

therein, for the purpose of ascertaining whether the same is infected and may, for the purpose aforesaid, examine plants, fruit coverings, and goods and other things, and dig up plants, open packages and do all such other things as he may deem necessary or expedient.

The Act does not, however, provide the power to stop a conveyance, and this will seriously limit the effectiveness of the department in preventing the introduction of diseases, pests, and noxious weeds, and the task of eradicating or limiting the spread of these factors within the State will also be far more difficult.

The Bill therefore seeks to repeal section 13 and re-enact it with amendments which give inspectors power to stop conveyances, and provide a penalty for persons who do not comply with such requirements. To enable the functions of road inspection of vehicles to be better defined, as regards inspection points and procedure to be adopted by inspectors, it is proposed that an additional section should be added to the parent Act to enable the Governor by regulation to prescribe these functions.

As well as providing the additional power, the opportunity has been taken to bring the parent Act up to date by including further amendments in the Bill which involve section 10, 12 (a), 12 (c), 15, and 38, the nature of the amendments being to substitute "Director of Agriculture" for "Under Secretary;" and to alter references to districts so as to conform with the Local Government Act, 1960.

Debate adjourned, on motion by Mr. Hall.

*House adjourned at 1.10 a.m.
(Wednesday).*

Legislative Council

Wednesday, the 24th October, 1962

CONTENTS

	Page
QUESTIONS ON NOTICE—	
Agricultural Land : Availability in Southern Cross-Karalee Area	1957
Metropolitan Transport Trust : Use of Bus Passes by Student Children	1957
MOTIONS—	
Workers' Compensation Act and Mine Workers' Relief Act—	
Inquiry by Select Committee—	
Motion, as Amended	1961
Motion, as Amended : Amendment	1961

CONTENTS—continued

	Page
BILLS—	
Constitution Acts Amendment Bill (No. 2)—	
2r.	1960
Com. ; Report	1961
Electoral Act Amendment Bill—	
2r.	1959
Com. ; Report	1960
Housing Loan Guarantee Act Amendment Bill—	
Intro. ; 1r.	1958
Licensing Act Amendment Bill (No. 2) :	
3r.	1958
Licensing Act Amendment Bill (No. 3)—	
Intro. ; 1r.	1958
Mount Goldsworthy-Ord Ranges-Depueh Island Railway Bill—	
2r.	1958
Com. ; Report	1959
Supply Bill (No. 2), £22,000,000—	
Receipt ; 1r.	1959
ADJOURNMENT OF THE HOUSE :	
SPECIAL	1968

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS ON NOTICE

METROPOLITAN TRANSPORT TRUST

Use of Bus Passes by Student Children

1. The Hon. R. THOMPSON asked the Minister for Mines:

Would the Minister consider allowing student children over the age of 14 years, whose parent or parents are either aged, widow, or invalid pensioners, and who are in receipt of a M.T.T. bus pass, to use such passes outside of school hours, at weekends, and on public holidays?

The Hon. A. F. GRIFFITH replied:
No.

AGRICULTURAL LAND

Availability in Southern Cross-Karalee Area

2. The Hon. G. BENNETTS asked the Minister for Mines:

As, during the last general election campaign, the Southern Cross Industrial Development Committee approached both the Minister for Lands and the Minister for Agriculture for 150,000 acres of land situated between Southern Cross and Karalee to be made available for agricultural purposes in the form of 30 blocks of 5,000 acres each, will the Minister advise if any decision has been made in regard to the proposal?

The Hon. A. F. GRIFFITH replied:

Geological advice concerning this area is that the land is potentially auriferous and promising for mining, and should be retained for this purpose. However, investigations are proceeding to ascertain whether other areas in the vicinity are suitable and available for agricultural development.

BILLS (2): INTRODUCTION AND FIRST READING

1. Housing Loan Guarantee Act Amendment Bill.

Bill introduced, on motion by The Hon. A. F. Griffith (Minister for Housing), and read a first time.

2. Licensing Act Amendment Bill (No. 3).

Bill introduced, on motion by The Hon. A. F. Griffith (Minister for Justice), and read a first time.

LICENSING ACT AMENDMENT BILL (No. 2)

Third Reading

Bill read a third time, on motion by The Hon. N. E. Baxter, and transmitted to the Assembly.

MOUNT GOLDSWORTHY-ORD RANGES-DEPUCH ISLAND RAILWAY BILL

Second Reading

Debate resumed, from the 23rd October, on the following motion by The Hon. A. F. Griffith (Minister for Mines):—

That the Bill be now read a second time.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [4.38 p.m.]: When the Iron Ore (Mount Goldsworthy) Agreement Bill was before the House, and attention was drawn to the need for an accompanying Bill dealing with the railway and also the plans, the point was raised that such action could be regarded as delaying action and one which could hold up the Bill and the ratification of the agreement, and do all sorts of things which were undesirable.

It will be recalled that I expressed the view that I thought it would expedite the passage of the Bill containing the agreement if we passed a measure in proper form, and that it would take a very few moments to pass an accompanying Bill which, I thought, was absolutely essential under the section of the Public Works Act which is appropriate.

Having perused the Bill and studied the plan, I think they meet all the requirements. It is fortunate that the route which appears to have been chosen—which, with the exception of the provision for a small deviation to the Ord Ranges, is

almost a direct line in an arc—is something of very great importance to our north.

If members look at the plan they will find that the line passes not very far distant from Port Hedland itself, and traverses the country of Pippingarra station which, I am sure, many members have visited, even during the short stay of the boat at Port Hedland. This could be a very important Bill in the history of north-west activity. It is strange that the construction of a railway is provided for and promoted in an area where only a few years ago a railway line was pulled up.

This could be a very good thing for all Australia, and all I hope is that the market for the iron ore of Australia, which ever country is prepared to buy it, is to be constant and so large that we will live to see this railway become a reality within a reasonable number of years. I am sure the Minister will be the first to concede the difficulties associated, in a world sense, with the marketing of high-grade iron ore at present; and Japan has a particular reason to be drawing her supplies from the source from which she is drawing them at the moment, and for those reasons it could be that we will experience some delay with this project.

However, I am sure that I am expressing the wishes and the hopes of all Western Australians, and all north-west residents in particular, as well as those who are interested in peopling our empty spaces to whatever degree it may be manifest, when I say that I hope this project will be proceeded with in the reasonably near future. This is a move in the right direction and it could mean much to this State in particular. I support the Bill.

THE HON. A. L. LOTON (South) [4.41 p.m.]: I would just like to correct something that I did during the course of the debate on the Mt. Goldsworthy iron ore Bill. I have given this matter a great deal of thought and consideration since that time, and I now find that when the debate took place in this House on Tuesday, the 28th August, I made a wrong decision.

There was a good deal of confusion at the time. You, Mr. President, left the Chair at six minutes past five and resumed the Chair at 7.58 p.m. You gave your ruling and then the Minister for Mines disagreed with it and debate ensued. That would not have been the case if the usual procedure had been followed, which procedure is laid down in Standing Order No. 405. In order to illustrate what I mean I think it would be better if I read Standing Order No. 405 which covers the position when the President's ruling is disagreed with and the motion is seconded. The Standing Order lays it down that unless the matter is urgent the President

shall forthwith adjourn the debate until the next sitting. Standing Order No. 405 states—

If any objection be taken to the ruling or decision of the President, such objection shall be taken at once, and in writing, and motion made, which, if seconded, shall be proposed to the Council, and debate thereon forthwith adjourned to the next sitting day, unless the matter requires immediate determination.

There was a good deal of confusion because I was trying to listen to the argument put forward by the Minister as well as look up certain Statutes that were available. I had no notes to refer to because the Bill was dealt with as a matter of urgency. The Minister introduced it and asked for the suspension of Standing Orders to enable the legislation to pass through the House at the one sitting.

Mr. Wise asked for a determination from the Chair on the point as to whether the Bill should be laid aside at that stage as he considered it did not conform to our Standing Orders which, on page 152 of the Standing Orders of the Legislative Council, state—

Procedure on the second reading of Bills for the construction of railways.

It then goes on to say that every railway shall be made, etc. At that stage I tried to look hurriedly through the Public Works Act, as during the debate the Minister drew attention to the fact that, because of the agreement which had been entered into with the Joint Venturers, he was not required at that stage to lay on the Table of the House a map showing the proposed route. He said that under that agreement they could, after a certain time had elapsed, and after they had spent the sum of approximately £291,000, either proceed with the agreement or allow it to lapse.

I do not intend to go into all those details, but he said that when the Joint Venturers had carried out the necessary survey work and made their investigations, and had decided upon the route of the railway, the Government would lay on the Table of the House a map showing the proposed route. I have given a great deal of thought to this matter and I should like to read the definition of "public work" and "work" in the Public Works Act, 1902-1956. It reads—

Every work which His Majesty, or the Governor, or the Government of Western Australia, or any Minister of the Crown, or any local authority is authorised to undertake under this or any other Act.

On second thoughts, Sir, I admit that I made a mistake on that occasion; and I maintain this railway Bill is not required because the work is not a public work.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

SUPPLY BILL (No. 2), £22,000,000

Receipt and First Reading

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

ELECTORAL ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 23rd October, on the following motion by The Hon. A. F. Griffith (Minister for Justice):—

That the Bill be now read a second time.

THE HON. E. M. HEENAN (North-East) [4.50 p.m.]: This Bill appears to be complementary to the Constitution Acts Amendment Bill (No. 2), which is the next item on the notice paper. The measure supplements recent Federal legislation concerning the extension of the franchise to natives. I notice the enrolment of natives is to be on a voluntary basis; but once they become enrolled, voting is to be compulsory. There is some differentiation there.

In the case of the ordinary person, of course, it is compulsory for him to be enrolled and also to vote. But with the native that slight distinction is drawn inasmuch as enrolment will be on a voluntary basis, but he will still have to vote once he is enrolled. There are also certain provisions relating to postal voting which, it would appear, are rendered necessary in the light of experience, and which are designed to correct certain anomalies.

The Bill is obviously one to be considered in Committee, and members might be well advised to have a closer look in the Committee stages at some of the provisions relating to postal voting. There is another proposal which deals with the Chief Electoral Officer's duties in respect of the scrutiny of postal votes. I seem to recall there was some issue in relation to this matter in one of our recent elections, and no doubt the proposed amendment arises from that experience.

The Hon. A. F. Griffith: It is now in the regulations, and we aim to put it in the Act rather than in the regulations.

The Hon. E. M. HEENAN: I see that. The regulations at present provide for a certain situation, and it is now suggested that the provision shall be incorporated in the principal Act. The proposal seems all right to me, and I do not think it amounts to much. Those are the only remarks I feel disposed to make at this stage. The Bill is acceptable, but, as I said earlier, members may care to have a closer look

at some of the provisions when the measure is being considered in Committee. I support the second reading.

THE HON. R. F. HUTCHISON (Suburban) [4.55 p.m.]: I rise to support the Bill. This legislation has been a long time coming to fruition. It is a privilege which should have been granted to natives a great deal earlier. There are any number of natives who are just as educated and intelligent as the white man. We must, of course, expect anomalies when legislation such as this is introduced and placed on the statute book. But every effort should be made to cast aside prejudice, and to give all the help that it is possible to give in a merciful and democratic manner.

For example, I do not think that too much emphasis should be laid on penalties in the early stages of the legislation; and I shall certainly be watching its administration to see that no stringent penalties are imposed where they are not required. The native people of this country deserve a far better deal than they have been given in the past. In their tribal setting they are a fine body of people: they are healthy, intelligent in their own arts, and happy.

As a little child I had quite a lot to do with native children on the fringe of the upper Murchison and right through the Murchison line to Meekatharra and Peak Hill. I had a great opportunity to study and understand them, perhaps more than the average person. We were the only white children in East Magnet, and we played with the little native children—the piccaninnies—and got to know them quite well.

With their introduction to civilisation we must be tolerant; and I hope the prejudices that have been built up over the years will be put aside. The hardships and the injustices that have been created have been due entirely to the white man. For the most part the whites have treated the natives harshly in various places on many occasions. In the missions, for instance, there is no difference between the coloured children and the white children; they play happily together without any prejudice whatever.

I know that democracy must go on, and that progress must be made; but in this respect we have lagged very sadly indeed. We have had a large native population in the north of the State; but in regard to them, we have not been given the assistance from the Commonwealth that we deserve. It is only right that these people should be granted the facility that is provided in this legislation. I hope we will all see that justice is done, and I am happy to support the Bill.

THE HON. J. D. TEAHAN (North-East) [4.58 p.m.]: I also desire to support the Bill. I feel that when history is

written those who read it will wonder why it has taken so long to grant this privilege to the natives, a privilege which they should have been accorded many years ago. I have had a great deal of experience with natives and have come to know them well, particularly in the area where I was reared—on the fringes of Menzies and Leonora.

I have, however, come to know them better since I was elected as a member for the North-East Province. I must say I have been struck with the intelligence of the native. Only recently I had occasion to travel by train, and at one of the sidings I met a woman who was accompanied by several natives. I asked her where she was taking them, and she said that their diligence and industrious habits had been brought to her notice; that they were very good workers; and that she was taking them to the mission to employ them.

She added that these natives knew they were good workers, and that they expected to be paid a bit more than the wage given to the average stockman or musterer. She added, however, that they were well worth it. She said, "If they are available I want them again. I will be searching for them." I have had proof of cases such as this, and I am surprised at the intelligence and industriousness of quite a few of them. We have reached this stage none too soon, and I have much pleasure in supporting the Bill.

Question put.

THE PRESIDENT (The Hon. L. C. Diver): In order that the question may be carried, it is necessary that there shall be an absolute majority. I shall divide the House.

House divided.

THE PRESIDENT (The Hon. L. C. Diver): Under Standing Order No. 164 I declare the division off. The question is carried with a constitutional majority of the whole House.

Question thus passed.

Bill read a second time.

In Committee, etc.

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

CONSTITUTION ACTS AMENDMENT BILL (No. 2)

Second Reading

Debate resumed, from the 18th October, on the following motion by The Hon. A. F. Griffith (Minister for Justice):—

That the Bill be now read a second time.

THE HON. E. M. HEENAN (North-East) [5.6 p.m.]: This, of course, is an important Bill because it seeks to amend

the Constitution Acts Amendment Act. Apparently there were a couple of matters which we now propose to deal with—and which I feel the House will support—that the framers of the Constitution did not take into account. The Bill proposes amendments to sections 7, 15, and 20; and, as the Minister has already told us, section 7 provides that for a person to be elected a member of the Legislative Council he has to be resident in Western Australia for two years. The section then goes on to stipulate that if a person is not a natural born subject of Her Majesty the Queen, he must be naturalised five years previous to such election.

Section 20 makes a similar provision in respect of the Legislative Assembly. This Bill proposes to eliminate that five-year period; and if the Bill—as I understand it—is adopted a naturalised person who fulfils the residential qualification of two years will be able to be elected a member of the Legislative Council. The amendments to sections 7 and 20 will bring our legislation into line with that of the Commonwealth; and I think that has considerable merit. I do not see why, if a person becomes naturalised, he should have to reside five years in Western Australia before becoming eligible to be elected to this House.

The Hon. G. Bennetts: It gives him a chance to study the laws of the country.

The Hon. E. M. HEENAN: That has been the law since 1899, and we now propose altering it. I give it my full support. Section 15 is a section which should be familiar to all of us because we have—to use a common expression—given it a belting during the past 24 hours.

It is interesting to note that a native is not entitled to enrol as an elector for the Legislative Council unless he holds a certificate of citizenship pursuant to the provisions of the Natives (Citizenship Rights) Act; and it is now proposed to eliminate that restriction. This will mean that all natives will become eligible to vote in Legislative Council elections provided they possess the property rights or the interest in freehold that section 15 now prescribes.

This Bill is complementary to the one which the House has passed and which, as Mr. Teahan pointed out, marks a milestone in our approach to the natives of our State. I am going to give the Bill my full support; and I think the House, having passed the previous Bill, will feel disposed to adopt this one also.

Question put.

THE PRESIDENT (The Hon. L. C. Diver): To be carried, this motion requires an absolute majority. I have counted the House, and there is an absolute

majority of the Council present. There being no dissentient voice, I declare the question carried.

Question thus passed.

Bill read a second time.

In Committee, etc.

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

WORKERS' COMPENSATION ACT AND MINE WORKERS' RELIEF ACT

*Inquiry by Select Committee: Motion,
as Amended*

Debate resumed, from the 23rd October, on the following motion by The Hon. E. M. Heenan, as amended:—

That this House requests the Government to institute an inquiry into the diagnosis of pneumoconiosis and into the existing provisions of the Workers' Compensation Act, 1912-1961 for the compensation of workers afflicted with pneumoconiosis and its effects.

THE HON. R. C. MATTISKE (Metropolitan) [5.14 p.m.]: Just prior to the House rising last night various members expressed the opinion, either by direct speech or by way of interjection, that there should be clearly laid down in regard to this matter a panel of persons who should be charged with the responsibility of conducting the inquiry into workers' compensation. It was also expressed that the terms of reference should be clearly set out.

Amendment to Motion, as Amended

The Hon. R. C. MATTISKE: Since the House rose last night I have taken the opportunity of discussing this matter with my colleague, Dr. Hislop, and as a result I now move an amendment—

That the following words be added after the word "effects", being the last word in the motion, as amended—

by a committee of which the chairman is a medical practitioner who has had extensive experience in the field of pneumoconiosis, into the diagnosis of pneumoconiosis and into the existing provisions in the Workers' Compensation Act, 1912-1961, relevant to pneumoconiosis and related medical conditions and compensation of workers so afflicted.

The committee shall have the powers as if it had been appointed a Royal Commission, shall have power to call and examine such witnesses as it may require; call for papers, files and documents; move from place to place; examine any institution or workings as

may be necessary; call for medical reports of afflicted miners; and possess such other powers as the Government may think fit.

The committee shall make recommendations to the Government for the improvement of the provisions of the Workers' Compensation Act, 1912-1961, which refer to pneumoconiosis.

The committee shall report to the Government on the advisability or otherwise of coalescing the Mine Workers' Relief Act, 1932-1961, with the Workers' Compensation Act, 1912-1961.

The committee shall report on any recommendations they may consider necessary for the improved working conditions of the mines.

The committee shall make such recommendations as it considers necessary into the administration of the relevant provisions of the Workers' Compensation Act, 1912-1961.

The Hon. A. F. Griffith: Are you going to explain it at all?

The PRESIDENT (The Hon. L. C. Diver): I take it all members have a copy of the amendment before them in the addendum to the notice paper. Therefore the question is—

That the words proposed to be added be added.

THE HON. J. G. HISLOP (Metropolitan) [5.15 p.m.]: As Mr. Mattiske said last evening, the Minister suggested that my original amendment contained no terms of reference, and I made the same reply, namely, that the Minister's amendment also contained no terms of reference.

In my opinion it has been usual for a motion to be accepted and then for the terms of reference to be worked out. If consideration can be given to this amendment, I would be quite happy for the position to remain as I have mentioned. However, in order to make quite clear what we consider is necessary in the consideration of this matter, these terms of reference have been included in the amendment.

There are certain features about last night's discussion which I think should be cleared up. The Minister in his remarks to me, whilst I was speaking, said that Dr. Schepers is a salesman for an organisation. I want to produce some evidence that Dr. Schepers is one of the most highly educated scientists in the field of pneumoconiosis. As a doctor of medicine, he possesses the highest university degree, and he possesses that very rare distinction—the highest honour a university can bestow on one of its students—of being a doctor of science.

This man has not been employed by the McIntyre Research Foundation for a number of years.

Mr. Heenan was present in my sitting room when we discussed the subject matter of the motion with Dr. Schepers, and he will recall that Dr. Schepers made it quite clear that he was no longer actively associated with the McIntyre Research Foundation but was now with the du Pont organisation—I will give the full title of that organisation in a moment—and was employed as an investigator into conditions surrounding silicosis and other industrial hazards where dust is involved.

Dr. Schepers's letter of the 12th January, 1961, to me gives his address as, "E. I. du Pont de Nemours & Company, Incorporated, Wilmington 98, Delaware. Employee Relations Department." He was in the Haskell Laboratory for Toxicology and Industrial Medicine.

If this man can be regarded as a salesman, it is rather remarkable that he is able to produce the scientific papers which he has written and which have been accepted by world-wide journals.

I have in my hand a pamphlet of his, reprinted from *Diseases of the Chest*, the official organ of the American College of Chest Physicians, entitled *Inhalation Hazards in Nuclear Energy Programs*. Again I produce one of the most outstanding documents I have ever read—*The Pathology of Cor Pulmonale*, or enlarged heart; and the amount of research that went into the preparation of that document must have been considerable.

Next I produce almost a volume entitled *The Biological Action of Degussa Flame Process Submicron Amorphous Silica Dust*, reprinted from the *American Medical Association Archives of Industrial Health*. Again I present *The Influence of Fibreglass-Plastic Dust on Tuberculosis*, reprinted from *The American Review of Tuberculosis and Pulmonary Diseases*.

There are others that I will pass by and produce one entitled *Diffuse Interstitial Pulmonary Syndromes*; and Dr. Schepers' address given there—the Haskell Laboratory for Toxicology and Industrial Medicine—is exactly the same as the one I mentioned to the House.

An earlier paper which he gave in 1958, was entitled *The Antidotal Capacity of Aluminum against the Histotoxic Action of Quartz*.

The fact that a man has made a life study of methods of prevention of silicosis, and has devoted so much time to a study of the disease, does not make him a salesman when he advocates the use of some treatment in the mines; and I think a little more care might be taken in classifying individuals of the calibre of Dr. Schepers.

Dr. Schepers probably was criticised to the Minister by some of those who were travelling with him to Kalgoorlie in 1960,

because Dr. Schepers found that one medical man, whom I regard as having had insufficient experience on which to base an opinion, stated that he was strongly opposed to the use of aluminium in the prevention of silicosis. This caused Dr. Schepers to make some pertinent remarks. Since then, I suppose, Dr. Schepers has been regarded in an unduly unfavourable light because of his statement.

A letter from Dr. Schepers contains an interesting paragraph which supports the basis of my request for an expert investigation. He says—

The pulmonary disability matters we discussed are of serious import. If there is the least way I can help you, please do not hesitate to call on me. The standard radiograph has been relied on far too long in assessing silicosis. It has long been necessary to shift the emphasis to functional appraisal of disablement since it is very apparent that there is no necessary correlation between the severity of the disease shown on the radiograph and the extent of the incapacity which may be present.

That has been, over the last 10 years, the basis of my approach to this House.

The Hon. W. R. Hall: I suppose that is why they cannot get a true assessment. Does the X-ray always tell the truth?

The Hon. J. G. HISLOP: It may tell the truth as far as the picture is concerned, but it is not the only method of diagnosing silicosis; and that is the point. I have been making for quite a long time.

The Hon. G. Bennetts: The X-ray is the only method they use today, isn't it?

The Hon. J. G. HISLOP: In another letter Dr. Schepers said that he had been told there was little bronchitis in Kalgoorlie, but his impression was that there was a large number of cases of bronchitis there—quite the opposite to the advice that had been given to him—and he suggested that it might be wise if he came back to have a look for himself, which rather suggests that he has a continuing interest in the question of silicosis within Australia.

I am not in a position to state that such a man would come here, nor am I in a position to state that the du Pont company would release him for a period, or that it would make a gift of his services to Western Australia, but in my own heart I believe it would not require much inducement for such a man to come here. However, let the position remain at that; I have simply raised this point to indicate the ability and the scientific achievements of this man, which were questioned in the House last night.

I have also made available the report of the conference in South Africa, and from that report it can be seen that there are a number of other people whose advice could be sought on this matter. It would

not take very long, as I said last night, to get in contact with the Government of South Africa to ask for those men who are competent to assist in the carrying out of this investigation.

We have had inquiries before, and we were told in 1960 that the question of the three terms under which individuals were expected to make claims would be investigated. When, last year, we received the result of the inquiries and the form that had to be filled out, we found that no-one could understand it.

There was printed in the newspaper a statement that the Minister had said that anybody could get compensation if he had worked in the mines. But the Minister afterwards maintained the position that the Act was not retrospective; and that is the position at the moment. So rather than conferring an advantage on the miners, we find that there are more of them in difficulty now than there were before. Previously they knew where they stood, but a number of them do not know now.

I feel that in this first paragraph in which we have stated that the chairman must be an individual with an extensive knowledge of silicosis—

The Hon. W. R. Hall: A medical practitioner.

The Hon. J. G. HISLOP: Yes.

The Hon. W. R. Hall: Don't you think it should be someone who is a specialist rather than an ordinary general practitioner?

The Hon. J. G. HISLOP: Anybody in medicine is a medical practitioner; but in the amendment we have asked that the medical practitioner shall have had extensive experience in silicosis, which would make him an expert in silicosis problems. This does not mean that we would get just any general practitioner, or even one of our medical people who have taken an interest in silicosis. I have written an enormous amount about silicosis, but I would not say that I am a person who has had sufficient experience to be chairman of an inquiry of this sort.

The Hon. W. R. Hall: What about the men who are in charge of our Chest Hospital at Hollywood?

The Hon. J. G. HISLOP: No. They originally started as specialists in tuberculosis, and they have seen some silicosis in the same way as I have. I have seen silicosis in this State for over 40 years, but the people who are doing research work on silicosis in other countries would be of much more value than the people here. I would say quite frankly, without offending anybody, that there is nobody in this State who has enough experience to be the chairman of this committee.

The Hon. W. R. Hall: Have we anyone in the rest of the Commonwealth?

The Hon. J. G. HISLOP: The only man I could suggest is Dr. George of the New South Wales Department of Health. He was the only man sent from Australia to the South African conference.

The Hon. A. F. Griffith: He visited Western Australia some time ago.

The Hon. J. G. HISLOP: Yes, that is right. Dr. George is experienced in the field of silicosis and he might assist, but he is the only man I can think of at the moment. There may be a person in Broken Hill who has had enough experience. I think that no matter who he might be—and I make no claim that the man should be from Australia or anywhere else—the man in charge of the inquiry should be capable of presenting a final report which will be acceptable. I do not believe we have the man in Western Australia to do it.

It is with a certain amount of temerity that I refer to the terms of reference, because, as I have said before, I think the terms of reference are usually decided after the committee is agreed upon. However, I do feel there are certain things that this committee should be able to do.

It should be safeguarded by having powers that would be given to a Royal Commissioner, and I think it should have the power of a Select Committee to call for papers, and witnesses, and so on, and be able to move from place to place. I can visualise that it will be necessary for the committee to visit some of the goldmines, and certainly it should visit the asbestos mines at Wittenoom Gorge. I would suggest also that there are problems of economy associated with this matter, in addition to the medical aspects, and I would think there should be a man on the committee with financial experience. A qualified accountant could be of tremendous value. The Government might also consider as a member a private citizen who might take an interest from an outside point of view in deciding some of the problems that will arise.

I suggest that the committee should make recommendations to the Government for the improvement of the provisions of the Workers' Compensation Act, 1912-1961 which refers to pneumoconiosis. I think that is essential, because we have to realise that pneumoconiosis is going to increase in this State as the work in the metal industry increases. We will find that the quarries referred to by Mr. MacKinnon will require investigation.

Some years ago there was a church built in the city and the conditions under which the men quarried the Donnybrook stone led to the sacrifice of a number of their lives. These conditions must be looked at. Beryl will come into the field, particularly

if used in the making of carborundum wheels and other such rotating wheels for smoothing articles.

Asbestos mining must be looked at because, as I have said, there is a problem there. Dr. Schepers made the statement that to realise there could be both asbestosis and silicosis at Wittenoom Gorge is nothing short of a tragedy. That adds to the problem. Part of his advice to me was that no man who had worked on the asbestos mines should be allowed to work in a Kalgoorlie goldmine. Yet there is nothing to stop men from doing that. Men have left the asbestos mines and worked in the goldmines.

The Hon. W. R. Hall: And, I think, *vice-versa*.

The Hon. J. G. HISLOP: Yes, that is so. In these instances the two conditions of asbestosis and silicosis are mixed, and the man has no chance.

I agree with the suggestion of Mr. Heenan that the advisability of coalescing the Workers' Compensation Fund and the Mine Workers' Relief Fund, should be investigated, because at present the Mine Workers' Relief Fund is not adequate for the purpose. I can understand why the miners do not want to pay any more into the Mine Workers' Relief Fund, because it does not cover anything except the condition of the miner whose silicotic claim runs out.

If the miner is given 10 per cent. or 20 per cent. disability for his silicosis, his money is given to him in weekly payments, and when that has run out and he cannot claim any more as a result of any increase in his degree of silicosis, he goes to the Mine Workers' Relief Fund. But if he cannot present a picture showing silicosis or that he is completely invalidated by bronchitis, cor pulmonale, or enlarged heart, he has no claim whatever on the Mine Workers' Relief Fund.

The Hon. W. R. Hall: In the other fund there is over one and a quarter million pounds.

The Hon. J. G. HISLOP: Which other fund?

The Hon. W. R. Hall: The State Government Insurance reserve fund.

The Hon. J. G. HISLOP: Those are the conditions which should be investigated.

The Hon. G. Bennetts: How many members do you think should be on the committee?

The Hon. J. G. HISLOP: The other aspect that should be looked at is that the silicotic problem is to some extent altering. The mines are doing all they can to prevent an increase in the incidence of silicosis. The number of silicotic miners seems to lessen year by year, but there is a greater proportion of bronchial asthma; and a rise in blood pressure is a frequent condition. In other words,

the lung complaint is not one of silicosis. That is why I have insisted on the wording that medical conditions related to silicosis should be examined.

The final question which I think we should consider is that of administration. At the moment the X-ray department is being run by Dr. McNulty who has come over from the Commonwealth. It might be better if the final decision came under the Workers' Compensation Act through the advice of the administration. It might also be better if some other form of administration were undertaken to make for smoother working for the men who usually have great difficulty in making their claims. They tramp backwards and forwards having their chests examined, seeing their physician—established in Kalgoolie—making their applications to the State Government Insurance Office, and seeing private practitioners. And then nobody has been able to work out the problem.

I can say that my colleagues at the chest clinic are just as bewildered as I am. They do not know what to advise these people. I think I have said that Dr. McNulty has adopted what I think is an approach to the humanitarian aspect by telling these people not to take all the money they are due for because they may want some later in life. I really do think that the question of compensation can be looked at and established on a very much better basis—as applies in so many other countries—than it is at the moment.

I have seen these men over so many years and I have made so many efforts to do something for them—but every time there has been some degree of frustration—that I hope that this time the Government will accept a full-scale inquiry into the position and assure us that the future of the miner will be guaranteed for the years to come.

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [5.42 p.m.]: I do not want to say a great deal in connection with the amendment moved by Mr. Mattiske. However, I think I had better start by saying that perhaps last night I could have chosen better words when I referred to Dr. Schepers as a salesman. By doing so I did not intend, in any shape or form, to cast an aspersion on his ability as a scientist. Dr. Hislop himself told me that Dr. Schepers is an excellent man in the world of medicine, but it is true that he is associated with a commercial enterprise. Perhaps my choice of words was not good. However, it strikes me that the undertaking I have given and the suggestion I have made is not being accepted.

The Hon. W. R. Hall: Yes it is.

The Hon. A. F. GRIFFITH: I do not think it is in the mind of Dr. Hislop. What I had in mind, when I moved the amendment which appears on the notice paper

in my name, was that an inquiry would be made—a full scale inquiry. I had pointed out the disadvantage of appointing a Select Committee, which Mr. Heenan appreciates. Because of the shortage of time, we would have to turn it into an Honorary Royal Commission. The House would not sit long enough to receive a report.

In the terms suggested by Dr. Hislop, it would be just as difficult to appoint a Royal Commissioner from overseas. After giving consideration to the matter I ask the House to accept the motion in the form I have put it. I think that if the House were to agree to anything else we would finish up with the same sort of situation in which we found ourselves over the inquiry that was made in connection with the improvements to the Workers' Compensation Act brought down last year.

It is all very well for some people to say that nothing has been done in this regard, or in respect of the three-year period for silicosis, but what has been done has been done as a result of an inquiry instigated by myself and my colleague, the Minister for Labour, the late Mr. Perkins. We introduced an amendment which took away the three-year limit; and I cannot possibly see how Dr. Hislop can say that it is not having the effect we hoped it would.

Mr. Lavery spoke about a man who received benefits after 10 years. This man did not realise he was entitled to benefits. There has been some Press controversy over the amendments to the Workers' Compensation Act that we passed. Mr. Stubbs knows something about that.

The Hon. G. Bennetts: He will tell you about it in a minute.

The Hon. A. F. GRIFFITH: I had to try hurriedly to make a statement concerning the assertions that were being made about those amendments, because the Press report had become somewhat confused and a difficult situation had been reached. However, the manager of the State Government Insurance Office, as far as I am aware, has made the intention of the amendments and the interpretation placed upon them fairly clear.

I understood, concerning the remarks made by Dr. Hislop last night about the terms of reference, that I was being blamed for not having set out any terms of reference in my amendment, and as a rejoinder I said to Dr. Hislop that his amendment did not contain any terms of reference, either. I appreciate that terms of reference for an inquiring body, whether it be a Select Committee or a Royal Commission, are usually drawn after the inquiring body has been appointed. If the amendment that I have moved is passed it will mean that a full-scale inquiry, representative of the Public Health Department, the Mines Department, and the Department of Labour, will be held. The committee could

call evidence in the same way as did the committee that inquired into workers' compensation a few years ago.

It would certainly invite, and be pleased to receive, the opinions put forward by Dr. Hislop or anybody else who has had experience in this field and who could give advice to the committee to achieve the purpose we have in mind.

The Hon. G. Bennetts: The A.W.U. Mining Division would be an excellent body to call upon for evidence.

The Hon. A. F. GRIFFITH: There is nothing to stop any person or any organisation from putting forward opinions. Whether the A.W.U. Mining Division could submit evidence based on medical or professional experience of this subject is problematical, but that organisation could certainly give reliable evidence based on practical mining experience, and there is no reason why it should not.

The Hon. W. R. Hall: Some officials of the A.W.U. Mining Division have had considerable mining experience.

The Hon. A. F. GRIFFITH: I appreciate that. I, too, have been underground on a number of occasions and I realise that the men who work underground do so under extremely difficult conditions. The House can accept from me the assurance that I am conscientiously anxious to improve the situation if it is possible. The initial motion moved by Mr. Heenan, the amendment moved by Dr. Hislop, my amendment and the amendment that has not long been moved by Mr. Mattiske, are all actions taken in the hope that we can widen the scope of the Workers' Compensation Act to embrace more adequately the diseases associated with silicosis and pneumoconiosis which are not at present compensable under the Act. I think that is a fair assessment of the situation.

I venture to suggest that if the House accepts the motion I have put forward, the conduct of the inquiry will be expedited and we will make progress much faster than if a Royal Commission or Select Committee were appointed. The men who will be appointed to conduct this inquiry, representative of the three departments I have mentioned, will be those who have had experience of workers' compensation and mine workers' relief; but, if they are found lacking, further steps can then be taken at that stage. However, I have had a talk with the Commissioner of Public Health in regard to the holding of this inquiry, and he told me that his officers have conducted a considerable amount of research into the subject and they would like the opportunity to put forward their views and be part and parcel of the inquiry.

The Hon. C. R. Abbey: This would be a departmental inquiry?

The Hon. A. F. GRIFFITH: Yes, with three departments represented: the Public Health Department, the Mines Department, and the Department of Labour. If

need be, there is nothing to prevent this committee from reaching out for information, and certainly visiting places, if it considers that such visits are necessary, including centres such as Wittenoom Gorge and Kalgoorlie, or any other mining area. There will be nothing to stop the committee reaching out to obtain opinions and information from overseas. However, I do not know whether it would be practicable to appoint a Royal Commissioner who holds the necessary qualifications for such a task. Who is to be the judge of the most suitable appointee? After conferring with the Minister for Health and the Minister for Labour we could appoint a man but later be told that he does not have extensive experience, and so the inquiry would fall by the wayside right from the start.

I disagree with some of the terms of reference for the inquiry. Take this one, for instance—

The committee shall report on any recommendations they may consider necessary for the improved working conditions of the mines.

The Hon. J. G. Hislop: Certainly.

The Hon. A. F. GRIFFITH: Yet we have a Mines Regulation Act which provides the conditions for men working in the mines. Surely the proposed committee would not supersede that!

The Hon. G. Bennetts: The members of the committee may have a greater knowledge of the subject.

The Hon. A. F. GRIFFITH: There is nothing to prevent them from making suggestions. The next term of reference is as follows:—

The committee shall make such recommendations as it considers necessary into the administration of the relevant provisions of the Workers' Compensation Act, 1912-1961.

Surely the motion I have moved seeks to achieve that very thing! It sets forth in certain terms that this is the objective. There is nothing to stop the committee conducting an inquiry along the lines set out in my motion. We could well do that. Such a move has been spoken of in this House previously; namely, the possibility of the two Acts being amalgamated. However, whether this is practicable, I do not know.

As I have said, there would be nothing to stop the committee from inquiring into that aspect. I ask the House to accept the motion in the manner I have put it forward and, in doing so, to receive from me the assurance that this inquiry will be conducted on the basis I have indicated; that is, the committee will be willing to receive the opinion of any person experienced in this field and who is able to give advice, particularly a man such as Dr. Hislop. The House can be assured that this is a conscientious attempt to try to effect some improvement in workers'

compensation legislation. I see no reason to embellish the amendment with additional words, because no matter how the amendment is framed it has only one objective; namely, that the inquiry shall be conducted.

If the House will accept the motion in those terms I can assure members that the inquiry will be conducted. So I hope members will not agree to the amendment moved by Mr. Mattiske but will accept the amendment I have moved, and so let us proceed with the task of conducting the inquiry.

THE HON. J. D. TEAHAN (North-East) [5.49 p.m.]: We have listened to debates of long duration on this subject on a number of occasions and I think the more we listen the more clouded the issue becomes. In fact, it reminds me of the remark made by a well-known British judge, who said, "The more I see of trial by jury the more I believe in trial by judge." The issue has nearly reached the stage where the inquiry will be conducted by laymen instead of professional men or men brought from overseas. The longer the matter is debated the more confused the professional men seem to become. Medical men have discussed this subject for years and they possess a thorough and extensive knowledge of it. Further, they are qualified medical practitioners; and there is no-one more experienced on this subject than Dr. Hislop who, the other evening, delivered an instructive lecture to us on workers' compensation.

It appears to me that medical men are fully aware that the respiratory system of a miner becomes damaged after he has worked for several years in a mine, but apparently they can do nothing about it. When they are able to report that miner John Smith is suffering from a certain percentage of silicosis they can then take action and recommend that he be compensated accordingly.

It is a strange circumstance that if a man came out from England, or anywhere else, tomorrow and was given a job on the Golden Mile, and on his first day he lost his little finger or thumb he would be granted compensation forthwith. On the other hand, a strong, athletic man can work in the mines for 25 or 30 years and then, after serving all those years, his lungs become damaged with dust beyond repair. However, the doctors and the workers' compensation authorities merely say, "We are sorry, but there is no compensation payable for a case such as yours."

All we are seeking in this discussion and by moving these motions and amendments is that adequate compensation shall be paid to these men who are affected by dust. It seems to me, therefore, that the task of conducting an inquiry into this subject is one for laymen. If an inquiry

is conducted on the lines suggested by the Minister and it is considered that a suitable chairman is required, a name that comes readily to my mind is that of Magistrate Wallwork. He has been chairman of the Coal Miners' Tribunal for many years and has had considerable experience in dealing with all their problems. I think he would give every satisfaction if he were appointed chairman of the suggested body of inquiry.

Dr. Hislop stated that silicosis is progressive and that chest and lung complaints are not compensable. It seems to be admitted on all sides that a miner can be dusted considerably, but unless a shadow or spot is shown on the X-ray film he cannot receive any compensation. The X-ray film is considered to be the first and last word in deciding whether a miner is dusted sufficiently to be granted workers' compensation benefits. I think we should get away from that system. Dr. Hislop, in quoting a medical authority, said something like this, "X-ray films do not necessarily show the disability of a miner as a result of damage by dust."

That is an admission that the X-ray film does not necessarily show the damage that has been done to a miner's lung by dust. In my humble opinion it appears that a medical man could say to a miner who has worked in the mines for 15 or 20 years, and who struggles up the stairs to reach the doctor's consulting room because his lungs are damaged with dust, that he is not entitled to compensation because the X-ray film does not show any sign of silicotic damage to his lung.

Surely a medical practitioner, who knows full well that a man has worked for many years in a mine, and must be affected by dust, could issue a certificate to show that the miner is dusted to a certain degree and that he is able to do only certain work. At the moment, however, if a doctor issued a certificate such as that it would not carry any weight. It would only carry weight if it were accompanied by an X-ray film which showed that dust had injured the lung of the miner to a certain degree.

Here is another strange feature about workers' compensation and affected miners. Whilst it may not be possible to recognise that a miner is entitled to workers' compensation benefits after he has been examined by the mobile X-ray unit, a medical man can certify that the lungs of a miner have been damaged up to 85 per cent. The man might not be capable of working to that extent, however, and the doctor can recommend that he be granted an invalid pension. Yet the same miner cannot receive workers' compensation benefits.

I thought I heard Dr. Hislop say the other evening that several countries take conditions other than silicosis into consid-

eration when deciding whether a man is entitled to receive benefits. After hearing Dr. Hislop state that, I have no doubt that those countries do take into consideration the condition of the miner's lungs; and there is no doubt about the damage that has been caused to their health.

Every time I travel through the Murchison I pass Day Dawn, Cue, and the Great Fingal Mine where the miners point out the cemetery which is filled with the graves of young miners who died before they reached 30 years of age; most of them died before they had worked 10 years in the mines. The reason is that the dust in those goldmines bit into the lungs far more severely than did the dust in the mines on the Golden Mile.

The Hon. R. F. Hutchison: They died slow lingering deaths.

The Hon. J. D. TEAHAN: My own father, who was a miner, died a lingering death without receiving any compensation for the injury to his health. He was a powerfully built man, but in the last five years of his life the dust played havoc with his health and his physique. We have been very slow in our efforts to extend to such miners benefits under the Workers' Compensation Act.

One reason perhaps why improvements and benefits were not granted earlier was that many of the goldmines had a short life. For instance, the Menzies Municipality lasted for 15 years; the Bulong Municipality for 10 years; the Broad Arrow Municipality for a little over 10 years; and the Kookynie Municipality for just on 10 years. In their day they were thriving municipalities, but overnight they dwindled considerably. The Golden Mile has been operating for 70 years, and the people who are in a position to know say that it will last for at least another 30 years, and possibly longer. That might be a reason why improvements were made in the mines there.

Dr. Hislop said that quite a considerable time could elapse after a miner left the mines before the incidence of silicosis showed up. Yet, at the same time, a certificate could be given that his lungs were damaged beyond repair. He also said, in November, 1960, that he knew of workers who in recent times were most unfairly treated in respect of workers' compensation after they had left the mines; and among other things he declared that we have to establish the fact that the worker has silicosis, and we have to determine that position mainly by X-ray examinations. Further, he said that the whole thing was absurd and needed a complete review.

It is admitted that damage has been caused to the health of these goldminers: that is an established fact. The next step is to tie up their injury with the

benefits under the Workers' Compensation Act. This evening Dr. Hislop referred to several medical authorities and pointed out they were in doubt as to the correct way to handle the position.

Having studied the position of the miners I am inclined to agree with the proposition put up by the Minister for Mines that an inquiry on a Governmental level be held, and something done as quickly as possible to compensate miners whose health has been damaged. The aim before us is how to compensate them. I give my blessing to this motion which seeks an inquiry into the matters referred to.

Debate adjourned (on amendment to motion, as amended), on motion by The Hon. R. H. C. Stubbs.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) (6.2 p.m.): I move—

That the House at its rising adjourn until Tuesday, the 30th October.
Question put and passed.

House adjourned at 6.3 p.m.

Legislative Assembly

Wednesday, the 24th October, 1962

CONTENTS

	Page
QUESTIONS ON NOTICE—	
Broome: Medical Facilities	1971
Commissioner of Main Roads: Number of Officers under Section 10 of Act	1974
Country Swimming Pools: Government Subsidy	1971
Dogs: Attacks on Persons, Sheep, and Poultry	1972
Drainage Rate: Wilson and Albany Areas	1971
Education Department: Number of Permanent Employees under Act	1974
Esperance—	
Estimated Cost of Water Supply Scheme	1970
Wharf Charges	1970
Firearms and Ammunition—	
License to Sell: Conditions	1972
Thefts of Firearms by Youths	1972
Fish Farms: Establishment on South Coast	1975
Forests Department: Number of Officers and Honorary Inspectors	1974
Government Buildings: Inspections during Construction	1971
Kent Street High School: Provision of Tennis Courts	1972
Kununurra: Provision of Ambulance	1970