank the right to take money on deposit from trustees, whereas under Section 5 of the Trustees Act only fixed deposits are permitted. If it is the intention of the Government to amend the Trustees Act, Section 5, to make all savings bank deposits permissible, the clause would have justification as it would give the R. & I. Bank only what is permitted to the other banks.

THE MINISTER FOR LANDS: I think I can overcome the hon. member's objections in this regard. Admittedly, it would be unfair to give the R. & I. Bank an advantage not enjoyed by the private banks but that does not apply in this case because the private savings banks are actively

seeking the same powers which the Government has included in this measure. They have approached the Treasurer and he has agreed that amending legislation is necessary and, further, he has promised to bring it forward. In fact, I understand it is now down at the Crown Law Department being checked. It would, I imagine, be introduced this session, but I am not certain of that. If it is to be, however, it would be a serious thing if we had a Bill introduced later in the session to grant this to private banks and trustees only to find that it is not included in this legislation.

Mr. Ross Hutchinson: Could it not be synchronised?

The MINISTER FOR LANDS: Yes, but it has to be done by this Bill and the Treasurer has given an assurance to the private banks that he will bring down an amending Bill to cover them. Most of these trustees are parents acting on behalf of children, and if we are to do any good at all, we must have this power, and the private trading banks should also be entitled to it.

Mr. COURT: I would not like the Minister to feel that I am upset about this matter because he has given me the assurance I was seeking. I would have thought, however, that when the amendment to the Trustees Act is made, it will automatically embrace the R. & I. Savings Bank and therefore one amendment to the law would be sufficient. In view of the fact, however, that an amendment is to be made, I would like the Minister's assurance that it will be introduced this session.

The Minister for Lands: That is in the Treasurer's hands, but I know he has agreed to it.

Mr. COURT: I think we should have the assurance that the Bill will be introduced this session. Can we have the Minister's assurance that the Treasurer has agreed to the amendment, but the only doubt is whether the Bill will be introduced this session?

The Minister for Lands: My information is that the Bill is on its way, but not being in charge of it, I cannot guarantee that.

Mr. COURT: In the light of that assurance, I seek permission to withdraw my amendment.

Amendment, by leave, withdrawn.

Mr. COURT: I move an amendment—

That after the word "notice" in line 18, page 11, the words "in writing" be inserted.

It is felt that the depositor should at least have notice in writing of the intention of the commissioners.

The MINISTER FOR LANDS: I have no objection to the amendment. In fact, this would be the day-to-day practice and apparently these words were omitted from the Bill when drafted.

Mr. JOHNSON: I object to this amendment as it is against banking practice and it is unnecessary. It is normal, of course, for all notices in regard to banking transactions to be given in writing. However, it is possible—and this should remain—for a notice to be served in other ways. For example, a notice can be served by telephone and confirmed in writing. If the hon. member would care to make the amendment read "and is confirmed in writing", I would agree to the amendment because that is normal practice.

There is an odd occasion when banks, for their own purpose, wish to do something in a hurry and the serving of a notice in writing is something that cannot be done immediately, particularly if the person concerned has his place of business or residence some distance away from the bank. A telegram could be delivered in a very short time but a letter would take a good deal longer. A telephone call would be equally effective and should be sufficient. Therefore, I see no reason for the amendment. It seems to me an attempt to make the administration of the R. & I. Savings Bank unnecessarily complex.

Mr. COURT: I invite the attention of the Committee, and particularly that of the member for Leederville, to the fact that in this legislation we are not dealing with accounts in overdraft. I realise that banks must have the power to act quickly in the case of accounts that are in overdraft. However, it would be very wrong if the R. & I. Savings Bank had accounts in overdraft and, in fact, there would be bother if it did. Various ruses are resorted to by people who try to put one over the bank when they have several savings bank accounts. Nevertheless I feel that in this case, where the savings bank accounts are always in credit, a notice should be in writing because the next sub-clause has a bearing on the question. I still consider that we should make the written notice statutory. The Bill does not interfere with the right of a depositor to withdraw the amount and deposit it elsewhere.

Mr. JOHNSON: Although the intention of the R. & I. Savings Bank is that people's accounts should remain in credit, this clause in other particulars makes allowance for certain accounts to be operated on by cheque and in the very odd case that occurs, it is not impossible to imagine that a person who has authority to operate by cheque would do some of those things which he should not do, such as, for instance, issuing cheques on an account in which there are insufficient funds. That is the type of practice which would necessitate a notice for the closure of an account. I still feel, therefore, that

the necessity for the notice to be in writing is a handicap whenever that odd case occurs.

Mr. COURT: I cannot agree with the contention of the member for Leederville because although cheque operation is permitted in the savings bank, there would still be trouble within the bank if it allowed depositors' accounts to get into overdraft. Therefore, I think the hon. member's argument falls down.

Mr. JOHNSON: I am not suggesting that the account would get into overdraft. I am suggesting that people would be able to draw cheques on an account where there are insufficient funds.

Mr. Court: They would not be met.

Mr. JOHNSON: Of course they would not be, and that is one of the reasons why there should be notice to close accounts because people often issue cheques that bounce.

Mr. Court: It is only a small matter.

Mr. JOHNSON: I agree, but it might be most difficult to get this notice in writing to the people concerned within a reasonable time when it would be possible to serve notice by telephone or by telegram and confirm the notice in writing later. I still oppose the amendment.

Amendment put and passed.

Mr. COURT: I move an amendment—

That after the word "notice" in line 20, page 11, the words "in writing" be inserted.

Mr. JOHNSON: For the same reasons that I advanced against the previous amendment, I oppose this one.

Amendment put and passed.

Mr. COURT: I move an amendment—

That after the word "payment" in line 42, page 12, the words "provided that the approval to draw by cheque referred to in this subsection shall not be given except in the case of a depositor being a local authority, friendly society, or other society, body or club" be inserted.

It will be noticed, Mr. Chairman, from the amendment which appears on the notice paper under the name of the member for Vasse, that I have slightly altered the wording of it in actually moving this amendment by including, after the word "approval" the words "to draw by cheque." If those words are not included in the amendment, the effect of the provision could be too restrictive. The intention now is to restrict the privilege to draw by cheque to the accounts of local authorities, friendly societies, other societies, bodies or clubs.

Members who have had experience as secretaries, treasurers and presidents of clubs, friendly societies and similar bodies

will know that for many years the Commonwealth Savings Bank has allowed the operation of accounts by cheque. This was to enable those organisations to receive the benefit of a small amount of interest. The Commonwealth Bank has been very jealous of that privilege and it has been very vigilant in watching the accounts which have this privilege of operating by cheque, although they were still savings bank accounts.

It is interesting to note condition 2 of the authority given by the Commonwealth to private savings banks to carry on business under the Banking Act. It says—

The savings bank shall not, in the course of that business, permit a cheque to be drawn on an account maintained with the savings bank, not being an account maintained by a local authority, friendly society, co-operative society, or any other society, body or club.

It is to give effect to that restrictive practice by the Commonwealth Bank and which it has insisted on, that this amendment has been moved. If it is the intention of the Minister that the savings bank section of the R. & I. Bank is to compete on fair and even terms with the private banks then he will agree to this proposition. One can imagine the unfair advantage that can be given if the R. & I. Bank can grant cheque facilities on their savings bank accounts to all and sundry. The provisions contained in the Bill mean that the commissioners of the bank will have discretion in the matter. I feel it should be restricted by statute and not left to the commissioners.

The MINISTER FOR LANDS: I oppose the amendment. If passed it would place the R. & I. Bank in a very unfavourable position as compared with other banking institutions. Neither the commissioners nor I consider that clients would be attracted indiscriminately to the savings bank section because of stamp free cheque accounts. That is what is implied by the amendment. As the member for Nedlands said, that would involve a bank in a tremendous amount of work. It would not only attract money which previously laid interest free in the parent bank, but in the R. & I. Bank due thought is given to the loss of State revenue arising from the nonpayment of stamp duty on cheques.

This clause gives the R. & I. Bank the opportunity not to deal with individuals. The point is that the privilege is not given indiscriminately to individuals to draw cheques but to see that certain bodies which are not included in the amendment are able to utilise the services of the R. & I. Bank. That is only fair. I have here a list of over 30 associations, clubs and organisations, some of which will be excluded if the amendment is passed.

Mr. Court: Give us an example how that will come about.

The MINISTER FOR LANDS: The wording of the amendment will illustrate that. Those organisations would be the only ones able to draw by cheque if the amendment is agreed to.

Mr. Court: Is that not the same as in the Commonwealth Savings Bank?

The MINISTER FOR LANDS: Yes, but over the years the private banks have over and over again applied to the State Treasurer for permission to operate stamp free accounts, and here is a list of over 30 which have been given permission. Not being satisfied with that, applications in respect of another seven have been made.

Mr. Court: How would they qualify under the charter?

The MINISTER FOR LANDS: They have to get permission.

Mr. Court: They cannot get permission beyond the basic authority provided under the Banking Act.

The MINISTER FOR LANDS: It is not a question of the Commonwealth, but of the State Treasurer giving permission to private banks to operate that class of account.

Mr. Court: That only refers to the stamp duty between themselves and the State Treasurer.

The MINISTER FOR LANDS: There are many institutions such as memorial halls, which are permitted to operate in that manner. The bank feels that as the R. & I. Bank is a State institution, the amendment is too restrictive and should not be agreed to.

Mr. COURT: I cannot agree with the contention of the Minister. Authority is given to the newly formed savings bank section to say which accounts may be operated upon by cheque. It is true that when they do operate by cheque the bank applies to the Treasury for the nonpayment of stamp duty. I would again refer to condition 2 which I have just read out. In my experience with the Commonwealth Savings Bank, an application has to be made by an organisation as to whether it comes within the ambit; if it is a non-profit making body, permission is invariably given, but the bank makes sure that the body is a non-profit making organisation. Memorial halls and funds of that nature would come within the ambit of condition 2 of the authority to carry on banking business, and also the amendment on the notice paper. If it is left completely open, there would be unfair competition, and it would not be long before the Minister would receive a complaint from the Commonwealth Bank.

The Minister for Lands: It is not entirely open now. This is done by regulation, and regulations have to come before

Parliament. That is the same as the Commonwealth power granted by the charter in respect of private banks.

Mr. COURT: There is a difference. The Commonwealth Government has laid down in an arbitrary fashion the types of account which can be operated on by cheque. If the Commonwealth Government wants that to be amended, it will have to amend the charter. That would not be readily acceded to because of the practice of the Commonwealth Bank. It has been very vigilant in this regard. It is only fair that all savings banks should function along the same lines. If I have omitted any worthy type of account, I am agreeable to accept an amendment on the amendment. I have attempted to include a fairly wide definition.

Mr. JOHNSON: The amendment should be opposed for a number of reasons. Interest bearing accounts, particularly those of local authorities, friendly societies, etc., are restricted by the Commonwealth Bank charter or by the instructions under which the bank works. Similarly the charter restricts the manner under which private savings banks operate, but being adjuncts to the private banks they are not restricted in the same manner as the R. & I. Bank in relation to other dealings.

For many years prior to the establishment of the savings bank sections of the private banks, it was not unknown for private banks to allow organisations which qualified under this method to receive some rate of interest, be given the same privileges, and to use cheque drawing accounts. They were normally the accounts of patriotic societies and the like. From personal experience, I would not say that those accounts have increased since competition has arisen for savings banks deposits. I would say that the number of societies, bodies or clubs which have savings bank accounts in the non-interest paying section has increased.

The savings bank section of the Rural & Industries Bank carries restriction on the payment of interest on current accounts, but this restriction does not lie in the private banks. If we are to have fair and even competition, then we must give the Rural & Industries Bank the same facilities; that is, the right to pay interest on any account it chooses. The private banks can; the fact that they do not, is not the point at issue. It is not expected that the Rural & Industries Bank will pay interest on all accounts, but the private banks may if they so desire. The time is not far distant when the private banks will pay interest on the minimum balance of the ordinary cheque accounts. That is not impossible. The statistics were investigated when I was an employee in a bank. It would be much fairer to the Rural & Industries Bank not to agree to this amendment, and to leave it with the same width of choice as the private banks.

Mr. COURT: The Minister said there were several instances of people who would be excluded from the cheque book provision in regard to their savings bank account. Presumably they are worthy objects. Can he demonstrate the type of movement that would be excluded? I cannot see any that would come within the ambit of the Bill. If it were just a matter of increasing the sphere of operation I would not have any objection, but it is grossly unfair to leave it wide open as it is.

The MINISTER FOR LANDS: I have not gone through this in detail, but I do not think that memorial halls could possibly be included.

Mr. Court: It states, "or any other society."

The MINISTER FOR LANDS: Not necessarily. They are not all in societies. There are savings groups. This is the list that has already been given approval by the Treasurer so far as the private banks are concerned.

Mr. Court: They would be covered.

The MINISTER FOR LANDS: Not if these words were included.

Mr. Court: They must be, because the private banks cannot go outside their charter.

The MINISTER FOR LANDS: They have special approval from the State Treasurer, and they have applied for others; but what they are, I do not know at the moment. There should be no worry about co-operation between the Rural & Industries Bank and the private institutions. As a matter of fact, in recent weeks the private banks have approached the chairman of the Rural & Industries Bank for assistance and advice in a great many things that they have been seeking to do since the advent of the savings bank provisions some months ago.

All the savings banks in the Commonwealth, including Tasmania, have already had two conferences—the last was yesterday—to achieve uniformity on these matters which could be of advantage or disadvantage to certain banks. I do not know what the result of yesterday's conference was. It is hardly fair to place our State bank in a position of disadvantage.

Mr. Court: I am not seeking to do that.

The MINISTER FOR LANDS: My information is that this will do that.

Mr. Court: Can you tell me why?

The MINISTER FOR LANDS: I have mentioned some accounts but have not given actual details. There will be some accounts which are now accepted by the Treasurer which could not operate, on a cheque basis, if this amendment were carried. They would be excluded. I have had a careful check made by those in authority, and that is my advice. We

would be placing the State at a disadvantage compared with private institutions. Bearing in mind that everything we do must come here, the position is completely safeguarded.

For my part, I give the hon. member my assurance, and that of the commissioners of the bank, that it is their intention to co-operate in every possible way with the other banking institutions in order to avoid friction or unfairness in these matters. It would not be fair to allow the Bill to go through in a restricted manner. I have actual proof that this will be to the disadvantage of a number of people or societies. I oppose the amendment.

Mr. COURT: I am afraid the Minister and I are thinking along different lines, and I would not like the amendment to go to the vote without reaching some agreement with him. The point the Minister is basing his argument on is the fact that the private savings banks have approached the Treasurer for permission to allow certain cheque accounts to operate without stamp duty. That will continue. I presume that every time a new cheque account is to be opened in the savings bank, the matter must go to the Treasurer to establish the bona fides of the account because the State revenue is affected.

The fact that some are referred to as memorial halls and the like is not the big issue. They must come within the ambit of the Commonwealth authority, otherwise the banks would not be able to have the accounts. The Commonwealth Bank would closely watch the conduct of the other savings banks to see that it was not being chiselled out of some business. The fact that they have allowed these savings bank accounts to be cheque operated is sufficient testimony of the fact that they are within the charter. The consultation of the banks with the State Treasurer is purely on the matter of stamp duty, not banking procedure. If the Rural & Industries Bank is not prepared to operate on this restricted authority, I think it is seeking to achieve an unfair advantage.

The Minister for Lands: While we are not under that charter, we are obliged under the regulations to be answerable to Parliament, and we think we should not be placed at a disadvantage. We will be, under this proposal.

Mr. COURT: I can assure the Minister he will not be, because he is not under a disadvantage until he is restricted from dealing with accounts that other people are permitted to handle.

Mr. JOHNSON: The restriction here does not include limited liability companies.

Mr. Court: They are not permitted under the Act.

Mr. JOHNSON: They do carry interest-bearing accounts in private banks. There are other types of bodies which carry interest-bearing accounts with private bank, and I think we would have difficulty in carrying them in the trading bank section of the Rural & Industries Bank. I continue to oppose the amendment.

Amendment put and a division taken with the following result:—

Ayes	15
Noes	21
Majority against	6

Ayes.

Mr. Ackland	Sir Ross McLarty
Mr. Cornell	Mr. Nalder
Mr. Court	Mr. Owen
Mr. Crommelin	Mr. Roberts
Mr. Hearman	Mr. Watts
Mr. Mann	Mr. Wild
Mr. I. Manning	Mr. Hutchinson
Mr. W. Manning	

(Teller.)

Noes.

Mr. Andrew	Mr. Marshall
Mr. Evans	Mr. Norton
Mr. Gaffy	Mr. Nulsen
Mr. Graham	Mr. O'Brien
Mr. Hall	Mr. Potter
Mr. Heal	Mr. Rodoreda
Mr. W. Hegney	Mr. Sewell
Mr. Hoar	Mr. Toms
Mr. Jamieson	Mr. Tonkin
Mr. Johnson	Mr. May
Mr. Lawrence	

(Teller.)

Pairs.

Ayes.	Noes.
Mr. Bovell	Mr. Brady
Mr. Thorn	Mr. Hawke
Mr. Brand	Mr. Kelly
Mr. Grayden	Mr. Rhatigan
Mr. Oldfield	Mr. Lapham
Mr. Perkins	Mr. Sleeman

Amendment thus negatived.

Mr. COURT: I move an amendment—

That paragraph (f) of Subsection (1) of proposed new Section 65W in line 25, page 15, be struck out.

The argument in support of the deletion of this paragraph are largely the same as those used before, namely, that the Rural & Industries savings bank division should be brought on to approximately the same basis of operation as the other savings banks. The first part of this provision deals with the investment discretion of the commissioners. In paragraphs (a) to (e) specific investments are referred to, and then paragraph (f) is thrown in for good measure. To my mind it is right outside the spirit of savings bank operations.

Again I refer to the charter laid down by the Commonwealth under the Banking Act, 1945-53. That charter is restrictive, and rightly so, in respect of savings banks. It says—

4. The Savings Bank shall at all times maintain in investments of the following kinds an account which, together with cash on hand in Australia and moneys on deposit in Australia

with banks, is not less than the amount on deposit in Australia with the Savings Bank:—

- (a) securities issued by the Government of the Commonwealth, including Commonwealth Treasury Bills;
- (b) securities issued by the Government of a State;
- (c) securities issued or guaranteed by an authority constituted by or under an Act or a State Act;
- (d) loans to building societies the repayment of which is guaranteed by the Commonwealth or a State; and
- (e) loans for housing or other purposes on the security of land in Australia.

5. The Savings Bank shall at all times maintain in investments of the following kinds an amount which, together with cash on hand in Australia and moneys on deposit with the Commonwealth Bank of Australia, is not less than seventy per centum of the amount on deposit in Australia with the Savings Bank:—

- (a) securities issued by the Government of the Commonwealth, including Commonwealth Treasury Bills;
- (b) securities issued by the Government of a State; and
- (c) securities issued or guaranteed by an authority constituted by or under an Act or State Act.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. COURT: I had detailed most of the provisions in the authority given by the Commonwealth Bank under the Banking Act with respect to investments by the savings banks and I shall conclude the list with this—

6. The Savings Bank shall at all times maintain in investment in Commonwealth treasury bills an amount which together with moneys on deposit with the Commonwealth Bank of Australia, is not less than 10 per centum of the amount on deposit in Australia with the Savings Bank.

The present situation regarding savings banks and banks generally in Australia is tightly controlled by the Commonwealth Government, through the Commonwealth Bank, and I think it is important, in the interests of the future welfare of the Rural & Industries Savings Bank, that it should conform to the pattern that has been set.

Possibly, the Minister could argue that circumstances might arise where a change is necessary or desirable. I suggest he could do precisely what the other savings banks have to do, namely, go to the

central authority and have their authority amended. In the case of other banks, they have to go to the Commonwealth Government but in the case of the Rural & Industries Bank it would go to the State Government and through it, to Parliament. I think the nature of the bank's investments should be clearly defined instead of having this sweeping paragraph (f) of proposed new Section 65W, which will leave the matter at the discretion of the commissioners.

The MINISTER FOR LANDS: I hope the Committee will not agree to this amendment. Paragraph (f) has been taken word for word from the Commonwealth Banking Act, 1945-53, and, as I have previously mentioned, the State should have no less powers in this State than the Commonwealth enjoys throughout the whole of the Commonwealth. Paragraph (f) is paralleled in the memorandum of association of the private savings banks and it is part of the law under which they work.

Mr. COURT: No, it is not.

The MINISTER FOR LANDS: My information is that it has come straight out of the Commonwealth Banking Act and from that arises the charter under which they work. While the private savings banks' activities are limited by their statutory authority, the powers of the commissioners of the R. & I. Bank are limited by Executive Council. The commissioners have no power, whether this paragraph is included or not, unless the matter is first referred to Executive Council. It is unnecessary for this Bill to conform to the charter enjoyed by private savings banks and it is not the Government's intention to defer State sovereignty to any day to day statutory authority issued in pursuance of the Commonwealth Act.

It would not be fair to expect it to be any other way and it would be unreal to restrict the activities of the State bank by preventing it from investing its savings in any other manner so long as that manner has to be clearly defined and prescribed and agreed to by the Governor-in-Executive Council. The State will retain, and it must retain, full powers to make investments as time and circumstances might indicate; and it should not be without that power.

The hon. member's argument is valid looked at from the point of view of the private institutions; but we cannot look upon the R. & I. Bank in the same way as we look upon the private banks which are operating under a Commonwealth charter. We have a sovereign right in this State and we should not allow anyone to take that away from us. Therefore I oppose the amendment.

Mr. COURT: I cannot agree with the Minister's contention in this matter. No one is asking the State to give up its sovereign powers—

The Minister for Lands: You are.

Mr. COURT: —because if the Minister wants to expand the power of investment of the R. & I. Savings Bank at a later date, he can bring forward an amendment to extend the list.

The Minister for Lands: That is not the point. Everything they do must be prescribed so that there is control over the actions of the commissioners, the same as there is over the investments of the private banks through the Commonwealth Government.

Mr. COURT: I think Parliament has a right to say what the investments of the R. & I. Bank shall be. At the moment there is a list included in the proposed new section which is on all fours with the list prescribed in the authority granted by the Commonwealth Government to the private savings banks. Those investments are all highly desirable; but the Minister goes further and in paragraph (f) says, "in any other prescribed manner."

The Minister for Lands: We have taken that out of the Commonwealth Bank Act.

Mr. COURT: It might be in that Act. The Commonwealth Parliament agreed to it.

The Minister for Lands: Don't you think that the State should have power in regard to its own bank, the same as the Commonwealth has power in regard to its bank?

Mr. COURT: If the Minister thinks the list should be made more liberal, why not submit additional items? How do we know that the Government will not prescribe the investment of some of its savings bank deposits in shares of companies which Parliament would take exception to, or would not like savings bank money used in that way?

The Minister for Lands: The Government must be in charge of its own bank.

The CHAIRMAN: Order! I cannot allow this conversation going backwards and forwards across the Chamber.

Mr. COURT: It is not a question of fighting the battle of the private savings banks; it is a question of establishing the savings bank in a proper form. I must persist with the amendment.

Mr. JOHNSON: I oppose the amendment. The member for Nedlands has taken the attitude that the R. & I. Savings Bank should be on all fours with the private savings banks and looking at it from his point of view, possibly that is logical. However, the Minister's point of view, and one which I think all responsible members would agree with, is that the State savings bank should be on all fours with the Commonwealth Savings Bank. The R. & I. Savings Bank is a competitor of the Commonwealth Savings Bank and to suggest that we should make our own organisation less flexible than the organ of

that Parliament to which we gave life is, of course, not logical and certainly not responsible.

During his speech the member for Nedlands completely destroyed his own argument when he said that it was proper, when an extension of methods of investment was required, for the matter to come before Parliament. The paragraph we are discussing says, "in any other prescribed manner" and as we all know regulations made in the prescribed manner always come before Parliament before they have complete and final effect. So any member opposite would be able to investigate the regulations and move for their disallowance after they had been laid on the Table. It is most unlikely, however, that the commissioners would suggest a type of investment that was not suitable. I cannot imagine the commissioners being a fly-by-night group; we would not appoint them if they were. They should be given a degree of flexibility that is in the hands of one of their principal opponents, namely, the Commonwealth Savings Bank.

Amendment put and negatived.

Mr. COURT: I move an amendment—

That Subsection (2) of proposed new Section 65W in lines 26 to 31, page 15, be struck out.

The clause in its present form is far too sweeping and many of the reasons I gave before refer also to this amendment. I have little objection to the first part of the subsection which I have moved to strike out, but after the word "dwelling" to the end of that subsection it is most objectionable. The last part to which I refer would give the commissioners carte blanche and the Minister's previous argument about the "prescribed manner" would not hold water, because the words are not used. It is at the absolute discretion of the commissioners.

The MINISTER FOR LANDS: During the tea suspension I handed the member for Nedlands a copy of a proposed amendment. I understand I will not have an opportunity of moving my amendment if the hon. member persists with that which he has moved. I wonder, therefore, if it would be in order for the hon. member to withdraw his amendment.

Mr. COURT: The Minister was good enough to give me a copy of the amendment he proposes to move and I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

The MINISTER FOR LANDS: I move an amendment—

That the words "or for any other purpose approved by them against such security as they think fit" in lines 29 to 31, page 15, be struck out with a view to inserting the words "or for any other prescribed purpose against the security of land or such other security as may be prescribed."

One of the main reasons for establishing a savings bank was to help with the section of the Act dealing with the State housing programme. Something like £300,000 is committed in this direction. There is no other power in the Bill enabling housing loans to be made available and this is considered necessary from the point of view of the bank. When the member for Vasse was speaking he made it clear that too much power seemed to be passing into the hands of the commissioners. I felt that while he spoke against the whole of this subsection he was more concerned with the last two lines of it. My amendment would take power from the commissioners and pass it to the Governor-in-Council and thus safeguard those fears expressed by the hon. member. I have discussed this briefly with the member for Vasse and I think it would help him. It would help the bank to operate in the manner it desires relative to house building in Western Australia.

Amendment (to strike out words) put and passed.

The MINISTER FOR LANDS: I move an amendment—

That the words "or for any other prescribed purpose against the security of land or such other security as may be prescribed" be inserted in lieu of the words struck out.

Mr. COURT: Would the Minister amplify the significance of the words "or such other security"? I have no objection to the first part of his amendment because it refers to housing, but I would like the Minister to amplify on the words to which I have referred.

The MINISTER FOR LANDS: I cannot describe what "or other security" may mean, but I should imagine it is a normal precaution that is taken when drawing up such an amendment. Whatever it is, it is safeguarded; it is no longer at the discretion of the commissioners but must be prescribed.

Amendment (to insert words) put and passed; the clause, as amended, agreed to.

Clauses 12 to 14, Title—agreed to.

Bill reported with amendments.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 30th October.

MR. COURT (Nedlands) [7.56]: I am surprised that the Government has brought in a Bill on this occasion in connection with workers' compensation, because in 1954 there was a considerable amount of work done on this particular problem. A select committee was appointed and subsequent amendments were made to workers' compensation law. It was hoped at the time, by at least

some of the people concerned, that we would not be subjected to these continual amendments to the workers' compensation law, because they were having a tendency to make a political football out of a matter which should be removed from that field.

At the time some rather unusual provisions were incorporated in the workers' compensation law and I think they worked very well. One thing in particular was the automatic adjustment of claims in sympathy with basic wage adjustments. An argument used in previous years was that the worker was denied a corresponding change in the value of money because of the lack of automatic machinery to vary the claims structure.

That was incorporated in the 1954 Bill and to the best of my knowledge the maximum claims in the Bill were, in certain cases, increased by about £300 over the actual recommendations of the select committee—again evidence of the fact that it was hoped that the workers' compensation law would be steadied for a while, so that there would not be these annual amendments, which tended to bring this problem into the political arena. It is significant at this stage to address ourselves for a moment or two to the actual reasons and purposes of workers' compensation.

There is a contrast, and a very definite contrast, with the position under common law. Many people, considering the newspaper reports of motor accident claims in the courts, and seeing some of the astronomical figures allowed by the judges, are inclined to the view that the schedule of claims set out in the workers' compensation law requires amendment. I have with me an up-to-date textbook by one Orwell de R. Foenander, an outstanding authority on this subject in Australia. His remarks on this subject are most interesting. He says—

The paucity of such an objective approach is surprising . . .

He is referring to an objective approach to the problem of workers' compensation law. He continues—

. . . and most regrettable when the significance of the subject and of the legislation associated with it is considered. For, in spite of the great advances in the provision for protective social services made under Australian statutes in recent years—particularly over the last decade and a half or so—workers' compensation legislation remains the basic, most distinctive, and most generous contribution to the economic security of the great majority of Australian families during the working life of their breadwinners.

I do not think any of us would disagree with the observation of Mr. Foenander in that regard. The difference between workers' compensation law and common

law claims is of great significance to us as members of Parliament in considering this subject. The employee is only disqualified from workers' compensation claims when it can be proved that the accident was the result of his serious and wilful misconduct, and the members on both sides of the House—particularly those on the Government side—will know that it is very difficult indeed to prove that a worker has gone outside of that expression of "serious and wilful misconduct." On the other hand, the employer is liable at common law as distinct from workers' compensation law if the accident is due to his personal negligence or wilful act.

Mr. Moir: That is very hard to prove, too.

The SPEAKER: Order, please!

Mr. COURT: It is not as difficult as members might presume, because the case law on this, which is fairly voluminous, demonstrates that a worker, if he is reasonably well represented at law, can establish fairly easily the fact that the employer has been guilty of personal negligence or wilful act. It surprises me that more workers, through the advice of their unions, do not seek the benefit of the law in this regard, because under our law in this State a worker is protected at common law in spite of his claims under the workers' compensation law.

Mr. May: It takes too long.

Mr. COURT: That could be speeded up. I do not think that is the main reason at all. I am satisfied it is because, under workers' compensation law, it is comparatively easy to establish the right to payment; whereas, under common law, one has to go through all the procedure of going to court. But under our law a worker is protected in respect of his claim under workers' compensation in spite of his common law claim.

In America and some other parts of the world, the nature of their industrial bargaining has been such that they have bargained away the right of the worker at common law, and replaced it with rights under statutory provisions such as our workers' compensation law, for any injuries incurred at work. In other words, a worker there cannot do what a worker in this State can do—go to common law or workers' compensation law, whichever he wants to.

A further point that should be taken into account in considering this law is the fine line now drawn in Australia between workers' compensation benefits and social service benefits. I know there are some on the other side who hope that one day workers' compensation will be unnecessary because it will be replaced by a system of social services which will automatically take care of these things, whether the injuries are sustained at work or in the course of a man's private life. I think

that one day that might come; but, at the moment, we have a transition period which might take a considerable time, and we have two distinct sets of law. But we are all the time closing the gap between the social service benefits on the one hand and workers' compensation benefits on the other.

This Bill aims at increasing the statutory claims at the same time as it aims at changing the administration procedures under the law. I feel that in stating the case during his second reading speech, the Minister was less than fair in respect of the existing law, and I propose to quote the movements that have taken place as a result of the 1954 amendments prescribing that any basic wage variations would apply to the statutory provisions of the workers' compensation law.

The maximum base payment under the 1954 law was £2,400. In the amendments that have taken place since, including the basic wage amendment of the 23rd July, 1956, the amount has automatically lifted to £2,546 0s. 11d. For death, where dependants are wholly dependent, the base figure was £2,500; it has now risen to £2,652 2s. 7d. For dependent children the figure of £75 has risen to £79 11s. 3d. The minimum payment of £800 has increased to £848 13s. 8d. The medical and burial figure where there are no dependants has risen from £100 to £106 1s. 8d. The weekly payments have increased from £8 16s. to £9 6s. 9d. for males; and from £6 to £6 7s. 4d. for females. The minimum weekly payment has gone from £4 to £4 4s. 10d. for both males and females.

The child allowance has risen from 16s. to 17s., and that for a wife has gone from £2 to £2 2s. 5d. The maximum amount for a male has increased from £12 8s. to £13 3s. 1d.; and for a female, from £9 to £9 10s. 11d. I do not wish to enumerate the whole list in the Act, but other items are as follows:—Medical expenses have risen from £100 to £106 1s. 8d.; hospital, £150 to £159 2s. 7d.; funeral payment, £50 to £53 0s. 10d.; meals and lodging per day from £1 to £1 1s. 2d. for males and females; and the amount for meals and lodgings per week has increased from £6 to £6 7s. 4d.

Second Schedule payments have increased. In regard to items Nos. 1 to 7 inclusive the amount has gone from £2,400 to £2,546 0s. 11d.; item No. 8, from £1,920 to £2,036 16s. 9d.; item No. 9, £1,795 to £1,904 4s. 7d.; and item No. 10, £1,680 to £1,782 4s. 7d. And so the list progresses to item No. 33. This list was prepared and promulgated by the Workers' Compensation Board under the Act, and there is no argument as to its authenticity.

The next point to be taken into consideration when dealing with this Bill is the relationship with other States. If we were out of balance with the other States

—and particularly a State that has had a Labour Government for many years; such as Queensland, which has no Legislative Council to worry about—I could understand the Minister's concern about bringing this measure forward, in spite of the fact that we on this side felt that the 1954 amendments were meant to give us a rest from tinkering with this legislation.

Mr. Evans: Is that your only objection?

The SPEAKER: Order, please!

Mr. COURT: That is not my only objection; but I am putting it forward as a cogent reason why we did not expect to be pestered with amendments to the workers' compensation law at the frequent intervals that prevailed before. I have a table here, which I am assured is correct, which shows the scale of compensation payable in all States of Australia. It has been brought up to date, and it was published in the "Australasian Insurance & Banking Record" in April, 1955.

It shows that the Western Australian death claims are £2,500 plus £75 for each dependent child or stepchild under 16, less sums paid to the worker, but not less than £800 plus £75 for each dependent child in certain circumstances. That, of course, has been varied upwards to an amount of £2,652 plus proportionate increases in the other benefits because of the operation of our automatic basic wage provision in the workers' compensation law.

We find that in Queensland there is a fixed sum for death of £2,500 and an additional £75 for each child and stepchild under 16 totally or mainly dependent. The amounts received by the worker are deducted but not so as to reduce the amount payable to dependants below £300. I would like to emphasise that under the Queensland law, where there is a Labour Government without any Legislative Council, and a monopoly of workers' compensation insurance in the hands of the State Insurance Office, the minimum amount is £300 whereas in this State it is £800, plus basic wage adjustments.

I do not want to labour the point as to what I mean by a minimum amount. Suffice to say it is the minimum that a widow would receive in case of death where payments have been made during the lifetime of her husband in respect of his injury, and it could be that the total sum of £2,500 is exceeded in certain circumstances by the payment of the minimum sum.

Under the Queensland Act partial dependants are to be assessed with a minimum of £250. Under the State Act it is reasonable and proportionate to injury to dependants and the maximum is as for total dependency. Without dependants it is provided that there shall be reasonable expenses of medical attendance and burial not exceeding £100. In Queensland provision is made for reasonable expense of

medical attendance and burial not exceeding £100. A worker under 21 years leaving no dependants but survived by parents residing in Queensland, £200. The amounts for Western Australia are subject to basic wage adjustment upward.

The payments for total incapacity under the heading of weekly payments to workers are as follows:— In Queensland, 75 per cent. of the average weekly earnings which shall be deemed to be not less than the award rate with a maximum of £8 16s. per week and 100 per cent. of the average weekly earnings if such are less than £8 16s. There are other benefits for children and wives. In Western Australia the appropriate benefits are as follows:—For a male single worker on or above the basic wage, £8 16s.; and for a female single worker, £6. A male worker with dependants on or above the basic wages receives £8 16s. plus £2 for a dependent wife or mother and 16s. for each dependent child under 16, with a maximum of £12 8s. That £12 8s. has been adjusted upwards with our basic wage variations to £13 3s. 1d.

The Minister for Labour: What is the maximum for a worker with dependants in Queensland?

Mr. COURT: It is £2,500.

The Minister for Labour: What is the maximum weekly payment?

Mr. COURT: It is £12 16s. per week. for husband, wife and two children. In Queensland the medical and hospital benefits are £50 maximum in each instance. It is provided that the cost of such special medical or surgical equipment, treatment or aid shall be paid by the commissioner out of the fund, less any payment in respect of such medical or surgical attendance, treatment or aid paid by the Crown in either the Commonwealth or the State. The appropriate benefit in Western Australia is: Medical and ambulance expenses and hospital charges as prescribed. Specialists' fees and cost of artificial limbs, teeth, glasses, etc. also payable, maximum £100. Hospital expenses, maximum £150, plus funeral expenses limited to £40, also board and lodging and travelling expenses as prescribed. Those items had since been raised by basic wage variations in this State. I feel it is a fair comparison to take Queensland and Western Australia.

Mr. Moir: Why Queensland?

Mr. COURT: Because in Queensland there is a Labour Government with full sway and no restrictive Legislative Council. It runs its State Government Insurance Office with a monopoly of workers' compensation business and if it wants to adjust rates upwards or downwards the Government has only to consult itself.

Mr. Moir: But there are some parts of the Queensland Act which are in advance of ours.

Mr. COURT: I do not think so. I tried to find them and the only one I could find which was different from ours in any material way is the work-to-home and the home-to-work provision. In many ways they are worse off than ours are here. If some reports are true, the settlement of claims there is not as satisfactory as it is here, and that is important to the worker.

When replying, the Minister should tell us the origin of some of these amendments as I find it hard to believe they were inspired by the particular people affected. Were some of these amendments inspired by the State Government Insurance Office, the B.M.A., the Workers' Compensation Board, the trade unions or the employer bodies? There is quite a hotch-potch of amendments when their effect is studied and related to the people directly concerned and when introducing the Bill the Minister did not tell us of any representations in regard to the amendments or any consultations with the people affected—the Workers' Compensation Board, the B.M.A. and the insurers and employers or employees.

In the report of the 1954 select committee the particular point was made that the Second Schedule was due for review by people of experience; not only medical people but also people of general experience in the operation of workers' compensation law and the settlement of claims and the general conditions and rights of workers, yet to the best of my knowledge no such review has been made. Surely before this measure came before the House, in view of the changes since 1954, we were entitled to hear whether the Minister had given effect to that recommendation, because at present there is a trend in workers' compensation with the automatic adjustment of the basic wage which will in time produce anomalies in respect of that schedule of payments.

In the course of my duties as a member of Parliament I have been in touch with some of these people and until I gave them a copy of the Bill they were uninformed as to the Minister's intentions. While I cannot be positive, I have good reason to believe that the amendments affecting the B.M.A. were unknown to them until they saw the provisions contained in the Bill as introduced into this House. If that is so, we are entitled to know why there was no consultation with that body which has shown such a great deal of co-operation with the Government and the insurers in connection with workers' compensation.

The next matter I wish to deal with is the home-to-work and work-to-home clause. There has been much debate in this House from time to time in regard to that provision and I do not want to labour it as there is much in the Bill to be commented on. I oppose this provision because I oppose the principle of having this type

of cover where there is no control by the employer over the hazards which the worker will incur or over his conduct.

The Minister for Labour: Can you quote the Queensland law on that?

Mr. COURT: I mentioned it to the member for Boulder.

The Minister for Labour: Have they got it in Queensland?

Mr. COURT: I said earlier that they had, for personal injury and for accident and I quoted the provision. Under this home-to-work and work-to-home clause, I think we are asking our workers' compensation law to go too far. It is different when men are within the confines of an employer's premises where he has a certain responsibility for their safety, general conduct and well-being; but once the employee leaves those premises, I think the principle is wrong and the fact that they have this provision in other States does not impress me.

For my part, I am surprised that more workers are not encouraged to use the benefits of common law and here I would refer to the recent case of Thorson, a person who had the misfortune to be very badly injured on his way home from work. I understand it was late at night, and he was badly damaged and his fellow workmen were most concerned owing to his family position and the fact that he was a desirable workmate. They thought a lot of him and were anxious that he should be compensated under the Workers' Compensation Act. My advice to them was that in view of the nature of his accident and injuries, they would be ill-advised to press for an ex gratia payment under that Act because at the most the State Government Insurance Office, which was the insurer, would not normally be prepared to give them a substantial sum, even if it agreed to make an ex gratia payment.

Members know the history of that case. In spite of what the member for Collie said, in very quick time the case went before the Supreme Court and the judge awarded the sum of £15,000. If that man had come under the Workers' Compensation Act, for home-to-work or from work-to-home compensation he would probably have got the maximum for total incapacity under the legislation. He would not have been encouraged to go to the court but would have gone to workers' compensation, yet, in fact, this man got a more substantial and satisfactory settlement at common law.

While £15,000 does not compensate a man for loss of life or incapacity, it at least ensures that his family is reasonably well protected as far as money can do it and that is an important thing. If a man is conducting himself properly in the course of his movement from home-to-work or work-to-home and he is injured by some third party, that party is liable in some way.

The Minister for Justice: The compensation would depend on whether he was a man of straw.

Mr. COURT: Motor-vehicles are the greatest causes of such accidents and in that case there is third party insurance which protects the ordinary citizen against a man of straw. In the old days it was a different matter and one could find oneself inflicting hardship in two ways; by sending the third party bankrupt and by the injured person getting nothing because of that bankruptcy. Today, however, by means of our third party insurance, social services, workers' compensation and common law we have built up a legislative structure which is very sound and which must be a source of great security to injured people and their dependants.

The line of demarcation as to what is the employer's responsibility, home-to-work and work-to-home, is far too tricky for us to include it in a sweeping amendment to the workers' compensation law. There is the argument about what happens to a man injured technically, within the meaning of the law, when he has a heart attack coming from his home to work. He may have just mowed the lawn or chopped the wood and while waiting for his bus he drops dead, and under this clause his dependants would have a claim.

The Minister for Labour: The same old argument, year after year!

Mr. COURT: It is a very true and real argument. The Minister is the last one who should make that remark, because when introducing the Bill he did not give us anything new to inspire us to accept the measure.

Another clause seeks to define the basis of assessing premiums. In other words, the amount of wages that an employer will declare as being the wages on which his premium will be assessed. Members know that the workers' compensation rates are so much per cent. on the wages paid, and therefore it is important to the insurer as to what is declared as the wages paid. The Bill seeks to remove beyond doubt in the Government's mind the fact that payment for overtime, holidays and sick pay must be included, together with any other forms of payment received by a worker.

That is all very well in theory but I do not see it will be a world shattering matter whether it is included or not. However, I would point out to some insurers who think they might benefit, that all it will do is to give them a higher level of wages in the first year on which their premiums will be calculated and then, if the Workers' Compensation Board is doing its job, it will adjust the premiums to suit. In the final analysis I do not think it matters what method is adopted.

There is a case for uniformity but I prefer the other method. I cannot see why

insurance premiums should be based on holiday pay and sick pay when a man is not subject to cover, or overtime pay. I could understand the ordinary award rate of pay being included when a man is working overtime but the penalty rate, no, because it distorts the whole picture.

Mr. Moir: What about the man on piece work earnings, while incapacitated?

Mr. COURT: That does not affect this provision which is the basis of wages calculation for the purpose of assessing premiums, and it does not affect the worker. It is an argument between the insurers and the employer.

Mr. Moir: The worker does not lose anything?

Mr. COURT: No, it is an argument between the employer and the insurance company, which I presume would include the State Government Insurance Office. A further provision makes it mandatory for the Workers' Compensation Board to publish orders, rulings or decisions in writing within 30 days. I think I appreciate what the insurers are trying to do. They want written proof of what the Workers' Compensation Board has in mind when making its decisions, so that they can avoid similar situations in the future. I feel that the amendment will do nothing but slow up the proceedings of that board.

At the moment I understand it endeavours, as far as possible, to give a quick decision. If it has to give a decision in writing on everything it has to determine, it follows that it will give more reserved decisions because it is going to issue in writing decisions that are to be subjected to question by legal brains on both sides and could, in effect, bank up the litigation. If the Minister can tell us that the insurers, including the State Government Insurance Office, feel that the decisions of the Workers' Compensation Board have not been good or have been inconsistent we are quite prepared to give the matter some further thought.

However, I feel that this provision will not only delay the decisions of the board and thereby damage the workers' interests, but will also cost considerable money. Those members who interest themselves in taxation law know that there is a taxation board of review and that its decisions are published. The fact that its decisions are published makes that board of review extremely careful in regard to what it has to say. In effect, it dots its i's and crosses its t's and that, in itself, is a good thing.

But when it comes to considering the claim of the injured worker, speed is the essence of the contract. I am also interested to know the cost involved. Section 29 of the Act provides that the board may, in any case where it is deemed necessary, and shall on the application of any employer or worker interested in any order, ruling or decision of the board,

issue a certificate in the prescribed form or to the like effect embodying the substance of any such order, ruling or decision. The Bill makes this mandatory and provides that it must be issued within 30 days.

However, the Act provides that this certificate must be issued on request of the employer or the worker, so I cannot see the significance of this new section which the Minister proposes to insert. An extremely contentious clause in the Bill is the proposed establishment of a statutory body which will be a joint committee of medical men and insurers. I cannot see why this is necessary all of a sudden because I find, on research, that the voluntary committee, which has worked so well, commenced on the 5th May, 1927, when it had its first meeting, and reached its first agreement on the 19th September, 1928.

Those members on the other side of the House who have had a great deal of experience of workers' compensation know there is an agreement made in connection with this Act setting out the procedure and schedules of medical fees that have been adopted by the Western Australian branch of the B.M.A. and by the approved insurers. One I have here came into operation on the 15th July, 1955. It is kept under review by this joint committee regularly and that committee has the advantage of having four members on one side and four on the other.

As an unofficial body, it has got by very well. It has a degree of flexibility that cannot be obtained in a statutory body. If a statutory body is created, I can see all sorts of difficulties arising. The goodwill of this voluntary committee will not completely disappear, but it will disappear to a certain extent. There will have to be a decision made on who is to be appointed as chairman and there will then be four members on one side and three on the other.

It may be that nobody will want to be chairman, and an impasse could be reached. That is not so important as the fact that I object to the creation of yet another statutory body. We have already a workers' compensation board with fairly sweeping powers and yet the Bill seeks to create another statutory body. As we go on we will find there are further powers to be given to another body which could undermine the effectiveness or the authority of the Workers' Compensation Board.

I would like to reiterate that there is ample power in the Act at present because if members look at Section 35, they will see that there is provision for dealing with fees in dispute and fees that are considered unreasonable. Therefore, this proposed committee is not necessary and the present one is achieving its best work as a voluntary body. No doubt the Minister had in mind a further provision in

the Bill when he brought forward this clause for the appointment of a statutory body. He probably had in mind the fact that this Bill seeks to take the lid off medical and hospital fees.

At the moment the figures are £100 and £150 respectively, subject to basic wage variations which make the fees £106 and £159 respectively at the moment. However, if I remember correctly, the Minister in his speech said this committee will have some effect in the event of disputed fees if we do take the lid off the amount provided in the Act in respect of hospital and medical fees, but I do not think that is a very good reason for the appointment of this committee.

Further, on the question of lifting the lid off hospital and medical fees, I do not consider it should be done at this particular stage. There could be some lifting of the present limits of £100 and £150 in view of the increased medical and hospital charges that now prevail, but only to a limited extent. I would go so far as to say, however, that we might be able to bring forward an amendment, in regard to special cases, giving the worker the right of appeal, outside this existing amendment—not to this committee, as the Minister suggests but to another authority where a genuine hardship is involved, such as where a worker is indebted for hospital expenses of many hundreds of pounds beyond his own control—

Mr. Lawrence: Up to what sum would you say hardship would exist?

Mr. COURT: I am not suggesting any sum. I am suggesting that we could have some authority to deliberate on special cases. In the absence of that, I feel that I should oppose the existing clause in the Bill because there is ample evidence to show that since they took the lid off in Victoria in regard to hospital and medical fees, there have been very serious repercussions. I was hoping I would have available some figures tonight to show the movement that has taken place, because they are very impressive. Unfortunately I could not obtain them to substantiate what I intended to say and it would be dangerous to quote them otherwise.

During his speech the Minister dealt with cases in regard to which the State Government Insurance Office has made ex gratia payments in respect of medical and hospital fees where the amount involved had been in excess of the statutory limit, and I find that that also has been done by some of the private insurers. They have reviewed cases where they felt that some hardship was involved, and they also have made ex gratia payments.

At this stage I want to pay tribute to some members of the medical profession because I find that the amount of money that they have forgone has been very large. As part of their contribution to their profession and the State, they have

not pressed claims for medical expenses in excess of the statutory limit, and in other cases have not raised a debit in excess of the statutory limit.

Members of the public—and in particular some in this House—are inclined to think that members of the medical profession are out for all they can get. My experience has been that they make a wonderful contribution to their profession and to the State generally. They have a very high standard of ethics and, as I have said, make a wonderful contribution to the people of this State, particularly in bad times—which is not known by the ordinary man in the street and for which they receive no credit.

There is another provision which states that a worker can be directed to go to a specialist for treatment. I am aware of the provisions of the Bill whereby a worker can be sent to a doctor for examination. There is a big difference between examination on the one hand and treatment on the other. The principle involved is objectionable to the average medical practitioner because we know that they object to people being directed to a doctor for treatment. They feel that a patient should have a doctor of his own choice.

Probably the Minister will say that in this case he has included in the Bill a provision that the worker has the right to select a specialist from a list prescribed by the Medical Board. When I first read that, I was inclined to the opinion that it was sufficiently flexible for a patient, within limits, to be sent to a doctor of his choice. However, it could be, with certain injuries and in certain diseases, that this could amount to a direction to a worker to attend a certain doctor for treatment.

A further point that needs clarifying is in regard to just how far this direction goes. If a worker is directed to a specialist for treatment, does that mean he loses his right to forgo an operation? For instance, a doctor might say, "You have a 100 to 1 chance of the operation being successful if I operate on you. There is a remote possibility of its being successful, but you have the choice." Many people would elect not to be operated on. However, does this provision mean that a man must be operated on as part of the treatment by a specialist regardless of the fact that it is the inherent right of our people to have the last say in regard to being operated on or not?

I might be thinking of an extreme case, but it is repugnant to the medical profession to have a provision in an Act which directs a patient to a particular doctor for treatment. The question of an examination is an entirely different thing. Further, under the agreement that exists between the approved insurers and the B.M.A., there is ample provision for an insurer to have the treatment examined by a competent body, and there is no compulsion about it. It is another advantage of

having a voluntary body, and in the right atmosphere the complaint of the insurer is considered if he feels that the patient is not receiving the right treatment.

When he replies, I would like to know from the Minister whether there are any actual cases where the insurers have not been able to get the worker to have the treatment that they consider proper. If there are cases where this committee has fallen down on its job, we are entitled to know about them. My information is that there are no cases where there has been a complaint made by the insurer that a worker has not been receiving the proper treatment by a doctor and where such complaint has not been properly and satisfactorily dealt with.

A further provision which I consider to be undesirable, and on which members on the other side of the House should also join with me, is the amendment to the method of seeking a medical board. It is proposed by the Minister under this method of seeking a medical board, that when a request comes from either side for such a board, it is mandatory to hold one. The situation could arise when the medical board would usurp the functions of the Workers' Compensation Board. If all of a sudden people found that it suited them better to go before a medical board, there would be a spate of demands for these boards.

Under paragraph 8 of the First Schedule, the "decision of a medical board or any two members of it upon the question or questions referred to as aforesaid shall be final and conclusive and shall be binding upon the worker and the employer, and upon any tribunal hearing any matter in which such decision is relevant." Under the Workers' Compensation Board procedure, there is a right of appeal in certain cases, but under this medical board there is no right of appeal.

Mr. Lawrence: What is the right of appeal under the Workers' Compensation Board?

Mr. COURT: There is a right of appeal from certain decisions of that board.

The SPEAKER: I would ask the member for South Fremantle not to interject. He will have his opportunity later on to speak on the measure.

Mr. COURT: There is a right of appeal on matters of law. I suggest the hon. member is getting confused with the problems of an appeal on the question of fact.

Mr. Lawrence: You are telling lies now.

The SPEAKER: I would ask the member for South Fremantle to keep order.

Mr. COURT: I would ask the hon. member to withdraw that remark because I am certainly not telling any lies.

The SPEAKER: What remark did he make?

Mr. COURT: The member for South Fremantle accused me of telling lies.

The SPEAKER: I understand from the member for Nedlands that the member for South Fremantle accused him of telling lies.

Mr. Lawrence: I did.

The SPEAKER: I would ask the hon. member to withdraw that remark.

Mr. Lawrence: I withdraw that remark, but he certainly made a misstatement of fact.

The SPEAKER: I might point out that the member for South Fremantle was not here the other evening when I drew the attention of this House to constant interjections by members when those on the other side were stating their case on Bills and other matters. I quoted the Standing Orders that are relevant, and I asked members to desist from such interjections because later they would have the opportunity of discussing the Bill during the second reading and to deal with the various clauses in Committee. The constant making of interjections does not give the member, the Minister or whoever is speaking, an opportunity to state his case properly. The speaker is put off the track by interjections. The member for South Fremantle was not here when I made that request, but I hope he will endeavour to keep order by refraining from interjecting.

Mr. COURT: I certainly trust that the member for South Fremantle at a later stage will take the opportunity of convincing this House that I made a misstatement of fact, because I do not accept that one. There is a further provision in the Bill that lump-sum settlements, for all practical purposes, will have no effect. I invite the attention of the Minister to this particular point. At present the agreements made between the workers and the insurers are registered with the Workers' Compensation Board.

In this memorandum of agreement which was entered into, with the full approval of Trades Hall at the time but which approval has been withdrawn since, provision is made that the claim is subject to review up to a period of three years. That is a reasonable provision on the part of the insurers. This agreement is very satisfactory. It is not made in private. It is made in the full knowledge of the Workers' Compensation Board and is, in fact, registered with that board. There is provision in the agreement to this effect—

Provided that nothing hereinbefore contained shall extend to or prejudice or affect any claim for compensation or otherwise under the Act which the worker could or might have hereafter had against the employer by reason of the abovementioned personal injury by accident in respect of any incapacity injury disability or percentage loss of the efficient use of any part of the body not existing at the

date hereof but arising subsequent thereto if the worker shall within a period of three years from the date of this agreement have given to the employer notice that he intends to make such claim and shall unless such claim is admitted within a period of three years six calendar months from the date hereof make application to the Workers' Compensation Board for a hearing to determine such claim.

Three years is a reasonable length of time. It does illustrate the fact that the insurers are not trying to put over a swift one. This provision in the memorandum of agreement has facilitated quick settlement in the interests of the workers.

A further point is that under the present law a worker can demand an award by the Workers' Compensation Board. This can be made at the request of either party. Surely the Minister does not suggest that an award made by the Workers' Compensation Board is an unsatisfactory method of determining the settlement between the two parties, particularly as the award provisions in the Act provide that they can be varied at a later date by the board! Ample protection exists for the worker. Therefore the provision that is proposed in the Bill is, to my mind, not necessary and it will be against the interests of the worker in arriving at speedy settlements.

There are one or two other provisions in the Bill which are important. I feel I have dealt with most of the points covered. I repeat what I said at the outset: In the light of the 1954 legislation when machinery was inserted into the Act for the automatic adjustment of the claim levels by the basic wage movements, this Bill is not necessary. The various new points by way of administrative procedure do not, in my opinion, achieve anything at the moment. They do not achieve anything in the interests of the worker. I do not think they will achieve anything in the interests of the worker or insurer. I propose to oppose this measure.

MR. MOIR (Boulder) [8.53]: I want to say a few words on this measure and to deal with the remarks made by the member for Nedlands. He made one statement which was incorrect when he said that the unions appeared to advise their members not to take action under common law in regard to certain accidents. I assure the hon. member that unions are only too ready to take advantage of common law if it is applicable to a particular injury. The union of which I have the honour to be an executive officer has on many occasions taken action under common law on behalf of injured workers and their dependants. In some cases they have been successful in obtaining very substantial damages. That was where negligence had been proved. I might say that to a certain extent, this is probably not known to the member for Nedlands. Quite

often cases are settled out of court by mutual agreement. Quite a few cases do not go before a court.

There were a number of cases in the mining industry where very substantial damages were obtained. The reason is quite obvious. If a case can be substantiated to show negligence on the part of the employer, then obviously the standards set by the court in awarding damages are far in advance of what is provided under the Workers' Compensation Act. After all, the compensation under that Act is a mere pittance.

Mention has been made of the "return from work" clause. I would ask the hon. member to indicate any difference between what is contained in this clause and what was contained in the clause introduced in 1952 by the party to which he belongs, when that party was in a coalition Government which introduced a Bill containing this very clause. The then Attorney General had a bit to say about the measure. On page 871 of Hansard, 1951, he stated—

At present there is no provision in the Act to compensate workers who are injured while proceeding from their homes to their place of work, or who are returning from their place of work to their homes. A similar provision was sought to be inserted in the Act of 1948,—

Again that was by the Government composed of members of the party opposite. He went on to say—

but another place thought it would be more appropriate if it were not included in the Act and it was not, but the Government again seeks to include in the Act protection for workers when proceeding to and from their places of employment.

Despite the fact that another place rejected the proposed legislation in 1948, the Liberal and Country Party felt so strongly about this matter that it brought the measure forward again in 1951. Of course it is history that this met with a similar fate in another place.

Mr. Court: The same gentleman must have changed his mind in subsequent years because I heard him speak very strongly against the clause.

Mr. MOIR: Probably he did not believe in the provision himself but he brought it forward at the behest of his Government. When he sat in Opposition, he was in a different position. At the time he brought it forward he was a Minister and was bound to introduce what the Government thought desirable to place before Parliament. It seems remarkable that this clause came before Parliament twice, being introduced by a Government of the Liberal and Country Party.

It is surprising to find that the member for Nedlands is not in favour of it. He stated that in the event of a worker being injured while travelling to or from work, he should take action under common law. But common law is not always applicable. A person may be injured through a pure accident. There would be no recourse to common law. We can have recourse to common law only when the other person does something that is negligent or breaks traffic rules and, as a result, causes injury. In such cases, undoubtedly, the injured person would have recourse to common law. Quite often people are injured, however, when travelling to and from work, and no other person is involved. I know of mine workers who have been returning from work and have been riding over a plank across a drain when the plank has collapsed, causing a broken leg or arm. In such a case there is no one who can be sued.

Mr. Court: Surely a worker in that case would have a claim against someone for negligence?

Mr. MOIR: In the case I have in mind, the employer was negligent, and we were successful in getting some recompense.

Mr. Court: You have no worry; you do not need this!

Mr. MOIR: Just because a plank breaks, it is not to say that someone is negligent. Circumstances can arise where there is no question of negligence; it is a matter of pure accident. A man may be riding his bicycle home from afternoon shift and hit a stone on the road. How are we to find out who put the stone on the road?

The member for Nedlands made reference to the provisions in the Act tying the amounts to the basic wage. I was a member of the committee of managers when that was done, and I know what was in the minds of those managers, namely, that they wanted to keep the payments more in conformity with the fluctuating money values. This has been the case to a certain extent, and it has prevented the payments under the Act from getting completely out of touch with reality. As members know, there can be a great change in money values even in twelve months. I think that the representatives of the two Chambers felt that something should be included to give an injured worker compensation near to the money value that was obtaining at the time of the passing of the Act.

Mention has been made of medical and hospital fees. Of late years these have become a very vexed question because they have been increasing. We have a fixed amount of £100 for medical and £150 for hospital expenses, which means that the money does not go anywhere near as far as it did twelve months ago. Surely it is only just to say that when a worker suffers serious injury, he should have reasonable medical and hospital expenses paid! I

know this is a vexed question, but I put this forward: If a man is injured and he has to have not only medical attention, but specialist attention, the amount of £100 does not go very far.

We have workers in the mining industry particularly, who receive injuries that might entail their hospitalisation for twelve months or two years. With the charges made for hospital beds, such workers would be confronted with a considerable bill on leaving hospital; yet we make provision in the measure for the worker to be compensated by way of weekly payments. We make provision for allowances to be made for the wife and the children. How can that principle operate when the money is swallowed up in medical and hospital expenses? It is not a practicable proposition.

Mr. Court: Do you know why the Queensland amount is so low?

Mr. MOIR: There might be various reasons. One probably is because hospitalisation in Queensland is free. It has been made free by the Labour Government referred to by the hon. member. I only wish we had the same set-up here.

Mr. Court: It is not completely free because there is a special provision in the Act for deducting such amounts as come from the Commonwealth Government.

The Minister for Works: It is the answer to your question.

Mr. Court: Not completely.

Mr. MOIR: It is near enough.

The Minister for Works: It is as complete as you can get.

Mr. MOIR: Seeing that the hon. member has touched on Queensland—he quoted quite a few sections of the Queensland Act—I wonder if he is aware that the representatives of workers in this State, and the workers themselves—particularly those in the mining industry—would give a lot to have one provision of the Queensland Act in relation to industrial disease. The workers there get weekly payments for life.

Mr. Court: That is under a special Act.

Mr. MOIR: Yes, but no matter what the hon. member might call it, it is still compensation.

Mr. Court: It does not apply to industry generally. It is a special Act.

Mr. MOIR: I am not concerned with its being a special Act. The thing is that it is a compensation Act; it is the Silicosis Compensation Act.

Mr. Court: Why has it not been applied to all industry if you think it is such a good thing for industry generally?

Mr. MOIR: I do not know how far it goes. To be quite frank, I am not conversant with that aspect. But the cases of

silicosis outside the mining industry would be very few indeed. Silicosis does occur in other industries, but not to a great extent.

Then again, I noticed that the member for Nedlands in his opposition to the Bill—what he put up was rather in the nature of academic opposition—did not quote what we have heard before, namely, the inability of industry to pay. If that was something he forgot to mention, I hasten to assure him that most industries can well and truly afford to pay compensation to the injured worker. On other occasions we have heard about the inability of the industry that Goldfields members represent—goldmining—to pay. Well, there is no doubt about its ability to pay because we find that the leading goldmining companies, who are the large employers of labour—practically the exclusive employers of labour in the industry—are making greater profits than ever before.

Mr. Court: Only in some cases.

Mr. MOIR: Yes. I know the hon. member wishes the Sons of Gwalla was.

Mr. Court: I do not, but the Government does.

Mr. MOIR: I thought the member for Nedlands would be interested in that, too.

Mr. Court: Not personally.

Mr. May: I think he is interested in Hill 50.

Mr. MOIR: Does the hon. member think so? I see the name of the member for Nedlands on a board of directors. The Great Western Mining Company at Bullfinch—this is a new mine which has had a hard struggle—made an operating profit of £260,836 compared with an operating profit of £85,117 the previous year. Members can see there is a substantial increase there. The administrative charges were £9,214 and interest, £60,654, leaving a net profit of £190,608. For the year the Western Mining Corporation made a profit of £300,000, and the Lake View and Star £400,000. It cannot be suggested that the goldmining industry—we are told compensation bears heavily on it—is prejudiced in any way by the increases proposed under the Bill.

Another thing I would like to mention is that one of the hazards in the mining industry is that of miners' phthisis or silicosis. But we find that the companies have been relieved to a large extent of their liabilities in this regard when we learn that there has been a reduction in premium rates brought about by the Premium Rates Committee set up under the Act. The insurable risk for miners was reduced from 60s. per cent. to 30s. per cent. from the first month of 1954, and to 20s. per cent. from the first day of the first month of 1955. This has resulted in considerable savings to the mining companies.

The silicosis fund has been built up tremendously. In the first year it had a surplus of £1,483,552 10s. So, members can see that a huge fund has been built up against future risk, and the premiums have been reduced to 20s. whereas a few years ago they were as high as 80s. per cent. We find, too, that the general accident premium rate has not increased. I admit that slightly higher premiums are being paid because of the higher wages bill of the mining companies; but I would point out that those companies are being generously treated because they do not pay on the whole of their wages bill but pay only on what is regarded as the award part of it.

There is a provision in the Bill regarding compensation for a worker who, after having suffered an injury, is recommended to do light work. I think it is a necessary amendment because in some heavy industries little light employment is available. We have the spectacle of workers who are injured, and who have recovered to a certain degree and are certified fit for light duties, being unable to find light work because their employers have no light work available or, in some cases, are reluctant to make light work available. When such a worker cannot get a light job anywhere, he does not get paid any more compensation.

Mr. May: And he cannot get the invalid pension either.

Mr. MOIR: No, because a person must be 85 per cent. incapacitated in order to qualify for the invalid pension. Also, some of these workers are subjected to worrying tactics by the insurance companies when they are in the position of being certified as fit for light work, and they are endeavouring to find some light type of employment. Some insurance companies engage private detectives to shadow these men to see that they do not do anything that could be construed as heavy work.

Mr. Court: Are you able to prove that?

Mr. MOIR: I will quote a case which I am sure will arouse the hon. member's indignation.

Mr. May: I wonder!

Mr. MOIR: I have sufficient faith in members of this House to feel that they will be indignant when I quote the case.

The Minister for Transport: Some of them have the hide of a rhinoceros.

Mr. MOIR: This worker was injured on the wharf at Fremantle. He was knocked down the hold of a ship and suffered serious injuries to his back. He was given weekly payments of compensation for some time and he reached the stage where he was able to walk about with a stick and, finally, without a stick. After some time the insurance company concerned refused to pay him any more weekly payments.

After being without the weekly payments for some considerable time, this man finally got before the Workers' Compensation Board and I shall now quote some evidence which was given before the board and admitted by the people concerned. While he was incapacitated certain people trailed this man to see that he did not do any work, or to report to their principals if he did so. The name of the people concerned was Hancock and one of them, I believe, is the bailiff at Fremantle.

It was proved that one morning this injured worker came out and found big boulders placed in his driveway which meant that he could not take his car out of the garage until the boulders had been removed. Presumably a watch had been kept to see whether he removed the boulders himself. I understand that the people I mentioned admitted before the Workers' Compensation Board that they were responsible for placing the boulders in that position. What a villainous thing for people to do!

Mr. May: The things some people do!

Mr. MOIR: One can only imagine what would have happened if one of the man's children had taken ill during the night and it had been necessary for him to take his car out of the garage to drive the child to a doctor! This man has two or three little children and had an emergency arisen that father, like all other fathers, would have probably damaged himself in trying to remove the boulders.

Mr. Court: What did the Government do about that case?

Mr. MOIR: I do not think the Government has any power to do anything.

Mr. Court: Of course it has in a case like that.

Mr. MOIR: The Government has no power in a private case.

Mr. Court: If it could prove that what you say is true, the Government would have full power to deal with it.

Mr. MOIR: Under what Act would the Government take action?

Mr. Court: The man must have trespassed for one thing.

Mr. MOIR: Would the Government take action for trespass by one man on another person's property?

The Minister for Works: The member for Nedlands knows that the Government could not do that.

Mr. Court: There are thousands of ways the Government could have prosecuted.

The Minister for Works: You have not given one way in which the Government could.

Mr. Court: I did give one.

The Minister for Works: That is a matter for a private individual.

Mr. Court: There are many ways in which the Government could have taken action.

The SPEAKER: Order! The member for Boulder may proceed.

Mr. MOIR: I would not mind being in the duet. There are a number of other cases of a similar type where men are being followed around.

Mr. May: How did the board view that?

Mr. MOIR: The compensation board awarded this man full weekly payments until a sum of £2,400 had been expended.

Mr. May: Good enough!

Mr. MOIR: But what I am concerned about—and I do not agree with the medical people on this point—is that this man has been sent to a psychologist for treatment. I would think it would be only natural after having been subjected to that sort of treatment! This man, after being crippled and having had his compensation payments cut off, is subjected to that sort of treatment. People in the guise of private investigators were going along to his relatives to inquire where he was, what he was doing and so on.

I have heard of a number of similar cases and I believe that evidence has been given before the Workers' Compensation Board to that effect. Evidence has been given that a man was walking along quite sprightly and he suddenly saw one of these private investigators and he immediately started limping. What a lot of twaddle to put before a Workers' Compensation Board in an attempt to deprive a man of compensation.

Mr. Court: It is not all lies. Has not some of it been proved?

Mr. MOIR: I do not know that it has been proved.

Mr. Court: Some of it has.

Mr. Ross Hutchinson: Surely there have been some abuses.

Mr. MOIR: I suppose there have been a few times, but I do not think they could be classed as abuses. After all, medical people certify that these men have certain injuries and they cannot fake them. Injured workers are subject to x-ray examinations and so on; and it is not hard to prove that an accident has occurred.

Mr. Court: What company does the man work for?

Mr. MOIR: I do not want to bring the man's name before this House; suffice it to say that if the hon. member approaches the Workers' Compensation Board, or rings the registrar, Mr. Bell, he will be given all the facts. The company concerned was the British Phosphate Commission.

Mr. Court: Who were the insurers?

Mr. MOIR: I believe the company handles its own insurance.

Mr. Lawrence: The British Phosphate Insurance Company.

Mr. Ross Hutchinson: Afterwards I will give you a case in which there was an abuse of compensation payments and it will alarm you just as much as this one has.

Mr. May: But that will not make this case right.

Mr. MOIR: Are members opposite agreed that that is the sort of treatment that should be meted out to injured workers? There is no doubt about this man being injured.

Mr. Roberts: The chap concerned is a very good and straightforward person.

Mr. MOIR: The member for Bunbury knows the person concerned.

Mr. Roberts: He is a very decent chap.

Mr. MOIR: It is a crying shame that he was subjected to that sort of treatment. The payments allowed under the Act are entirely inadequate when serious injuries occur. This is particularly so regarding hospitalisation and medical fees. The costs per day at the Kalgoorlie district hospital are 48s. for a bed in a public ward. In the metropolitan area the fees are quite considerable and in some cases £4 a day is being charged.

Mr. May: And there are the fees for a doctor on top of that.

Mr. MOIR: Yes, and the amount allowed under the Act does not go very far. As a matter of fact, a worker cannot afford to be ill nowadays. During his speech the member for Nedlands seemed to be a little concerned about the part of the Bill which mentioned the direction to a specialist. I think both employers and injured workers will welcome that because there are cases where injuries do not respond to treatment. The general practitioner might be doing his best but the injury does not respond, or not as quickly as it should.

I have known of quite a few cases which should have been referred to a specialist but sometimes a general practitioner is reluctant to pass the case on. In some cases, particularly regarding eyes, general practitioners are only too ready to hand the patient on to a specialist. But it could be that the employer might feel that his employee's injury is not responding as it should and he could suggest to him that he consult a specialist. No doubt in such a case the employee would agree. On the other hand, the injured worker might feel that he should be having specialist treatment and he could confer with his employer and suggest it to him, and they could agree on it.

Mr. Court: There is ample provision for that now. The only thing I was objecting to was the power of direction for treatment, not for examination.

Mr. MOIR: It is quite a good provision and I do not think there would be any objection from the employees. Not often enough are the services of a specialist available to an injured worker. I have seen workers held in hospital quite a long time while receiving treatment. I am not well enough versed to know with any certainty whether these people would recover any quicker if they were sent on to a specialist, but I feel that in quite a lot of these cases specialist attention should be given. The provisions of this amending Bill are very desirable and will considerably improve our compensation conditions. I have much pleasure in supporting the second reading of the Bill.

MR. EVANS (Kalgoorlie) [9.31]: I welcome the opportunity to speak to this Bill and, after listening to the member for Boulder, I appreciate the opportunity to say a few words on the remarks made by the member for Nedlands. The member for Boulder treated his remarks very well. In the first sentence of his speech the member for Nedlands said he was surprised at the Government in bringing forward a Bill of this nature. I would expect the member for Nedlands to be surprised, though I certainly was not; but that is the sort of thing we expect of the hon. member. He also said that he liked the words "wilful misconduct of the worker and generous provisions of the workers' compensation Bill as it now stands." But he does not like the words, "due deserts of the worker" or "the responsibility of the employer." Those words are pure anathema to him. In fact, he does not like the words "workers' compensation." He shudders at the sound of those words, and sickens at the sight of them.

Mr. Court: Who told you this?

Mr. EVANS: The member for Nedlands then went on to say that the Government had no direction to bring down a Bill of this nature. He said that the insurers had not asked for it; the B.M.A. had not asked for it, nor had the employers asked for it. He did not however mention the employees. But that is natural, and we expect that sort of thing from the hon. member because of his politics.

Mr. Court: I did ask the Minister about that.

Mr. EVANS: The hon. member went on to say that he had objections to the Bill. By way of interjection I asked him what those objections were, and he referred to tinkering with the same Act year after year. Why was he not honest, and why did he not say that he was against anything for the worker? The objection which he raised concerning tinkering with the Act was so much poppycock.

Mr. Roberts: Talk sense.

Mr. EVANS: The member for Bunbury, and it would appear also the member for Dale, seem to be implying that I am not being fair. As a matter of fact none of us are. The only difference is that I am trying not to be fair, but the hon. members opposite cannot help it.

The next observation of the member for Nedlands prompts me to ask you, Mr. Speaker, if you have ever known such hypocrisy in your life. When referring to the Workers' Compensation Bill in Queensland he said that our minimum was £800 while the minimum in Queensland was £300. That suited him but when he came to deal with the to-and-from clause, he said that we should steer our own ship irrespective of what the other States did. That is blatant hypocrisy.

Several members interjected.

Mr. Rodoreda: Order!

Mr. EVANS: In Section 4, Subsection (5) is amended to become a new Subsection, (5A) which deals with basic wage adjustments. We can understand the opposition to this particular clause relative to basic wage adjustments. Because the Opposition opposes it, it is only natural that people who stand for social justice for the majority should support it. It is because of the people that we support it.

A further point with which I would like to deal is the to-and-from clause which has been called a hardy annual and has in the past been introduced by an anti-Labour Government. The member for Boulder mentioned that this particular clause was introduced twice, and he seems to be at a loss to understand why the member for Nedlands opposes this provision. There is no mystery in my mind at all as to why he opposes it; it is merely another bit of blatant hypocrisy on the part of the members of the Opposition. It was introduced by an anti-Labour Government in the full knowledge that their members in another place would throw that clause out. They would then go to the people and say that they had attempted to incorporate this provision in the Act but they were unsuccessful. The member for Boulder should have no doubt at all regarding the actions of the member for Nedlands on this matter. His whole attitude is obvious.

When dealing with this to-and-from clause, we should get clear in our minds the distinction between working time and leisure time. The definition of leisure time could be that time in which the worker, or any person, pleases himself as to what he does. When the worker leaves his employment and goes home, he can please himself whether he sits in his lounge and reads the paper or whether he goes out into the garden, or whether he goes to a hotel for refreshment. But when he knocks off

work and leaves the gates of his employment, he naturally cannot do what he likes; he is somewhat limited because even though he might think that he has finished work and would like to do a bit of gardening, he cannot do so because he is some distance from home and, accordingly there is an infringement of his leisure time.

Just as in the morning when he gets out of bed and reads the paper and has his breakfast, he once again has to think about getting to work. The time he leaves his house and goes to work is not his own time; that time should be debited against his employer. The worker cannot please himself as to what he does in that time.

Mr. Roberts: How does the Minister for Transport get on when he goes to his office?

Mr. EVANS: I do not intend to indulge in frivolous interjections with any hon. member, much less with the member for Bunbury. There is justification for the inclusion of the to-and-from clause if a person or worker is tied up with his employment by going to work and coming home from work; and it is reasonable that he should be covered by workers' compensation if—and we are being fair in this respect—he makes a direct and uninterrupted journey to and from work. As I said, we are being fair and reasonable and all we ask is for the Opposition to reciprocate.

The next clause deals with the amendment to Subsection (13) of Section 8. In my speech on the Address-in-reply, I gave some attention to this clause affecting employees in the goldmining industry. I quote from my speech as follows:—

Another matter of grave concern in the compensation Act is its application to miners under Section 8, Subsection (13) and also Section 11. If a man at work strains a part already enfeebled by industrial disease such as lead poisoning, and is thereby permanently incapacitated for work in that industry, he receives full compensation. The same applies if he contracts an industrial disease such as lead poisoning or dermatitis.

The Act, however, provides that where a man who is already suffering from a heart, kidney, liver or any other disease is also incapacitated by silicosis he is paid, not the percentage he would receive for dermatitis, liver or heart trouble but only the percentage which a laboratory doctor estimates is due to silicosis. The Act requires that the degree of incapacity due to silicosis should be compared to the incapacity arising from a non-industrial disease, and the unfortunate miner then receives only a percentage of the compensation that I say is due to him.

That is an anomaly and I am glad to see an amendment placed in this Bill to deal with it. There is also another reason

for the amendment and that is to give effect to a Supreme Court judgment made a while ago in regard to full weekly payments. Accordingly, I whole-heartedly support this amendment. As I see it, if a person suffering from an industrial disease such as dermatitis or silicosis receives weekly payments for an industrial disease such as lead poisoning, he would also receive certain payments on pneumoconiosis and miners' phthisis. I believe that is a move in the right direction and I support it whole-heartedly.

I would like to add in passing that no Government can achieve more than that for which it aims. I would have liked to see the Government aim higher than it has done because I believe percentages are out of date. If a person suffers from silicosis and is handicapped from work, he should receive full compensation. I am guided and backed in my opinion by a statement contained in the medical report issued by Dr. King in 1954. He makes the same point that percentages are archaic; that they should be completely removed. I congratulate the Government on aiming for the rooftop. It has certainly hit the fence and in years to come it may hit the rooftop.

The next point I wish to deal with is that removing the limit on hospital expenses of £100 and £150 respectively. The member for Boulder has dealt with this admirably. I would like to mention it and leave it there. The other clauses are purely machinery. Clause 7 of the First Schedule is amended by adding a new paragraph. That clause has called forth much venom from the member for Nedlands and for that reason I must support it. We then have an amended table related to the Second Schedule and the rates set out, of course, are more generous than the Opposition would grant if they were in power.

In conclusion, I would point out that the workers' compensation improvements proposed by Labour Governments have taken an honourable place in the long story of man's struggle against fear and greed and against those who have property and wealth, and those with the privileges that are enjoyed only by a favoured minority. With those words, I strongly support the Bill.

MR. ROSS HUTCHINSON (Cottesloe) [9.46]: I would like to make a brief contribution to the debate. I feel that the member for Kalgoorlie in his attack on the member for Nedlands was unfair and unjust. He made an unwarranted attack when he accused the member for Nedlands of having no regard for the worker, and of paying no attention to the right of the worker to receive benefits under the Workers' Compensation Act.

The great majority of members on both sides of the House would I think, agree that the arguments of the member for Nedlands were based on reason. There

could well be arguments posed by the Government members against those of the member for Nedlands; but his arguments were at least based on sound reasoning, and I doubt whether many members would subscribe to the remarks of the member for Kalgoorlie. I make that point because I feel it is quite an important one, since the member for Nedlands is noted for his fair-minded approach to problems concerning the worker.

My remarks will be confined in the main to generalities. To me these amendments do not appear to be warranted. It has been pointed out that in 1954, following the last legislation to increase compensation benefits under this Act, a select committee of the Legislative Council conducted what proved to be a very searching inquiry into all aspects of compensation, and made various recommendations which gave substantially the outlook of industry generally with regard to compensation and to current benefits paid at that time.

The chairman of that committee was the late Hon. Harry Hearn, who was noted for his understanding of this particular phase of the business world. I think there are members on the other side of the House who would pay a tribute to Mr. Hearn in regard to the inquiry made at that time. The committee recommended substantial increases, and they were increases which retained in proportion an equitable relationship between the compensation paid in this State and that paid in other States. All the substantial increases that were recommended by the committee were incorporated subsequently in the Act.

We find, for example, that the increase recommended in the maximum benefits was from £1,750 to £2,400. Another recommendation was that this figure should be tied to the basic wage, and this was incorporated in the Act. As has been pointed out, the maximum compensation benefit payable at present is not £2,400 but, because of the variations in the basic wage, it has increased to £2,547.

It was felt by the select committee at the time that, in order to obviate the necessity for annual increases to be made in this figure, if it were related to the cost-of-living variations, there would be justice for the worker in regard to the benefits he would receive. It was considered that this provision would put an end to the attempts made by the Government to bump the maximum figure to one which would impose increased costs upon business management.

There are various provisions in the Bill which have been dealt with in full by the member for Nedlands and touched upon by members on the Government side, and they are provisions which could better be dealt with in Committee. Before concluding, however, I would like to say that the to-and-from provision is one to which I find it difficult to agree. It has been said

that this side at one time appeared to support such a proposal, but I feel that there can be a reconsideration of anything which is brought down.

To me, the to-and-from clause appears to be one which is not a fair imposition upon industry, since the employer can do nothing to try to avoid accidents to his employee outside of working hours. No matter what he does and what care he takes, an employer cannot ensure that the employee is protected from the point where he leaves home to go to work and the point where he leaves work to go home.

Mr. Lawrence: What about the care the employee takes?

Mr. ROSS HUTCHINSON: I should think that the employee would take all possible care to prevent accidents. But certainly the employer is unable to take appropriate action for the sake of his employees when they are out of his jurisdiction.

Mr. Lawrence: Do you consider yourself an employee?

Mr. ROSS HUTCHINSON: When an employee is under the control of an employer, no one can deny the responsibility of the latter. But I consider that some other form of insurance is required to cater for the worker when he is injured between his place of employment and his home. The other points that have been made have been well covered by the member for Nedlands, and any further remarks I wish to offer I will make during the Committee stage. For the present, I oppose the Bill.

MR. O'BRIEN (Murchison) [9.55]: I support this very important Bill, and I speak as one who has had a number of years' experience of mine accidents, and who has attended to compensation claims and cared for different patients. Employees are aware that the smallest mishap must be reported to the casualty or first-aid officer, even if it is only a scratch. This pays dividends. A small scratch on the back could result in a serious internal injury. After he has received first-aid treatment, a patient is taken to the ambulance officer who diagnoses the case—and I have qualifications in that direction—and if he considers the matter is serious, he takes the man to the doctor.

No ambulance officer would take any risk with regard to compensation for an injured fellow worker. I stress this because sometimes there are insinuations that workers are malingerers. If that is so, however, the doctor can very quickly discover it, and state whether an injury is serious or not. The injured person is treated by the doctor; and the No. 1 certificate, together with other completed forms that are required by the State Insurance Office, are forwarded. At present four of these forms are needed, and they are filled

in and sent to the Perth office together with a doctor's certificate. Then a payment is made to the worker.

The Bill provides for an increase in payments to an injured worker with a dependent family from £12 16s. to £13 13s. 1d. I contend that if a man, in the course of his employment, receives an injury through no fault of his own, he should receive his full wage.

Mr. Hearman: What about a man whose own negligence contributes to his injury? Are your remarks intended to imply that he should not get the full benefit?

Mr. O'BRIEN: I did not catch what the hon. member said. Did he ask a question about single men? They would get the same payment. The present amount paid to a dependent spouse is £2, and it is proposed to raise that to £2 10s., and to increase the amount for a dependent child from 16s. by a paltry 4s.—which is little enough these times—to £1. This is a very small increase.

The lump-sum payment in the Second Schedule is sought to be increased from £2,400 to £3,000. I have often seen men who were 100 per cent. healthy, crushed down within half an hour of commencing work. I have seen men go underground in the mines and by accident and no fault of their own, fall 300 or 400 feet and, with the assistance of others, I have brought them to the surface almost in a pulp. I say £3,000 is little enough for the wife and family of such a man to receive.

I wish to stress also the importance of the home-to-work and work-to-home provision, as I know of several instances where men riding home from work on good bicycles and with good lights have been involved in accidents. One man hit a railway line and was so severely injured that the respective amounts of £100 and £150 were not sufficient to cover his expenses and allow him to return to work 100 per cent. fit. Unless a man is 100 per cent. fit when he returns to work in the mining industry, he can easily cause further accidents both to his fellow-workers and himself. I think that in regard to those payments there should be an open cheque.

Mr. Court: Did you not say this man was injured on the way home from work?

Mr. O'BRIEN: Yes, but fortunately he was still on the Big Bell mining lease. I am not trying to get something for nothing for these people but am advocating that compensation should be paid when they are injured going to or from work by a direct route only. The measure has been covered in all its aspects by various speakers and consequently there is little I wish to add. I do hope members will give the measure full support in order to ensure for the workers of this State what they are duly entitled to. I support the Bill.

MR. LAWRENCE (South Fremantle) [10.5]: It must be obvious to anyone in this Chamber that, in view of the increased costs of everything, the injured worker will face much greater expense and that therefore his compensation payments should rise. I wish to deal particularly with the worker injured going to or from his place of work. I am not thinking of one of us being injured coming to or going from our work, but if a wharf labourer does not attend, he gets no attendance money and is fined in the vicinity of £6. When he is called, he is forced to attend and he may be injured while going to work or returning home, and in those circumstances no one can object, in my opinion, to his receiving compensation. I do not think members opposite would fail to agree with that. This man knocks off work at 5 p.m. and goes home to his wife and children—

The Minister for Lands: Would he not have one first?

MR. LAWRENCE: It would depend on whether he had got his attendance money. He goes home to tea, just as the Minister does, and puts away his bicycle or other form of transport.

MR. HEARMAN: Probably his Customline.

MR. LAWRENCE: They are mainly push-bikes. If he goes out again after tea and is injured, of course he is not due for compensation, but if he is injured going from home to work or returning from work to his home, it is only fair that he should receive compensation. He goes to work at the behest of the employer and must return to his domicile. I support the Bill in its entirety and I think members opposite should be fair in their approach to this measure although they have voted against similar measures on many previous occasions.

THE MINISTER FOR LABOUR (Hon. W. Hegney—Mt. Hawthorn—in reply) [10.8]: I thank members for their contributions to the debate and I know that the member for Nedlands, who spoke for the Opposition, submitted the case as envisaged by the Liberal Party. He asked where I got the ideas for incorporation as amendments into the Bill. I could well ask him where the Liberal Party got its ideas from when it introduced the penal clause into the arbitration measure in 1952. I make no apology when I say I represent the Labour movement and have signed its platform and policy. In that platform provision is made for progressive improvements in the Workers' Compensation Act.

In dealing with this matter, I consulted representatives of the trade union movement and the industrial workers of the State, as well as my fellow-members of Cabinet and the Parliamentary Labour Party. From my own limited experience

of workers' compensation and my knowledge of human nature and also of what happens in industry, I incorporated the ideas which were eventually agreed to and which found their way in printed form, in the shape of this Bill, before the House.

MR. COURT: Did you consult the chairman of the Workers' Compensation Board?

THE MINISTER FOR LABOUR: I did not consult the Workers' Compensation Board as such or the British Medical Association as an association. I ask the hon. member to look at Standing Orders Nos. 139 and 153 as I am trying to help you, Mr. Speaker.

Now I will deal with the remarks of the member for Nedlands in relation to the Bill. He pin-pointed Queensland, and while I was introducing the measure he asked if the Government was trying to achieve uniformity and I replied that we were not trying to achieve parity with any particular State. I pointed out that there are variations and that one will find them in the workers' compensation legislation of the respective States. The member for Nedlands quoted Queensland and put up the strongest argument possible in regard to certain figures but he had to be asked for one or two of them.

I come now to the famous to-and-from work clause. It is a fact that in Queensland, New South Wales, Victoria and Tasmania workers are covered from their place of residence to their place of work and on the return home, and that applies to a limited extent also in South Australia. All we are asking for is the incorporation of that provision in our legislation. The member for Boulder effectively answered the member for Nedlands when he pointed out that the Government of the day in 1952 introduced a similar provision and, if I remember rightly, the member for Stirling also introduced it in 1948. It had been before Parliament prior to that, and in all I think it has been introduced about a dozen times, but that does not mean that it has any weakness and we will persist until the provision is on the statute book.

In regard to the amounts the member for Nedlands said I was less than fair when introducing the measure but I invite any member to read my remarks on that occasion. I did not go into a great amount of detail but touched on the more important provisions of the Bill and said that the amounts were subject to basic wage adjustment but that the basic total amount for permanent and total incapacity was £2,400; and that is not a misstatement. All we are asking for is £3,000.

The member for Nedlands mentioned Queensland but I have here a schedule which shows that in New South Wales the amount is unlimited. In Victoria it is £2,800 and in Tasmania £2,340 and in certain cases the judge there can award nearly £5,000. There is a variation in the

weekly payments but if the figures are checked, it will be found that in Queensland one can receive up to his average weekly earnings.

Mr. Court: There is a maximum figure.

The MINISTER FOR LABOUR: There may be a maximum but there are variations in the various States. I will now clear up one point so that members opposite will be under no misapprehension as to our attitude. They mentioned that in 1954 a select committee was appointed by the Legislative Council and the member for Nedlands is surprised that so soon after that we come before the House with a proposal to amend the Workers' Compensation Act. In 1954 we were forced, at a conference of managers, to accept what certain representatives in the Legislative Council saw fit to offer us.

Members should not get the impression that because we accepted £2,400, that that amount was sufficient. We agreed to that figure under duress. I know the member for Nedlands is trying to interject now, but I will tell him clearly and candidly that if we had not agreed to what certain members of the Legislative Council told us we could take or leave, we would have got less than £2,400. Also, the members of the Liberal Party would have appeared to have been magnanimous in the eyes of the people of the State when they said, "This is what we offered the Labour Party, and this is what they refused." They would not have said to the people that they refused to agree to the figure we had asked for.

That was the reason why the amount was pegged at £2,400 with an adjustment for any rise in the basic wage, which now brings the figure to £2,546. The member for Nedlands has stated that there is a difference between the payment of workers' compensation and the payment of compensation to a worker injured in a traffic accident. What is the difference between a worker who is struck down in industry and a worker who is struck down in the street and who is permanently incapacitated? The disabilities suffered by his wife and children are just the same, because the worker is incapacitated. What does it matter if he takes action to obtain compensation under a different Act altogether?

All we are asking for is £3,000. The member for Cottesloe said that this would be another impost on industry; that it would be an added cost to industry and that industry cannot stand it. Yet, every day in the week, we read of people who, being injured in traffic accidents, have received, as compensation, amounts ranging from £5,000 up to £7,000 or £8,000. In one case that the member for Nedlands quoted, a worker received £15,000. Nevertheless we still get statements made every session similar to those made by the member for Cottesloe tonight. It is purely an attempt to frustrate our effort, which is to

increase progressively workers' compensation payments and also to increase them reasonably.

Let me now deal with the committee that has acted very well over the years. I would point out to the member for Nedlands that no one has said that this committee of representatives of the B.M.A. and the insurers has not acted effectively for many years. Also, nobody has suggested, so far as I know, that we are trying to be unfair to members of the medical profession. I admit that the members of that committee have done good work, but now we propose to amend the Act so that the injured worker will not be legally obliged to pay hospital and medical fees if they exceed a certain amount.

It is necessary, therefore, to have some reasonable body set up to make sure that any question raised in regard to medical expenses not being reasonable shall be dealt with by a competent tribunal in the same way as such a question is dealt with now by a voluntary body. The member for Nedlands is trying to interject, but I would point out that I did not interject while he was speaking.

Mr. Court: You were trying to.

The MINISTER FOR LABOUR: No, I was not, and I did not interrupt him whilst he was speaking. The only reason why this proposed committee is to be given legal status is to ensure that if a worker considers a medical man is unfair in regard to the medical charges he has made, a body comprising members of the British Medical Association and the insurers can deal with any such complaint that is lodged. That is all. This will remove from the worker entirely the obligation and responsibility to pay any unreasonable medical or hospital costs.

Should a worker, who is injured in the course of his employment or whilst carrying out his legitimate duties, who has a prolonged stay in hospital, and who builds up a huge medical charge which he is legally obliged to pay when he is discharged from hospital, have to face up to such a huge debt?

Mr. O'Brien: No!

The MINISTER FOR LABOUR: Is it fair, when he is stricken down with an injury, that he should have to meet this huge amount for medical and hospital expenses? All the Bill seeks is to ensure that reasonable medical and hospital expenses only are paid by a worker. In the case of any dispute in regard to these expenses, this proposed board shall give its decision.

I will now deal with another phase of workers' compensation. We have cases where a doctor has issued a medical certificate to a man stating that he is fit for light work. That is quite all right, but the onus is on the worker to obtain light work, and if he cannot get it, what is he to do? In the Bill it is provided that

if he proves he has made every reasonable effort to obtain light work and is unsuccessful, he shall receive his compensation as if he were totally incapacitated temporarily. That is a fair proposition.

Next I will deal with another clause that the member for Nedlands has high-lighted. I think the hon. member used the words "the power of direction." This is what the clause means in regard to the treatment by specialists. Without mentioning the name of any doctor or without casting a slur on anybody, I point out there have been cases where workers who have been injured in the course of their employment have been attended by medical practitioners, and it has been considered that the injury is such that that worker should receive treatment by a specialist.

After a long period of treatment it has been considered necessary to have that man brought to a specialist after the limit of £100 has been exhausted. I think it would be in the interests of insurers and the worker to have this clause passed. It provides that the insurer or the employer shall be entitled to have the man treated by medical specialists in those cases that warrant such treatment.

Mr. Court: You would force him to attend a particular doctor.

The MINISTER FOR LABOUR: The member for Nedlands uses the words, "forces him to attend a particular doctor." All I am trying to do is to ensure that a worker receives the best treatment possible.

Mr. Court: Suppose he does not want to attend that doctor.

The MINISTER FOR LABOUR: The member for Boulder used an extraordinarily apt word describing the speech made by the member for Nedlands and his approach to the Bill. The word he used was "academic." It is most appropriate.

Mr. Court: The word "academic" means, if I remember my reading of the dictionary correctly, "most scholarly." Therefore, the Minister rather flatters me.

The MINISTER FOR LABOUR: I do not mean it in that sense, although the member for Nedlands is scholarly. He is very studious.

Mr. Norton: But he is not very practical.

The MINISTER FOR LABOUR: He might be, but I have not noticed it lately. The reason I mention the word "academic" is because the member for Nedlands says we still want a worker to be directed to a particular doctor. One can imagine the state of mind a worker would be in who met with a serious accident at, say, Kalgoorlie or Meekatharra. His leg might be at an angle of about 45 degrees and it is likely that he will be in hospital for months. In addition, he is internally injured.

Mr. Wild: Is not this being academic?

The MINISTER FOR LABOUR: No, it is being practical and the member for Dale knows that it is. I am dealing with facts. What resistance would that man have?

Mr. Court: Would not his doctor take care of him and send him to a specialist?

The MINISTER FOR LABOUR: All we are providing is that where it is found necessary to do so, that man shall receive the best possible medical treatment the State can give him. That is all we are asking.

Mr. Lawrence: Hear, hear!

The MINISTER FOR LABOUR: This is provided only in the interests of the man who is injured so that he can be restored to normal health as soon as possible. I am not going to enter into a mass of detail but I think I have answered the few points raised by the member for Nedlands and during the Committee stage I hope members will treat the provisions of the Bill in the way they deserve to be treated.

Question put and a division taken with the following result:—

Ayes	.....	22
Noes	.....	15
Majority for		7

Ayes.

Mr. Andrew	Mr. Marshall
Mr. Evans	Mr. Moir
Mr. Gaffy	Mr. Norton
Mr. Graham	Mr. Nulsen
Mr. Hall	Mr. O'Brien
Mr. Heal	Mr. Potter
Mr. W. Hegney	Mr. Rodoreda
Mr. Hoar	Mr. Sewell
Mr. Jamieson	Mr. Toms
Mr. Johnson	Mr. Tonkin
Mr. Lawrence	Mr. May

(Teller.)

Noes.

Mr. Ackland	Mr. Nalder
Mr. Court	Mr. Owen
Mr. Crommelin	Mr. Perkins
Mr. Hearman	Mr. Roberts
Mr. Mann	Mr. Watts
Mr. I. Manning	Mr. Wild
Mr. W. Manning	Mr. Hutchinson
Sir Ross McLarty	

(Teller.)

Pairs.

Ayes.	Noes.
Mr. Brady	Mr. Bowell
Mr. Hawke	Mr. Thorn
Mr. Kelly	Mr. Brand
Mr. Rhatigan	Mr. Grayden
Mr. Lapham	Mr. Oldfield
Mr. Sleeman	Mr. Cornell

Question thus passed.

Bill read a second time.

In Committee.

Mr. Sewell in the Chair; the Minister for Labour in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—Section 7 amended:

Mr. COURT: This introduces the journey clause and I have dealt with it extensively in my second reading speech and made it clear that we do not favour its introduction. There is one point to which the

attention of the Committee should be invited. In line 30, page 3 of the Bill, reference is made to "an injury." The implication of those two words are very wide because case law decided in various parts of the world has disclosed that the meaning is wider than the legislators intended. Preferable words would be "personal injury by accident".

The second part of the clause changes the amount from £2,400 to £3,000. The former amount was based on that in 1954 which has now risen to £2,547. Even if I do not speak on other clauses where there is a figure for a claim mentioned, it does not mean that the Opposition accepts it. We do not agree with these changed amounts. My reasons have been clearly stated during the second reading debate. The object of the 1954 legislation was that the adjustments would be automatic without being referred back to Parliament and that has worked satisfactorily.

The Minister said he mentioned that in his original speech. I have re-read his speech and I find he did make a passing reference to it, but he did not do it justice. The Minister must admit that the basic wage adjustment clause was a great advance in favour of the worker. The Minister did not advocate that; it was put up as a result of the work of the select committee, and I think the Minister was less than just to members of another place who were on the committee of managers with him. I oppose both the parts of the clause.

The MINISTER FOR LABOUR: The clause dealing with personal injury by accident has appeared in Bills on at least seven or eight previous occasions. The member for Nedlands said I made only passing reference to basic wage variations. Had we not accepted that which was forced upon us, we would have got nothing in 1954. The member for Nedlands implied that basic wage variations have been a wonderful benefit. But if prices had fallen, it could have worked the other way. It is a matter of whether the basic wage goes up or down. We feel the basic amount is not enough. I hope the clause will be passed as it stands.

Mr. MOIR: I am surprised at the remarks of the member for Nedlands because I find that the Bill introduced by his Government in 1952 was more liberal than this measure. He refers to the words "personal injury by accident." That is exactly the same as contained in this Bill. I would refer the hon. member to Section 7, Sub-section (1), para. (a), of the principal Act. Among other things it says, "between the worker's place of abode or place of employment and other trade, technical or training school which he is required by the terms of his employment to attend."

It also says in effect that he shall not apply during or after any part of the journey which the board, having regard to

all the circumstances, deemed not to have been incidental to such journey. The meaning is that if the board thinks that was reasonably incidental to his journey, it shall come within the scope of the Bill of 1952. The Opposition appears to say one thing when it is the Government, and another when it is the Opposition; and that is most extraordinary. With reference to the amounts which are laid down in the further provision in this clause, I can corroborate what the Minister said that if we had not accepted what we were offered, we would have got nothing.

Every member knows that when a meeting of the conference managers takes place unanimous agreement must be reached, otherwise the Bill is defeated. Three members are appointed by this Chamber and three from another place, but if one were to disagree, that would be the end of the matter. We were confronted with the fact that, although five men may agree, the Bill will be lost. So perforce we had to accept whatever little gain we could get. The rest of the proposals had to be abandoned. That was done every time I have been a conference manager. We had to accept not what was in the Bill but what was given to us.

Mr. COURT: You have always made some progress and gained something additional.

Mr. MOIR: We made very slow progress as compared with the legislation in other States.

Mr. COURT: Not with Queensland. You are a little ahead of them.

Mr. MOIR: I thought the hon. member would have been tired of playing that same tune. He seems to like taking a section out of an Act and quoting that. He does not believe that this State should have progressive legislation. At one time the Workers' Compensation Act here was held up as an example to the rest of the States, but today it is the worst.

The hon. member seems to think that we should make it worse by adopting the worst features of the legislation in some other State. I thought he would have had more pride in this State and more national feeling. I believe he is a Western Australian the same as I. I am certainly proud of this fact, but I am sorry to think that he is not. The workers of this State are deserving of the best we can give them, and certainly they should be given fair and reasonable treatment when they are injured. I hope the Committee will agree to the clause.

Mr. COURT: I have demonstrated that I definitely favour progressive legislation, but we are a responsible Chamber and we have to weigh these matters up in a responsible manner. It is very nice to be able to make handouts all the time. It is very nice to be able to say yes to every works project that is contemplated, but we all know that they cannot all be carried out without wrecking the whole

scheme. We have to consider these matters objectively and weigh them up in balance with the other States and under common law rights.

The member for Boulder well knows and demonstrated that there is a distinct difference between workers' compensation legislation and rights under common law. He demonstrated that in many cases he was able to make a deal with people by negotiating under common law rights rather than under workers' compensation legislation. When we face up to the claims and benefits under workers' compensation we are establishing something to which a man is entitled of legal right, regardless of the pinpricks of common law. Many people receive compensation although they were to a degree negligent. I am not suggesting that a man deliberately cuts his arm off or gets himself killed, but many workers receive compensation although they are negligent.

Mr. Moir: Can you substantiate that? You are only guessing.

Mr. COURT: There are many cases. The member for Boulder did concede that point during the second reading. We aim at putting something there so that if a worker is careless or if he has bad luck, he will get the minimum payment. If, on the other hand, the employer has been careless, then the common law is available to the employee. I consider that the 1954 amendment was a very good one. Many concessions were made and certain provisions were brought in to bring the legislation up to date.

Mr. MOIR: I cannot allow to go unchallenged the statement that I said there were many cases of negligence on the part of the workers who received compensation. I said there have been many cases of negligence on the part of employers where damages were obtained from them. If the hon. member reads my speech, he will find that is what I said.

Hon. Sir Ross McLarty: Surely it cuts both ways! There would be negligence amongst employers and employees.

Mr. MOIR: The Leader of the Opposition is missing the point. The member for Nedlands accused me of saying during the second reading that there were many workers guilty of negligence when they were injured. I said nothing of the sort.

Mr. COURT: You conceded that in an interjection to the member for Cottesloe.

Mr. MOIR: I cannot help it if the hon. member is hard of hearing. I suggest that he look at my second reading speech. He lays stress on common law but before a case can be taken under that law, negligence must occur firstly, and, secondly, it has to be proved. Negligence is not always present. Accidents sometimes happen. Nobody has an accident deliberately because the consequences are far too serious. If negligence is present, there is a reasonable chance to prove it. Despite

the fact that sometimes the cases are very costly to take, generally the workers are advised to take action to obtain damages from the employer. Why should they not? The damages awarded under common law are far greater than the compensation payable under this Act.

What is laid down in this Act is what we have been able to wring out of the employer little by little. What is laid down in the Act is the very minimum. If I had my way, we would be asking for a lot more. We are entitled to a lot more. But I understand that people on this side get a little timid about these things with all the knock-backs they receive. We are like the beggars waiting for the crumbs to fall from the rich man's table. Some times we get a few crumbs.

Mr. MAY: The member for Boulder drew attention to the similarity between this legislation and that introduced by the then Government in 1952. As a matter of fact, the hon. member went further and said that the 1952 legislation was an improvement on this. I am not prepared to give the Opposition the credit for having put that into a Bill which was introduced in this Chamber because the Opposition knew it was going to be thrown out when it got to another place. I would not accept that under any circumstances.

Mr. Moir: Do you think they were window-dressing?

Hon. Sir Ross McLarty: We were always dinkum.

Mr. MAY: The ultimate result showed how dinkum the hon. member was. The member for Nedlands drew the distinction between the Workers' Compensation Act and a claim under common law. The main reason why a worker is never able to proceed under common law is because it takes at least seven or eight months before the case is heard. Members can imagine the position of a married worker with a family having to wait all that time. As a consequence, he is forced to accept the conditions under the Workers' Compensation Act. If that were not so, he would claim at common law because he would, in most cases, receive five to 10 times as much as he would get under workers' compensation. We know that anyone can go to the court with an accident claim, but workers are not in a position to do so.

Mr. O'BRIEN: I support the clause. Members opposite seem to think that all applicants who apply for compensation receive it as a matter of course. That is not so. When a claim is filled in, it has to be witnessed by a responsible person, and that would apply under this provision.

Hon. Sir Ross McLarty: How would you effectively police this to-and-fro clause?

Mr. O'BRIEN: This applies to a person returning after a hard day's work. Men after working for seven or eight hours

underground become fatigued. I know of a number of men who have had accidents with their bikes after knocking off work but because of there being no witnesses, it has been difficult for them to claim compensation. But I say they are justly entitled to it, even if the accident occurs outside the direct route to their residence.

Clause put and a division take with the following result:—

Ayes	....	....	....	21
Noes	....	....	....	15

Majority for 6

Ayes.

Mr. Andrew	Mr. Marshall
Mr. Evans	Mr. Moir
Mr. Gaffy	Mr. Norton
Mr. Graham	Mr. Nulsen
Mr. Hall	Mr. O'Brien
Mr. Heal	Mr. Potter
Mr. W. Hegney	Mr. Rodoreda
Mr. Hoar	Mr. Toms
Mr. Jamieson	Mr. Tonkin
Mr. Johnson	Mr. May
Mr. Lawrence	

(Teller.)

Noes.

Mr. Ackland	Mr. Nalder
Mr. Court	Mr. Owen
Mr. Cronmellin	Mr. Perkins
Mr. Hearman	Mr. Roberts
Mr. Mann	Mr. Watts
Mr. I. Manning	Mr. Wild
Mr. W. Manning	Mr. Hutchinson
Sir Ross McLarty	

(Teller.)

Pairs.

Ayes.	Noes.
Mr. Brady	Mr. Bovell
Mr. Hawke	Mr. Thorn
Mr. Kelly	Mr. Brand
Mr. Rhatigan	Mr. Grayden
Mr. Lapham	Mr. Oldfield
Mr. Sleeman	Mr. Cornell

Clause thus passed.

Clause 5—Section 8 amended:

Mr. COURT: The Minister said that until recently when a worker was incapacitated and was suffering from both an industrial and non-industrial disease he was entitled to the percentage of the full amount with respect to the industrial disease, for which compensation would be paid under the provisions of the Act. A Full Court decision was given only recently that a worker was entitled to the maximum commensurate with the percentage of his disability, having regard to the industrial disease from which he was suffering, by way of full weekly compensation payments. Prior to that the worker received only the pro rata amount per week in accordance with the proportionate disability from which he was suffering.

I do not think the clause will achieve the Minister's object of bringing into the legislation the effect of the court's decision. The court has already held that the worker is entitled to receive the maximum weekly payment until he has received the proportion of the total that his disability entitles him to, so what is the need for

this provision? Would the Minister explain the Government's intention in regard to this clause?

The MINISTER FOR LABOUR: The practice had been for the percentage of the weekly payment to be paid in accordance with the percentage of disability from the industrial disease. If a worker was 40 per cent. silicotic, he got 40 per cent. of the weekly wage until 40 per cent. of the maximum had been exhausted. The court indicated that while he would get the proportion of the maximum lump sum, he should get the full weekly payment, and that is the effect of the amendment, which is only to clarify the position. A little while before that decision of the court, I had authorised the full weekly payment to workers in that category.

Mr. Court: Up to what total?

The MINISTER FOR LABOUR: The percentage of the maximum amount. Instead of paying the percentage weekly payment, I authorised the maximum weekly payment in accordance with what they were entitled to, but they would only get the proportion of the lump sum.

Mr. COURT: What is the need for this amendment when the court has decided that the law is what this seeks to achieve?

The Minister for Transport: To make it doubly certain.

Mr. COURT: In the light of the court's decision, the amendment could make it uncertain. Does the Minister think he is doing the right thing by the worker in accelerating the payment of the maximum amount instead of allowing the amount to be spread over a longer period?

Mr. Moir: It would last longer if you paid him £1 per week.

Mr. COURT: That is absurd. Will the Minister tell us what he has in mind?

The Minister for Labour: I have told you twice.

Mr. COURT: The Workers' Compensation Board must have had good reason for wanting to do it the other way.

The MINISTER FOR LABOUR: The amendment gives effect to the Supreme Court's decision on workers afflicted with percentage silicosis. The practice of the State Insurance Office was to pay a percentage of weekly payment in accordance with the percentage indicated by the medical certificate and the Supreme Court said the worker was entitled to the full weekly payment but only the percentage of the maximum amount.

Clause put and passed.

Clause 6—Section 11 amended:

Mr. COURT: This is another clause which changes the amounts from the 1954 base amounts and I oppose it for the reasons given during the second reading.

Clause put and passed.

Clause 7—Section 13 amended:

Mr. COURT: This clause sets out the amount on which the employer's insurance premium will be calculated. Apparently some insurer, presumably the State Insurance Office, requested the Minister to define in the Act what is to make up the wages for the purpose of calculating the premium, and it has been put forward that this should include overtime worked, holiday pay, sick pay and remuneration in any other form. It could remove some anomalies as some employers do and some do not include these items and penalty rates.

I would rather exclude the items which do not have a direct effect on the claim period and particularly holiday and sick pay. The main thing is to achieve uniformity between the various employers in this regard. For many years many people have not included overtime penalty rates, holiday pay or sick pay but only the basic rate of pay in respect of overtime, the theory being that the penalty should be excluded, and they did not include holiday and sick pay because during those periods there is no claim against the insurance company. I think it would be better to say to all employers, "You exclude these particular items."

The insurance companies might temporarily get some gain because in the first year their premium income would be calculated on a higher wage figure, but in the final analysis it would all come back to roost on them because the Workers' Compensation Board would weigh the matter up and adjust the percentage rate of premium so that they would get precisely nowhere. I cannot understand why the Minister wants to bring this amendment into the Act because the law as it stands is quite clear.

The MINISTER FOR LABOUR: It is true, as the member for Nedlands has said, that the insurers will not get any great advantage out of this clause, but it will make for uniformity in the returns of remuneration paid to employees. There are a number of small mining companies, for instance, which are including sick pay, holiday pay and overtime in their returns while some of the larger companies are not. So I think this amendment will be an improvement on the present situation.

Clause put and passed.

Clause 8—Section 21A amended:

Mr. COURT: This clause deals with the definition of specialists and also has some reference to the Medical Board. I want to know whether the Minister had any consultation with the Medical Board or the B.M.A. in regard to this amendment. Do I take it from his general remarks when replying to the second reading, that there was no consultation? I think it would

have been a matter of general courtesy to discuss it with the board to see if there were any defects in the proposal.

The MINISTER FOR LABOUR: There has been no studied discourtesy on my part although the hon. member has implied that there was. I am not sure whether it was Dr. Leigh Cook or some other representative of the B.M.A. who wrote to me in this regard, but I have a letter from the B.M.A. and this clause has been introduced as a result of its representations.

Clause put and passed.

Clause 9—Section 29 amended:

Mr. COURT: This is the clause that provides for the board to make available within 30 days a copy of orders, rulings and decisions on any matter in dispute. Apparently the object is to enable parties to examine the reasons given by the board for its decision. In many ways that is desirable and no doubt it was envisaged when the Act was originally introduced because at present it states—

The board may in any case where it is deemed necessary, and should, on the application of any employer or worker interested in any order, ruling or decision of the board, issue a certificate in the prescribed form or to the like effect embodying the substance of any such order, ruling or decision.

There is no provision in the amendment for the board to give a judgment such as that given by the Taxation Board of Review, where a detailed statement is given as to how the board arrived at its decision and the reasons for it. In this instance only a brief statement need be made.

Does the Minister not expect that this will slow down proceedings? Is there something behind this and are the insurers generally dissatisfied with the decisions? The board will have to give a proper judgment in every case dealt with by it, even if it is only a minor one. I understand that at the moment, on a small case, they might confer outside the room and arrive at a decision. But if this amendment is agreed to, on every case they will have to write out a detailed report. This will invite legal representatives for the insurers and the workers to get hold of the cases, try to tear them to pieces and indulge in lengthy litigation. I consider the present provision to be a good one although perhaps the Minister has reason to believe that it is not being properly implemented by the board.

The MINISTER FOR LABOUR: There is no question as far as I know about the insurers being dissatisfied with the decisions of the board. The Act at present provides for the issue of a certificate on request and the amendment provides that the board should supply to approved insurers a copy of the order or ruling and

setting out the reasons. Rather than slowing down the work of the board this will be a means of removing a certain amount of litigation. The board supplies to insurers the reasons which prompted it to give judgment in a certain way.

If, in principle, there is a similar case arising a little later on, the injured worker may hesitate to go to the board. He may feel inclined to settle on the basis of the previous decision. I do not think there would be any great slowing down of the working of the board. If, in two or three years' time, it is shown that it has not worked satisfactorily, consideration can be given to an amendment. I do not think any one will suffer if the clause is agreed to and the board supplies a copy of its reasons for the benefit of the insurers.

Clause put and passed.

Clause 10—Sections 29A. and 29B. added:

Mr. COURT: I oppose this clause because I consider that the provision to make this committee statutory is quite unnecessary. If it is appointed, we will cut across something which has worked extremely well. The Minister might have had some representations made to him in regard to the appointment of this committee and if so, he should tell us of them.

In my opinion, the present committee has worked extremely well. It meets quarterly and it has an amicable arrangement in regard to the chairmanship, but if this clause is agreed to, the chairman will have no vote at any meeting other than a casting vote. I have read through the agreement dated the 15th July, 1955, and it is quite obvious that the matter has been given a great deal of thought. If it is merely a question of disputed fees, there is all the power required provided under Section 35 to deal with this question.

The MINISTER FOR LABOUR: The member for Nedlands underates the opinion I have of the calibre of members of the board. There is no doubt they have done a good job. They act in a voluntary capacity. Is the hon. member suggesting, that merely by the implementation of this clause their natures are going to change? The only reason why we have included in the Bill the agreement set out in the document held by the member for Nedlands, is that instead of stating that the amount shall be £100 and £150, we use the words "reasonable expenses." This proposed committee will decide what are reasonable medical expenses. What can be fairer than that? It is also provided that these members shall be entitled to fees for their sitting.

Mr. Court: They are not asking for them.

The MINISTER FOR LABOUR: I know, but they are entitled to the payment of such fees. The personnel of this committee will be the same. One of them acts as chairman and under this proposed set-up one of them would still act as chairman.

The manager of the State Government Insurance Office is on the board and I asked him what would happen in the case of an equality of votes and he replied that that was not likely to happen because invariably members of the committee worked very amicably. He said there would be no trouble in electing a chairman. The machinery in regard to this clause is already in operation.

Mr. Ross Hutchinson: You merely want to pay the members for their services.

The MINISTER FOR LABOUR: They can be paid if they so desire, but I suppose some of them do not want payment. The only reason why we are seeking the appointment of this committee is to determine any dispute that may arise on what are unreasonable medical expenses.

Mr. COURT: The Minister has said that these people would not change their natures merely because they became a statutory body. Circumstances would be such that their approach to their task would be completely different. The Minister knows many of us work voluntarily on various organisations. Our whole attitude is different then from what it would be if we were paid for our services.

The Minister for Labour: We are paid for our services here.

Mr. COURT: I would not like to debate the attitude we would adopt if we were an honorary body. There is no danger in having a body working on a voluntary basis because under Section 35 there are all the safeguards necessary. The members of the medical profession who are on the committee do not want the body to become statutory. They are quite satisfied with the present set-up. However, if they become members of a statutory body, the arrangement might not prove to be so satisfactory. Surely the provisions of Section 35 give sufficient protection in arriving at an agreed rate of charges!

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

Ayes	....	....	....	20
Noes	....	....	....	15
Majority for				5

Ayes.

Mr. Andrew	Mr. Lawrence
Mr. Evans	Mr. Marshall
Mr. Gaffy	Mr. Molr
Mr. Graham	Mr. Norton
Mr. Hall	Mr. Nuisen
Mr. Heal	Mr. O'Brien
Mr. W. Hegney	Mr. Potter
Mr. Hoar	Mr. Toms
Mr. Jamieson	Mr. Tonkin
Mr. Johnson	Mr. May

(Teller.)

Noes.

Mr. Ackland	Mr. Nalder
Mr. Court	Mr. Owen
Mr. Hearman	Mr. Perkins
Mr. Hutchinson	Mr. Roberts
Mr. Mann	Mr. Watts
Mr. I. Manning	Mr. Wild
Mr. W. Manning	Mr. Crommeijn
Sir Ross McLarty	

(Teller.)

Ayes.	Pairs.	Noes.
Mr. Brady		Mr. Bovell
Mr. Hawke		Mr. Thorn
Mr. Kelly		Mr. Brand
Mr. Rhatigan		Mr. Grayden
Mr. Lapham		Mr. Oldfield
Mr. Sleeman		Mr. Cornell

Clause thus passed.

Clause 11—agreed to.

Clause 12—First Schedule, Clause 1 amended:

Mr. COURT: I would like to comment on that part of the clause which provides for the adjustment of the amount payable with respect to female workers. In the 1954 legislation there was provision for automatic adjustments for both male and female workers, and the Minister now wants to include a provision that any female worker on the male award rate be paid the same compensation as a male. I cannot follow his line of argument because there is a difference between the circumstances of male and female workers' responsibilities.

A further provision of this clause takes the lid off the amount to be payable for medical and hospital expenses. Even if some concession in the present limits of £100 and £150 is necessary, we should not take the lid off completely. The experience in Victoria was a bad one when they did this; and I also invite the Minister's attention to Queensland. I cannot understand why they should be so low in their medical expenses while the Minister proposes to take the lid off here.

The MINISTER FOR LABOUR: It is only since 1954 that this unfair discrimination in the compensation payable to male and female workers has operated. At that time we were obliged to accept something less for female workers, or nothing at all. The amendment merely provides that where the wages of a female worker are the same as a male, the compensation payable shall be the same. The member for Nedlands suggests that the obligations of a female worker are different. I would point out that barmaids receive the same pay as barmen, and they are as responsible. Some of them are widows trying to raise young families.

Does the hon. member suggest that a barmaid who receives the male rate of pay and who has two or three children dependent on her should receive less than the barman, in the event of injury? The member for Nedlands referred to what was done by the 1954 select committee. This is one of the things that was not done, and we are trying to rectify that injustice. Referring to that aspect of the clause dealing with the lifting of the lid, I would point out that there is no unanimity in the compensation laws of the State, and I hope the time is not far distant when an injured worker will have to pay no part of his medical expenses.

Clause put and passed.

Clause 13—First Schedule, Clause 3 repealed and re-enacted:

Mr. COURT: Under this clause it is made mandatory for the employer to find light work for certain employees. If he cannot do so, the person concerned goes on full compensation. In practice this provision could have the effect of dispensing with the services of an employee who was not injured. In order to meet his obligations under this clause, the employer would in some instances have to put off an employee who was on light duty and put in the injured worker in his place.

Mr. Moir: You do not suggest any employer will do that?

Mr. COURT: That is not extraordinary. What could an employer do under those circumstances? There is only a limited amount of light employment in any establishment. The only other alternative is to throw the injured worker on to full compensation.

Clause put and passed.

Clause 14—First Schedule, Clause 7 amended:

Mr. COURT: I would refer to the wording of paragraph (e). This amounts to a direction for a worker to go to a certain doctor. At present there is ample provision for an injured worker to receive specialist treatment. The voluntary committee of the medicos and insurers is readily available and, in fact, does handle cases of this nature. If a person is not satisfied with the treatment he is receiving, there is ample provision for his case to be examined by the voluntary committee. It should be left as a voluntary procedure rather than a mandatory one.

The MINISTER FOR LABOUR: The object of the clause is to give to an injured worker the fullest possible protection, especially those engaged in the country. Cases have arisen where injured workers have been kept in the country until their medical expenses were exhausted before they were sent down to the city. The clause is inserted with the express purpose of protecting the worker and to ensure that any specialist treatment available is open to him.

Mr. Court: Who requested this provision?

The MINISTER FOR LABOUR: I also administer the State Government Insurance Office, but I do not want to introduce individual cases or to name medical practitioners, but if forced to, I am prepared to do so. The State Insurance Office has had to bring injured workers to Perth from country centres after their medical expenses had been exhausted.

Mr. COURT: This clause is not designed to protect the worker but is put there to protect the insurer. The State Insurance Office wants the right to direct the worker to a specialist, and this is to reduce its claims. I agree that any cost should be

paid by the insurer, but I would invite attention to this point: The worker does not request this special treatment and all the reference to the protection of the worker is fallacious. I know that generally an injured worker goes to the specialist recommended by his doctor, but this clause directs the worker to go to a specialist.

Mr. MOIR: The member for Nedlands is now stepping out of his role and speaks for the injured worker. It is very refreshing if we are so naive as to believe that he is sincere. He has taken strong exception to this power of direction but I would point out that many people go to see doctors, although they may not have any say in the matter. If the hon. member were to meet with an accident going home in his car tonight and becomes unconscious he goes to whichever doctor the ambulance takes him. This is a very necessary provision.

Contrary to what has been asserted that doctors are ready to send patients to specialists, the fact is that some doctors cannot bring themselves to think that any specialist can treat their patients better than themselves. I know a case where the patient and his relatives were not satisfied with medical treatment being given, and they requested that the patient be taken to a specialist. They were met with a point blank refusal by the doctor. I am speaking from personal experience. If I had not taken steps to bring a relative of mine before a specialist, there would have been grave consequences. In that case the doctor said he could give whatever treatment a specialist could give. This is a necessary provision if the insurer considers it is necessary that the worker should get specialist treatment.

Clause put and passed.

Clause 15—First Schedule, Clause 8 amended:

Mr. COURT: The clause gives the right to either the employer or the worker to ask for a medical board, and it must be granted. This provision will have the effect of supplanting the power and the authority of the Workers' Compensation Board. Surely that is not the intention of members! The board has statutory powers and its members are experienced in their duties. The decisions of the medical board are final. There are no appeals from them. In certain cases there are appeals from the Workers' Compensation Board. Why have a board with certain statutory responsibilities and then set up another to usurp its rights.

The MINISTER FOR LABOUR: There is not a great deal of substance in the hon. member's argument. However, I undertake to have the point he raises examined again and if there is anything in it, when the Bill is in another place, I shall arrange a suitable amendment.

Mr. COURT: The Minister has not explained why he wants this provision. There must be some reason for the departure from the present procedure. At the moment there is provision for a mutual agreement, which is satisfactory. What is the reason for the departure from the present practice?

The MINISTER FOR LABOUR: This simplifies the position. If there is a difference of opinion the worker can, with all expedition, apply for a medical board and the registrar will be obliged to arrange for it. I am fairly certain this will not cut across the functions of the Workers' Compensation Board. I will have the matter examined.

Mr. COURT: But why do you want to change the present procedure?

The MINISTER FOR LABOUR: I have been advised that an amendment is necessary to ensure expedition and that a worker shall have his path made easy in regard to the appointment of a medical board. The medical board can determine his condition or fitness for employment.

Mr. COURT: It is more likely to react the other way.

The MINISTER FOR LABOUR: I do not think so.

Mr. ROSS HUTCHINSON: I, too, feel that the medical board could easily usurp the functions of the Workers' Compensation Board. The present set-up appears to be quite satisfactory.

The Minister for Labour: Have you read Clause 8 of the schedule to the Act?

Mr. ROSS HUTCHINSON: No.

The Minister for Labour: If you read it, you will see the reason for this.

Mr. ROSS HUTCHINSON: I cannot see that it would have any bearing on it.

The Minister for Labour: It has every bearing on it.

Mr. ROSS HUTCHINSON: At present there is provision for a mutual agreement.

The Minister for Labour: There has to be a mutual agreement. If the employer says, No, there is no mutual agreement.

Mr. ROSS HUTCHINSON: In this case the Workers' Compensation Board will be by-passed.

The Minister for Labour: No.

Mr. ROSS HUTCHINSON: It is virtually a by-passing of it. I oppose the clause.

Mr. MOIR: This is a necessary amendment. At present provision is made for a mutual agreement and if one party refuses, there is no such agreement. This will be a board of medical men. The Workers' Compensation Board must find itself in an invidious position in having to decide purely medical questions. At one time the injured worker used to go before a medical

board because the employers used to agree, but for some time past they have refused. This provision will ensure that if either party requires a medical board, one shall be appointed.

Clause put and passed.

Clause 16—First Schedule, Clause 15, amended:

Mr. COURT: To my mind this clause will slow down, to the disadvantage of the worker, the settlements that have been taking place. The agreements made between the worker and the insurer are all registered and are subject to the supervision of the Workers' Compensation Board. They cannot make a clandestine arrangement; it has to be registered. The insurers have been prepared to sign an agreement which does not let them out of their responsibilities for three years. That was approved at the time by Trades Hall but for some reason it has withdrawn its approval. The after-effects of any accident would become apparent within three years. Further than that, there is statutory provision for an award to be made by the Workers' Compensation Board.

All the clause will do will be to force the worker and the insurer to go to the board for awards. They will not take the risk of agreements. There will be an immediate slowing down in the time of settlement and in making the money available to the workers. There has been a growing tendency to enter into arrangements after proper negotiation and with protection for both parties, particularly the workers, and I think it should be encouraged.

The MINISTER FOR LABOUR: The substance of this clause has been under discussion between the A.L.P. and the insurers for a long time. Three years was the limit but where the worker signs an agreement and it is registered he signs his rights away. Perhaps years later his condition deteriorates gravely but he has no further claim.

Mr. MOIR: I do not know where the member for Nedlands got his three years from.

Mr. COURT: From the memorandum signed and registered by agreement between the insurers and the A.L.P.

Mr. MOIR: I have seen too many workers deprived of compensation in that way after they thought they had recovered. Under the Act the period in which objection can be lodged is limited to six months. Often a man partially incapacitated through silicosis has taken the sum of money offered and later when his condition has deteriorated he has been unable to get further compensation. Too often the insurance companies have tried to force redemptions on workers and they have had to come before the Workers'

Compensation Board with an application to have the weekly payments resumed. I think this provision is entirely necessary.

Mr. COURT: I invite the hon. member's attention to the agreement approved by the A.L.P., which provides that the matter is open for review for a period of three years. It was approved by the Workers' Compensation Board and must be registered with them. The hon. member can have this form if he wishes. To my mind it is a desirable form.

Clause put and passed.

Clause 17, Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—PROFITEERING AND UNFAIR TRADING PREVENTION.

Returned from the Council with amendments.

House adjourned at 12.10 a.m. (Wednesday)

Legislative Council

Wednesday, 14th November, 1956.

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