Legislative Assembly.

Tuesday, 21st September, 1948.

CONTENTS.

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

STANDING ORDERS.

Report of Committee.

Mr. PERKINS brought up the report of the Standing Orders Committee.

Ordered: That the report be received and printed, and its consideration made an Order of the Day for the next sitting of the House.

BILL—WESTERN AUSTRALIAN MARINE.

Message.

Message from the Lieut.-Governor received and read recommending appropriation for the purposes of the Bill.

ASSENT TO BILLS.

Message from the Lieut.-Governor received and read notifying assent to the following Bills:—

1, Prices Control.

2, Land Sales Control.

QUESTIONS.

SHIPPING.

As to Extent of and Losses from Pilfering.

Mr. GRAYDEN asked the Honorary Minister for Supply and Shipping:

(1) What was the extent of pilfering from interstate and oversea ships at Fremantle during the past financial year?

(2) On a percentage basis, to what extent was it higher than in 1943-44?

(3) What was the average rate a ton of cargo losses during the past financial year?

The HONORARY MINISTER replied:

These questions cannot be answered because neither the Harbour Trust nor the Associated Ship Owners' Association has the necessary information.

PRICES CONTROL.

As to Overcharging for Subsidised Woollen Goods.

Mr. NEEDHAM asked the Attorney General:

(1) In view of the fact that the State Government is now in full and complete control of prices, will he inform the House what action he has taken to prevent increased prices being charged for woollen goods on which subsidies have been paid?

(2) If so, what is the nature of such action?

The ATTORNEY GENERAL replied:

(1) and (2) The position is being carefully watched, and no unwarranted prices increase in connection with woollen goods will be permitted.

FLOOD DAMAGE.

As to Mundaring Weir Overflow.

Mr. GRAYDEN asked the Minister for Works:

(1) Have any complaints been received this year of damage to settlers' property below Mundaring Weir when the Weir overflowed?

(2) Is it proposed to take any action to avoid a recurrence of damage in future years?

The MINISTER replied:

(1) No complaints of any consequence have been received.

(2) Flood flows in the Helena River have been decreased and not increased by the building of the Mundaring Weir.

There is nothing the Department can do to prevent the flooding downstream of areas situated below winter flood level.

HEALTH.

(a) *As to Grading of Foodstuffs Distributors.*

Mr. GRAYDEN asked the Minister for Health:

(1) Is he aware that in certain States of America, shops and other distributors of foodstuffs are graded "excellent," "average" and "bad," as far as hygiene is concerned, and are issued with certificates to this effect, which must be displayed in windows or in other prominent positions?

(2) In view of the repeated breaches of the Health Regulations by shops and other distributors of foodstuffs, will he have this system introduced in this State?

The MINISTER replied:

(1) No.

(2) The matter will be given consideration.

(b) *As to Poliomyelitis and Food Regulations.*

Mr. GRAYDEN asked the Minister for Health:

(1) In view of the poliomyelitis epidemic, has the Health Department taken steps to enforce more rigidly the Health Regulations pertaining to shops and other distributors of foodstuffs?

(2) If so, what steps have been taken?

(3) Has the Health Department power to close premises on which Health Regulations are consistently broken?

(4) If so, will he consider closing such premises?

The MINISTER replied:

(1) and (2) The local health authorities for the metropolitan area are the respective municipal councils and road boards for the area. Each local authority administers within its district the provisions of the Health Act.

Full assistance is given at all times by the Department of Health to the local authorities to enable them to carry out their duties.

(3) and (4) No.

COUNTRY WATER SUPPLIES.

As to Casing for Deep Boring.

Mr. BRAND asked the Premier:

(1) Is he aware that—

(a) a serious state of affairs exists in districts such as Mullewa, Morawa, Mingenew, Perenjori, Yuna, and similar inland areas where dams are dry and there is no water to carry stock through summer months?

(b) That the only source of supply is through deep bores?

(2) Will he, in view of these facts, make special representation to manufacturers for increased quotas of bore casing and give to that already available highest priority of transport from Eastern States?

The PREMIER replied:

(1) (a) Yes.

(b) Yes.

(2) Yes. Special representations are being made for the supply of 10,000 feet of 5in. bore casing.

SWAN RIVER.

As to Prevention of Pollution.

Mr. GRAYDEN asked the Minister for Works:

(1) In view of the approaching swimming season, what action is being taken to prevent pollution of the river?

(2) What action has been taken to ensure that there will not be a recurrence of pollu-

tion of the upper reaches of the Swan by effluence from the Midland Junction abattoirs?

The MINISTER replied:

(1) Monthly analytical surveys are being undertaken to check up on the pollution which at present is nil. The hon. member can see the progress plans at the Public Works Department if he so desires.

(2) Re-arrangement of waste disposal at Midland Junction abattoirs to ensure that discharge into the Helena River will be eliminated includes—(a) separation of fresh clear water waste from the general waste; (b) installation of a new and improved capacity power main from the switch board to the pump; (c) installation of a new and larger direct coupled electric-driven pump; (d) re-arrangement of pump discharge due to increased size of electric motor and pump speeds. Waste is easily and efficiently handled and is discharged on to the abattoirs sand paddocks half a mile from the river.

BILL—RAILWAY (BROWN HILL LOOP KALGOORLIE-GNUMBALLA LAKE) DISCONTINUANCE.

Read a third time and transmitted to the Council.

BILLS (2)—REPORTS.

1, New Tractors, Motor Vehicles and Fencing Materials Control.

2, Hospitals Act Amendment.

Adopted.

BILL—MARRIAGE ACT AMENDMENT.

Second Reading.

THE MINISTER FOR HOUSING (Hon. R. R. McDonald—West Perth) [4.40] in moving the second reading said: This Bill is being brought before the House together with another dealing with the registration of births, deaths and marriages, as in some respects the provisions of the two are complementary. The Marriage Act—being the parent Act of which this measure will be an amendment—was passed by the Parliament of this State in 1894. The Act of that year consolidated and amended the then existing laws, which had been contained until that time in three Acts of the years 1856, 1877 and 1879. In view of the lapse of time it is believed that this legislation requires amendment in certain directions, and the amendments considered necessary are submitted in the Bill now before the House.

One amendment, which is complementary to the measure dealing with the registration of births, deaths and marriages, and which I will explain in somewhat more detail when dealing with the other Bill, relates to marriages that take place in remote areas. It provides that on the request of a religious denomination the Registrar General may authorise a marriage to be solemnised by some lay person who is not a district registrar of marriages, where it is desired that the marriage should take place in a remote area in which there is no district registrar or clergyman empowered to officiate in a matter of that kind. The person to celebrate the marriage in such a case is to be nominated by the religious body concerned. Of course no such registration of a marriage can take place unless the marriage is desired by the religious denomination to which the parties belong, or in respect of which they desire their marriage to take place.

Another amendment complementary to the provisions of the Bill relating to the registration of births, deaths and marriages is that setting out the procedure to be adopted by ministers or registrars when completing and recording certificates of marriage. In the existing legislation provision is made for a certificate of marriage to be completed in triplicate by the officiating registrar or clergyman. The present Act would require the minister, if there was a strict compliance with the law, to submit all three copies of the marriage certificate to the district registrar for registration. As a matter of practice, and of necessity, when a clergyman officiates at a marriage and makes out the three copies of the marriage certificate, he keeps one for his own records, hands the second to one of the parties to the marriage and sends the third to the registrar for registration.

Hon. A. H. Panton: Is not one copy usually handed to the bride?

The MINISTER FOR HOUSING: I fancy that is customary.

Mr. Styants: The Minister would not know.

The MINISTER FOR HOUSING: The amendment is to provide—in accordance with actual practice—that the minister may send on one copy of the certificate to the district registrar for registration.

Perhaps the most important provision in the Bill is that dealing with consent to the marriage of a person under 21 years of age. The law at present requires that if a minor is not already a widower or a widow he or she must obtain the father's or guardian's consent to the ceremony. If those persons are not in the State the mother's consent must be obtained and, if she is not available, the consent of a justice of the peace must be obtained. If the consent of the parties I have mentioned is refused the minor has no redress. He or she has no right of appeal. Such a right of appeal from a refusal to consent to the marriage of a minor is provided in the laws of Great Britain, New Zealand, and the States of the Commonwealth other than Western Australia. In Great Britain appeal must be made to the Lord Chancellor, in New Zealand to a stipendiary magistrate, in New South Wales to a judge of a superior court or a district court or court of petty sessions. In South Australia the appeal is to the Minister, on the recommendation of the Principal Registrar. In Victoria and Queensland the appeal is to a judge or a police magistrate.

It is considered that there should be a similar right of redress given to minors in this State, and provision is made in the Bill for them to have a right of appeal to a judge of the Supreme Court, or a stipendiary or police magistrate. A number of cases have arisen where, owing to vindictiveness, family quarrels or the husband and wife being separated, consent has been withheld for no reason at all and in an arbitrary and unjust manner. It is considered that the minor, if consent is withheld, should have the right to bring his or her case before some responsible authority in order that the matter may be considered. At present consent to a marriage must be given by the father, the mother having no say in the matter at all. Provision is made in the Bill that if both parents are living both must give their consent to the marriage. There appears to be no valid reason why the mother should not share the father's responsibility in this respect, and in fact in a number of cases she may be better fitted than the father to decide whether consent should be given to the marriage of a child under 21 years of age.

Hon. E. Nulsen: Is that consent to be given jointly or separately?

The MINISTER FOR HOUSING: It must be a joint consent, but if the parents differ in opinion the minor is to be given the right of appeal. The Bill proposes also to make fuller and more adequate provision for the consent that is required to be obtained under different circumstances—as where the father is dead or one of the parents is out of the State, or where both parents are deceased. In a schedule the Bill sets out the persons authorised to give the consent.

Mr. Marshall: You are proposing to make it more difficult for a minor to obtain permission to marry.

The MINISTER FOR HOUSING: In one sense, it might be said that what the Bill is doing is to make it more difficult, but it provides that the mother shall have an equal say with the father.

Mr. Marshall: That makes it more difficult. The minor has now to get past two instead of one.

The MINISTER FOR HOUSING: That is so, but on the other hand the marriage of a child under 21 years of age may not be a very provident one, and it will be in the child's interest for the mother to have a say.

Mr. Smith: She will have her say anyhow.

The MINISTER FOR HOUSING: Formerly she would not have a legal say, but under this measure she will. The Bill accepts the proposition that where it is the mother who has to consent to the marriage of a child under 21 years of age, she should be allowed an equal say with the father.

Hon. J. B. Sleeman: What if they disagree?

The MINISTER FOR HOUSING: The child would then have the right of appeal.

Mr. Marshall: After making a lot of domestic trouble between the mother and

father, the child would finally have to go to court.

The MINISTER FOR HOUSING: The trouble will still be there.

Mr. Marshall: Why interfere?

The MINISTER FOR HOUSING: If domestic trouble occurs, the child has no say. If the father is the only one with a legal say, the mother will have a say, but with no legal standing.

Mr. Marshall: I do not know why you are defending the mothers so.

The MINISTER FOR HOUSING: I have had a long association with various people in matters of this kind, and I am all for the mother having as much say as the father.

Mr. Styants: What will an appeal cost?

The MINISTER FOR HOUSING: I do not think it should cost much, and in these days there should not be any serious deprivation in the case of a minor who may have occasion to go before a police magistrate to secure consent. I think it can be done in an informal way, and there should be no very great cost involved.

Mr. Marshall: Is there any minimum age at which a minor can marry? What would you call a minor?

The MINISTER FOR HOUSING: A minor is a person under 21 years of age. Under the law, no person can contract a marriage unless over a certain age, and I cannot recollect what that age is. However, I will look it up, and in Committee will tell the hon. member what is the minimum age at which a marriage can be contracted under our law. There is no provision at present for any consent for the marriage of an illegitimate child under 21 years of age, and the Bill provides that there shall be some responsibility taken in the case of such a child who desires to marry. The person to consent is to be the mother, if she is alive, or alternatively the guardian of the child or the guardian appointed by the court for that purpose.

There is a further amendment arising in connection with marriages which are celebrated by the registrar. As the law now stands, before the parties are married by a registrar they sign a declaration which sets out that they object to a marriage by a minister of religion. In the majority of cases perhaps that is not really in accordance with the facts. A number of people marry before a registrar because they prefer to do so, and not because they have any objection to being married by a minister of religion. Under the Bill, it will not be necessary to make that declaration. There are one or two other amendments of a minor and consequential nature which will be dealt with as occasion arises when members are considering the measure in Committee. I move—

That the Bill be now read a second time.

On motion by Mr. Styants, debate adjourned.

BILL—REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES ACT AMENDMENT.

Second Reading.

THE MINISTER FOR HOUSING (Hon. R. R. McDonald—West Perth) [4.59] in moving the second reading said: This Bill seeks to amend the law relating to the registration of births, deaths and marriages. The present Act under which this subject is dealt with was passed in 1894, and was a consolidation of an ordinance of this State of 1856 and another of 1869, so it can be seen that it is based upon laws passed a long time ago. Since 1894, the only amendments of any consequence that have been made were passed in 1907, 41 years ago. In the meantime, in Great Britain, upon whose law our statute was based, considerable alterations and modifications have been made by the British Parliament in line with modern thought, and it is considered that our law on this subject should also be brought up to date. It is to be realised that the subject of the registration of births, deaths and marriages is of considerable importance. It is the basis of vital statistics and also of information on social matters. It is desirable that the information given to the registrar should be exact and full enough to enable the records to afford the maximum amount of information for social, economic and statistical knowledge.

One of the first amendments is to the definition of "District Registrar." Under the present law there are three types of registrars and these will continue if the amendment is accepted by the House. The three types are: District Registrar, deputy district

registrar, and assistant district registrar. The deputy is one who officiates when the district registrar is not within the district, and he then carries on the duties and exercises the functions normally exercised by the district registrar. The assistant registrar, as the name implies, is an officer who is in a district away from the district registrar's location. He receives fees and information, which he transmits to the District Registrar who keeps the official record. As the Act stands, the term "District Registrar" covers assistant registrars, and from a strictly legal interpretation the assistant registrar would be able to perform the various responsibilities and functions of the District Registrar. That was not intended and in practice is not carried out, because the assistant registrar is merely someone who is in some convenient part of the district away from the District Registrar and who receives fees and transmits information. The amendment seeks to alter the definition in order to show that the assistant registrar is a person who performs duties of a minor and assistant character and cannot exercise the powers of a District Registrar.

Mr. Marshall: Are you making things a lot more difficult for people out-back?

The MINISTER FOR HOUSING: No.

Mr. Marshall: Then you are going very close to it.

The MINISTER FOR HOUSING: For the information of the apologist for or champion of the outback, I am not proposing to alter the practice in the slightest degree. The practice will continue exactly the same as at present, but the Bill proposes to remove an error in the drafting of the parent measure under which assistant registrars are legally entitled to exercise functions which it was never meant they should exercise and which, in fact, they do not exercise. The amendment is only to bring the law into accord with actual practice and the actual intention of the legislation.

By the Bill we propose that where doctors submit certificates of the cause of death, they shall do so within 10 days. At present there is no time limit within which a doctor is required to send in a certificate of death.

Mr. Marshall: But an undertaker will not bury without a certificate.

The MINISTER FOR HOUSING: I am not sure that that always occurs, although I cannot speak from actual experience. There is a provision dealing with that aspect to which I shall come presently. The occupier of a house in which a death occurs has to notify the District Registrar within 14 days and is supplied with the prescribed form showing the particulars required. The occupier, who has to furnish the date of the death within 14 days, can be held up because he has not the doctor's certificate, which he has to send in also, so we desire to make it clear what the duty of the doctor is, namely, to furnish a certificate of death within 10 days so that within 14 days the occupier can expect to get the document and still have four days in which to do his part.

Mr. Marshall: That would not be to the advantage of people outback. If I wanted to put in a claim for compensation, I would have to wait till the registration went to the District Officer in the country and then came down here.

The MINISTER FOR HOUSING: I do not know how far that could apply, but I agree that there should not be any undue delay. The amendment will tighten up the law and may remove a possible cause of delay by ensuring that the doctor shall do his part within a reasonable time.

The procedure regarding the completion and distribution of marriage certificates by a clergyman is also set out in the Bill. I explained a little while ago that there is an anomaly in the Act inasmuch as the clergyman is required to send along three certificates of marriage to the registrar, whereas he makes out three, hands one of them to one of the parties and keeps one for himself, so he will now be put in the position where he must send one certificate to the District Registrar for registration.

The Act empowers a registrar to allow searches of the register of births, deaths and marriages and to certify copies of the entries in the register. It is considered that searches should not be allowed as a matter of course nor that extracts should be provided that would reveal that a person had been legally adopted. Adoption is a confidential matter. A child may have been legally adopted and may be known by the name of the adopting parent, and it is not thought that a person who from curiosity may wish to search the register should be allowed to do so without there being some assurance that the information is required for a legitimate purpose. The Bill proposes that in

such an instance no search shall be made or extract provided from the register without the prior approval of the Registrar General. In a proper case the Registrar General would permit of a search being made and an extract being provided, bue he would be able to debar people, acting simply out of curiosity, from obtaining information about other people's private affairs, which information they would have no legitimate reason for getting. The payment of a small sum by way of search fee would not debar curious people making a search for a reason that was not really justified.

Then there is a complementary provision to which I referred just now regarding the registration of marriages in remote areas, and I hope this provision will have the support of the member for Murchison. A situation arose at Shark Bay where a couple desired to be married and, as there was no minister or registrar within a reasonable distance of that area, they were put to considerable inconvenience in arranging the ceremony. If this measure be passed there will be power, in the case of a religious organisation being involved, for the registrar, at the request of the organisation, to sanction a lay person to perform the ceremony of marriage. Members will see from the nature of the amendment that there can be no reasonable objection because, if any religious organisation is involved, this power cannot be exercised unless the religious organisation is agreeable to that course being taken.

Hon. A. H. Panton: Suppose there is an argument between two religious organisations, which could easily happen?

The MINISTER FOR HOUSING: In that case I think the Registrar General would adopt the convenient course of not issuing a permit, and of allowing them to settle the problem by going to the nearest registrar or minister of religion upon whom they may be able to agree.

In relation to the furnishing of returns by ministers of religion, action may be taken under the Act against a minister who wilfully breaks the law. It has been found from experience that there are ministers—not very many, I should say—who cannot be said to offend wilfully, but who do habitually fail to send in their returns to the registrar and thus the record cannot be made up. The Bill seeks power to take disciplinary action against a minister of religion who habitually fails to carry out the duty imposed upon him by the Act.

In the case where a newly-born deserted child is found, the Act requires the police, on finding the child or becoming aware of it, to inform the District Registrar of the fact and place where the child or the body was discovered. It sometimes happens—in fact, I think it would generally happen—that the police in the course of their inquiries ascertain some facts about the possible parentage of the child or the date of birth. The Bill proposes that the police, in addition to being required to notify the District Registrar of the fact of the child being found and the place of discovery, shall also forward to him any information obtained in the course of their inquiry that may be of value for insertion in the records of the registrar.

It may happen that a sudden or unexplained death occurs and, although a doctor is not prepared to certify the cause of death, the coroner decides that an inquest is unnecessary, because he is satisfied that there has been no foul play. In such cases the coroner would practically always obtain a certain amount of information to enable him to come to a decision. The Bill proposes that the coroner shall be required to send to the registrar particulars of the information he has acquired. At present the coroner makes an inquiry and obtains a certain amount of information, and then the registrar has to go to the Crown Law Department and search the files or track up records in the police court to obtain the particulars he needs for the purpose of registration. The amendment provides that when the coroner inquires into such a case and decides that an inquest is unnecessary, he shall forward to the registrar the particulars which he has obtained and which are required for the purpose of recording the requisite information about the decease of the person.

Again, although in the case of births, deaths and marriages certain persons are required to furnish information and give particulars to the registrar, it sometimes happens that the registrar is not able to obtain from some persons all the particulars or information which he is required to have

under the Act for the purpose of recording the necessary data about the particular event. The Bill proposes that the Registrar General shall have authority to require any person, who he considers may possess the particulars which have not so far been forthcoming, to attend at the District Registrar's office and provide any information which he has in his possession or knowledge.

There are one or two other sections to which I will briefly refer. When a birth is not registered within the prescribed period of 60 days, the person proposing to effect registration has to make a statutory declaration which is, in the words of the Act, a statutory declaration concerning "the same." That is very ambiguous and it is proposed to take out the words "the same" and provide that the statutory declaration shall set out the reasons for the omission previously to furnish the information for the registration of the birth. A further amendment relates to persons who have changed their names since birth or marriage. At present the Act only permits the notation on the register of a change of name in the case of the alteration of a child's christian name.

By this Bill it is now proposed that the registrar shall have power to note on a person's birth certificate or marriage certificate, as the case may be, the change of name—not only the christian name but also the surname—of any person, including an adult; and by that means, when such person desires to furnish evidence, which he is sometimes required to do by production of his birth certificate or marriage certificate, then the change of name will be shown on the official document. As it is now, he produces his birth certificate or marriage certificate and then he has to produce other evidence, such as declarations, and it may be a deed or certificate, to prove that he is the same person as is named in the certificate.

By this means the certificate will show the change of name, and the person who desires to establish his identity—it may be of someone not concerning himself—can complete the whole process by simply producing the certificate, which will show that a change of name has taken place in the case of a person who originally was mentioned in the certificate.

A further amendment provides that in connection with deaths, the undertaker shall also provide, in the form that he sends in, certain particulars. It happens that an undertaker may obtain particulars in the course of his duties which are not possessed by other persons, or which have not been sent in by the person who makes the report in the first place. By ensuring that the undertaker will give such necessary information as he may gain in the course of his duties and send them on to the registrar, the work of the registrar in recording all requisite information will be facilitated, while the records will be more complete.

There is a new provision which relates to the practice of cremation. It requires the person in charge of any cemetery or crematorium to submit to the Registrar General monthly statements of burials and cremations, showing the names and last addresses of the deceased persons. This is an amendment which has been made advisable in view of the growing practice of cremation, and it will ensure that the Registrar General will have accurate and up-to-date records.

Mr. Marshall: What is the clause in the Bill dealing with that?

The MINISTER FOR HOUSING: It is a new section which, if I may be allowed to mention it in a disorderly way, is new Section 39A.

Mr. Marshall: It does not appear in this Bill.

Mr. Leslie: It gives a pretty wide power to dispose of a body.

The MINISTER FOR HOUSING: I do not think it goes much beyond the existing law.

Mr. Leslie: It looks as though it does.

The MINISTER FOR HOUSING: I do not think it does. Under Section 46 (2) of the existing Act, it is required that a person giving information of any birth or death by post shall submit a statutory declaration in the form shown in the Twelfth Schedule to the Act. The Bill proposes, to ensure that there shall be no false information regarding a birth or death, that every informant shall be liable to sign a statutory declaration verifying the truth of the information which he is giving. Those are the contents of the Bill, with one or two minor

exceptions with which I can deal in Committee, and I move—

That the Bill be now read a second time.

On motion by Mr. Marshall, debate adjourned.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Message.

Message from the Lieut.-Governor received recommending appropriation for the purposes of the Bill.

Second Reading.

THE MINISTER FOR EDUCATION (Hon. A. F. Watts—Katanning) [5.24] in moving the second reading said: The genesis of this measure, so far as this House is concerned, I think was the report of a Select Committee which was conducted in 1937 to inquire into the matter of legalising the State Government Insurance Office. That committee was presided over by the member for Northam (then I think Minister for Works) and its members were Hon. W. D. Johnson (now deceased), the member for North-East Fremantle, the Hon. the Premier, then member for Murray-Wellington only, and myself. The committee was intrigued—I think that is the word which was used during the course of those deliberations on the State Insurance Office—by the suggestions put forward by certain witnesses as to what might be done in regard to workers' compensation insurance and personal accident insurance. These witnesses suggested, among other things, that the system might be entirely changed and that, for example, premiums might be collected by a stamp tax on wages, of course paid by the employer. Anyway, the committee at that time was sufficiently interested to make this recommendation at the conclusion of its report—and while all the report was not unanimous, although there was a great measure of unanimity in other parts—this part was—

> Your committee believes that the compulsory provision of the Workers' Compensation Act, and particularly the provisions of the Third Schedule thereto, support the theory that the relief of injured workers and workers whose health has been undermined by their employment is in the nature of a social service and should not be regarded as a business proposition in the usual meaning of the term. A careful perusal of the report of evidence taken by your Committee will provide many instances where witnesses have supported this view. Some interesting proposals were made by certain witnesses, which require much more careful and expert consideration than can be given by the members of your Committee. Your Committee therefore feels that a Royal Commission, having at least one actuary as a member, should be appointed to make the most careful investigation into the whole matter, including the suggestions put before your Committee in evidence and also what is taking place elsewhere and to collect data and report fully as to the possibility of a workable scheme, so that Parliament may give consideration to the matter.

Something like ten years passed by and no Royal Commission was appointed to inquire into the matter. Occasionally, questions were asked in the House as to whether it was the intention of the then Government to appoint such a commission; but for one reason or another it was apparently impracticable to do so before the end of 1946. In the meantime, of course, there have been considerable changes in regard to social services generally. The possibility of obtaining relief, for example, from unemployment or sickness had been explored to some extent by the Commonwealth and a considerable charge had been imposed upon the public revenues derived from the taxpayers in matters of that kind.

However, notwithstanding, it was decided by this Government last year to appoint a Royal Commission to inquire into these matters that had been thought of during the Select Committee inquiry and accordingly such a Royal Commission was appointed. That Royal Commission has presented a report which I expect by now is fairly familiar to members and which has sufficiently proved, I think, that in the light of the changed circumstances anyhow, the proposal made by the Select Committee, or considered by it, is not desirable, nor could it be, according to the commission, successfully put into practice at the present time. But that Royal Commission did at the same time investigate other and very important matters associated with workers' compensation and it has brought down some extremely valuable recommendations. The Government proposes to ask Parliament to assent to the major part of them, because it believes they are desirable.

For many years the provisions of the Workers' Compensation Act in Western Australia were probably far more generous—in some cases they certainly were—to the worker

than were those in other parts of the Commonwealth. But of recent years, the legislation in the other States has considerably altered that state of affairs so that today, far from Western Australian industry providing better compensation and assistance to workers injured in the course of their employment, or sadly suffering from disease in consequence of it, it gives far less consideration to them than is given to their confreres in the other States of the Commonwealth. It can safely be said, in view of that and of altered conditions in many ways particularly in regard to costs, that the worker in this State does not find it easy, in the circumstances contemplated by the Workers' Compensation Act, to maintain himself and his family during a period of off-work occasioned by accident or injury, and that it is high time we gave consideration to bringing Western Australian conditions more into line with those elsewhere. That intention is implicit in the report of the Royal Commission and, in consequence, in this Bill.

Before I leave that aspect, it might be as well to place on record some of the differences which now exist, so that members in considering the measure may be aware of the fact that, if the Bill is passed, insofar as it increases the benefits payable to the worker, it will only bring Western Australia approximately into line with the average of the other parts of the Commonwealth. For example the following is the scale of compensation on death:—Victoria: At the 30th June, 1948, a fixed sum of £1,000 with £25 for each child under 16 years. Weekly payments not deductible, but amounts in redemption prior to death, are. New South Wales: Four years' earnings, or £400, whichever is the greater. Maximum £800 with an additional £25 for each child or step-child under 16 years. Amounts received by worker are deductible, but no such deductions shall be made so as to reduce the amount payable to dependants below a minimum of £200. South Australia: Four years' earnings. A minimum of £500 and a maximum of £900, plus £50 for each dependent child under 16 years. Amounts received by the worker are deductible, but not so as to reduce the amount below the above minimum. Queensland: A fixed amount of £1,000 with an additional £25 for each child or step-child under 16 years. Western Australia: A fixed sum of £750 less sums paid to the worker. Tasmania: A sum of £1,000, plus £25 for each child under 16. Weekly payments not deductible. Any lump sum payments not deductible.

Under that heading it will be seen that the position in Western Australia is considerably inferior to that which exists in the great majority of the States I have mentioned. Indeed, I might safely say that it is no more than equivalent to the lowest of them, if it is that. The question of total incapacity and weekly payments to the worker is also set out in this report, and it may be desirable to mention some of the differences. The position in the various States is as follows:—Western Australia: Fifty per cent. of the wages for the week immediately preceding the accident, or the average weekly earnings, whichever is the greater, plus 7s. 6d. for each dependent child under 16 years of age, with the maximum of £4 10s. 0d. New South Wales: Sixty-six and two-thirds per cent. of the average weekly earnings of the adult worker, with £1 5s. 0d. additional for the wife and 10s. for each dependent child. If no wife, £1 5s. 0d. for a female dependant, over school-leaving age, who is a member of the family or adult caring for the child or step-children of the worker.

Victoria: It is £4 a week in respect of the adult worker, and £1 in respect of his wife. Alternatively, in respect of relative standing in loco parentis to children of the worker under 16 years. In either case, if wife or relative is wholly or mainly dependent. Ten shillings in respect of each child under 16 years who is wholly or mainly dependent. Not exceeding average weekly earnings, or £6, whichever is the lesser amount. Queensland: Sixty-six and two-thirds per cent. of average weekly earnings, which shall be deemed to be not less than the award rate. One hundred per cent. of average weekly earnings if such are less than £3 11s., with a maximum of £2 7s., all plus 10s. for each child under 16 years, plus £1 for wife or female dependant. So it will be seen that in that aspect of the matter, too, the conditions in Western Australia do not compare very favourably with those of the Eastern States. I do not know whether there are any other copies of this statement available, but if members care to peruse it I will be glad to part with it for that purpose.

Hon. A. H. Panton: I shall borrow it.

The MINISTER FOR EDUCATION: I thought the hon. member might. As I was saying, it is felt, and the Government recognises, that there is ample opportunity for the consideration of the increased benefits recommended by the Royal Commission. At the same time it is and has been recognised, as is quite clear from the records, by preceding Governments and Ministers, that under the Act as it is today, there do exist some opportunities for exploitation. Cases can be quoted of workers who have received lump sum settlements up to the maximum of £750, and immediately afterwards have been able to resume their pre-accident, or equivalent, employment. Care should be exercised in making any amendments which will in any way limit the rights that have been conferred upon workers by past legislation. That is why I was particularly careful to use the word "exploitation."

I think there is a small percentage of people—in fact it has been established in our courts from time to time that there is—who may be said to have a compensation complex, and who work every possible point in order to get the limit out of industry, while their fellow-worker, often similarly situated, accepts the spirit rather than the letter of the legislation, and takes what he considers is a fair thing. We have had cases, which will be well known to the member for Leederville, of miners who, on medical evidence, have received £750 due to disablement on account of silicosis, because, according to the medical certificate they were unable to earn full wages at their regular employment but who have immediately resumed work at the mine and later claimed a further £750 on account of some slight progression of the disease which, of course, is of a progressive character.

Under the present Act the second claim cannot be resisted, and there appears to be no limit to the number of occasions on which compensation can be claimed in respect of silicosis. A case is now being dealt with in which a miner recently received £750 because of incapacity due to silicosis. Upon receiving his lump sum settlement he obtained work at the Kalgoorlie Electric Light and Power Station, feeding a furnace with 6 ft. logs of firewood—far heavier work than his pre-accident employment—and has now lodged a claim for a strained back, which may cost the insurer a further £750. One worker has, in fact, received over £2,500 for an injured forearm, under the provisions of the Second Schedule.

While the Government is anxious to improve the lot of the genuine worker, it is not prepared to provide the larger compensation benefits contemplated by this measure unless Parliament fully explores the question of the anomalies and possibilities of exploitation to which I have referred. We believe they benefit only the small but costly minority of workers who have, what I call, a compensation complex, and who lose no opportunity of exploiting the Act in every possible way. I am informed, moreover, that a considerable proportion of even that fraction are not British subjects, but are of foreign origin. In consequence, they are not to be given any more kindly consideration than the actual circumstances and merits of their cases warrant.

If members will carefully study the Bill, as I have no doubt they will, and also the report, they will see how far the Government has accepted the recommendations of the Royal Commission. To such an extent has it done so, that I think it will be better for me to traverse the few recommendations that have not been accepted, rather than cover the ones which have. The report of the Royal Commission is available in print to all members, and they will be able to ascertain quite easily what recommendations have been accepted. Of course, I shall later make reference to some of them. The words "by accident" have not been deleted from the Act wherever they appear. The intention of the Royal Commission has, however, been substantially met, we consider, by an extension of the provisions of the Third Schedule which deals exclusively with industrial diseases.

There have also been certain court judgments with regard to the question which arises out of the deletion of the words "by accident," but the section provides that a worker shall be compensated for injury by accident arising out of the course of his employment. In the Committee stages, I will be prepared, if necessary, to discuss this question and go into more detail as to why it was considered that, for the time

being, the words "by accident" should be retained in the principal Act. But I wish to stress that it was substantially the question of loss of employment through disease which appeared to actuate the minds of the members of the Royal Commission, and we have endeavoured to remove that matter by extensive alterations to the Third Schedule of the Act covering the very many types of diseases which can arise out of the course of a person's employment and which in no circumstances can be said to have been caused by accident. The words "ten years" have not been substituted for the words "twelve months" appearing in subsection (b) of Section 7 of the Act. I am hopeful that it will be possible to introduce legislation to carry that into effect at the same time as legislation is introduced—as I anticipate it will be, but not before next session—to carry out the recommendations of the commission contained in Part V of this report.

Members will note that Part V of the report consists of a recommendation for the amalgamation of the three pieces of legislation which benefit miners. They are the Mine Workers' Relief Act, the Miner's Phthisis Act, the Workers' Compensation Act and the Third Schedule thereof. Part V also deals with the question of pensions to workers suffering from silicosis. Consideration of that, and of the "ten years" matter to which I have referred, has had to be postponed while an actuarial valuation is being obtained. It will be recollected that the Royal Commission, in its recommendation, made reference to the need for this actuarial valuation.

The Government received the commissioners' report approximately the first week in May. Steps were taken immediately to secure the services of Mr. Gawler of Victoria who has been acting for some years as Government Actuary for this State in the absence of an actuary, but it was not possible for him to come to this State immediately. However, it was not more than a couple of months before Mr. Gawler made a special trip to Western Australia. He was asked to investigate these matters and present his report as early as possible. To indicate his views on the matter, and the impracticability of dealing with the matter this session, I propose to read a letter which has been addressed to me by Mr. Gawler. It is dated the 16th September, 1948, and was written in Melbourne. It is as follows:—

I thank you for your letter of the 2nd September. I shall be glad to report to your Government upon the proposed amalgamation of benefits to miners suffering from Miners' Phthisis, and the three appropriate funds.

The questions which arise are not easy to answer because the necessary tables of rates and probabilities do not exist. When I was recently in Perth, action was taken to begin the extraction of two experiences, firstly of miners at work, and those among them who have died or been invalided, and, secondly, of invalided miners, to show what is their expected future life-time. It may take some time to prepare the tables. For that reason I cannot forecast the time when a report may be completed. I can assure you, however, that I shall do my best to avoid delay.

Hon. A. H. Panton: Mr. Bennett, his predecessor, always argued that it was impossible to get an actuarial valuation for that particular fund.

The MINISTER FOR EDUCATION: I have stated Mr. Gawler's view, after considerable inquiry, a visit to Kalgoorlie, and discussions with Dr. Outhred and others who are concerned about these various matters. I read the letter to show that it would be impossible for the House to consider legislation without such a report, as the situation in regard to these various funds is somewhat uncertain and the problems for the State Insurance Office in regard to them are considerable. No Government could contemplate the amalgamation of the legislation and the increase and permanency of the pensions system unless it knew what it was doing and what contributions it would have to make from consolidated revenue. The contributions may be heavy and therefore more difficulty would be expected.

It is interesting at this stage to make some reference to the reserve funds of the State Insurance Office. On the 30th June, 1948, the amount in the silicosis reserve fund was £337,000. For many years the Treasury has transferred from that reserve to consolidated revenue £25,000 per annum, the total amount so transferred being £407,000. This has apparently been going on for about 16 years and I am glad to say that it has now been stopped because of the difficult position of the reserve fund that is likely to arise. Because of these transactions the State Insurance Office is losing

interest on approximately £13,000 per annum.

For the year ended the 30th June, 1941, 30 claims were received from miners suffering from silicosis, the total compensation paid being £17,396. During the intervening years the number of claims has gradually increased and for the year ended the 30th June, 1948, the claims received numbered 157 and the amount of compensation paid was £127,460. The premium income for the year ended the 30th June, 1941, amounted to approximately £130,000, so there was a substantial surplus eight years ago. During the war period income was considerably reduced to a minimum of £50,298 for the 1943/44 financial year, but has since gradually increased, and for the year ended the 30th June last amounted to £104,079.

Owing to the high cost of mining, and the pegged price of gold, it is quite likely that many companies working on low-grade ore will be forced to cease operations, which will mean that the premium income will be further reduced while the claims in respect of silicosis may be increased. If the mining experience of the early twenties is repeated, the revenue derived for the payment of compensation will be practically nil, but all miners on the fields who are suffering from silicosis in its early stage may become compensable as the disease is a progressive one. Obviously on the basis of the compensation paid during the last financial year, and with a tremendous reduction in the premium income, the small reserve of £337,000 would be quickly exhausted.

It therefore would appear that it was not wise to have transferred the amount to consolidated revenue but, that having been done, it offers from the miners' point of view some justification for arguing that if a contribution from consolidated revenue is required to straighten the matter out, it ought to be made. It is going to be unfortunate for the present Treasurer but fortunate for his predecessors who had no such claims upon them. However, I do not intend to dwell upon that point. I have only done so up to date because I think the House is entitled to an indication as to why the Government has not seen fit to proceed in any way with the consideration of the commission's recommendation as contained in Part V of its report.

I might say that the definition of a member of the family, to include a de facto wife, is not included in the Bill although it was recommended by the Royal Commission. As far as I am aware the words "de facto wife" were not known to members of this House until the Commonwealth Government invented the idea some time during the war, and I do not know that the House would desire that the persons, who apparently are included in the words "de facto wife," should be included as dependants under a measure such as this. The Bill of course includes provision for ex-nuptial children and all persons who by any reasonable stretch of the imagination might be said to have a claim upon the worker or be dependent upon him. I have not felt disposed to ask the Government to accept the position of a de facto wife as one who should be regarded as a dependant.

Power has not been granted to the Compensation Board to increase medical expenses from £100 to £150. That is a matter on which I might again refer to the Workers' Compensation Acts in force in Australia to the 30th June, 1948. Reference to them shows that Western Australian conditions have been for many years, and now are, far more generous than those which apply in any of the Eastern States. In the State of Victoria they allow the reasonable costs of £75 for medical, hospital, nursing, ambulance and other services as prescribed by the Act. This sum may be increased to £100 in special cases. In New South Wales they allow £25 for medical expenses, £25 for hospital expenses and £2 2s. for ambulance expenses, making a total of £52 2s. The commission may grant additional expenses on application.

In South Australia they allow the cost of transport for medical examination or treatment, medical or surgical fees, dental costs or treatment by a physiotherapist on prescription of doctor and supply on doctor's prescription skiagrams, artificial limbs, eyes, teeth, crutches, splints or other apparatus, etc., nursing and hospital fees, chemists' bills, to a maximum amount of £35. A long list with a small result! In Queensland they allow medical and hospital treatment expenses (other than fees for certificates), £25 for medical and £25 for hospital. In Western Australia they allow medical and ambulance expenses and hospital charges as prescribed, specialists' fees and cost of artificial limbs,

teeth, glasses, etc., also payable, to a maximum amount of £100 plus funeral expenses limited to £20, also board and lodging and travelling expenses as prescribed. Tasmania allows ambulance, hospital and medical charges and appliances and dentists' fees payable up to £75.

It will be seen, taking an overall view, that under the existing legislation the compensation in Western Australia in that one aspect is quite superior to that which exists in the other States. There is this to be said, too, that there has grown up, as has been discussed in this House many times, the inclination on the part of medical practitioners to take the best advantage of the provisions that have been contained in our legislation. We had to set up a committee specially for the purpose of dealing with such cases where it might be said that the medical practitioner had over-run the constable. I might inform the House that one or two medical practitioners have telephoned the State Insurance Office and asked how the medical expenses account is going and how much is left in kitty, or whatever the phrase might be. Apparently that was so that they could adjust their affairs accordingly. It seems to me that there is reasonable provision in the legislation at the present time without improving the boards for such cases.

It is customary in Western Australia to pay specialists' fees, particularly in cases where the employer has been responsible for the employee being sent to a specialist, no matter to what figure over £100 the specialists' charges may bring the total. That covers, I think, all the recommendations of the Royal Commission, or at any rate most of them, that have not been accepted by the Government. Additional benefits have been included in the Bill, which do not represent recommendations of the Royal Commission and which will be to the advantage of the workers, and these are such as, I think, will outweigh any objection to those recommendations not being accepted. First of all, the definition of "worker" has been extended to include a member of the Police Force.

Here we have rather a strange set of circumstances, with which the member for Leederville has had some acquaintance. It is that the members of the Police Force appeared to be quite satisfied with the compensation they could obtain under the police regulations, other than in cases of death in the course of duty. It may be remembered that there was some Press publicity given to the case of Detective Roe, who was killed at Claremont two years ago in the execution of his duty, because there was no lump sum that could be paid to him, other than ex gratia, upon his death in the course of that employment. In view of that, provision has been made in the Bill that the dependants of a police officer who is killed in the course of his duty shall be eligible to receive compensation to the extent of £1,000.

Members: Hear hear!

The MINISTER FOR EDUCATION: There is also provision for including under the definition of "worker" a member of an employer's family who is living in his house. Hitherto, such a person has been excluded. It is true that there may be the possibility, in including such persons, of some attempt at exploitation, but I think that possibility has been excluded by a provision in the Bill that will enable the compensation board, with which I shall deal later, in its consideration of the circumstances under which such persons shall be compensated, to go into the merits and make all necessary inquiries.

Hon. A. H. Panton: Reverting to your references to the Police Force, when I dealt with that matter they were not very enthusiastic about it.

The MINISTER FOR EDUCATION: I do not know whether they were enthusiastic about it then, but I have had some correspondence with them, and my interpretation of their views is that today they think this is the best that they can get.

Hon. A. H. Panton: And I think it is, too.

The MINISTER FOR EDUCATION: Then again, provision is also made to deal with workers whose employment necessitates their travelling to some other State of the Commonwealth, so that they will be covered. At present, the Workers' Compensation Act of Western Australia has jurisdiction in Western Australia, and legally, if a man goes out of the State in the course of his employment, it is questionable whether he could recover under the Workers' Compensation Act unless, of course, he were covered by the Act that applied in the State to which he had gone. That is not altogether likely, and, in the circumstances, such an officer might have difficulty in recovering at all.

In order to make it perfectly clear that the intention of the Western Australian legislation is that if a worker from Western Australia is engaged in the course of his employment in one or other of the Eastern States, he should, if he met with an accident in the course of that employment, be compensated, provided he came within the definition of a worker, provision has been made in the Bill that will enable that to be done.

This phase will, I think, be regarded as of more importance when we realise that the Bill, in accordance with the recommendation of the Royal Commission, provides that a worker shall be a person whose salary reaches £750 a year in lieu of £500, which has hitherto applied under the Act. It is quite clear that many persons who are engaged on reasonably responsible work for their employers and are in receipt of remuneration up to that figure, may repeatedly be despatched to the Eastern States or elsewhere to undertake responsibilities for their employers, and therefore I regard it as essential that this provision should be included in the Bill.

Then again, provision is made for the dependants of a worker receiving compensation for a mining disease and who dies from any other cause, to receive the balance of compensation payable, notwithstanding that the worker has been receiving compensation for less than six months. In the case of a recurrence of an injury, the worker will be entitled to an allowance in respect of any dependent child born after the date of the original accident. This appears to have been the subject of some controversy. If a man were injured today and, three months later, was cured but three months later still his injury recurred and in the interim another child had been born to him, it has been regarded as questionable whether that child was to be compensated as a dependant, seeing that it was not in that position when the compensation was first payable. It is intended to provide that any such dependent child shall be eligible for consideration in the compensation.

Again, the cost of repairs of artificial aids will be payable notwithstanding that the worker does not suffer personal injury within the meaning of Section 6. I think that provision is self-explanatory. The living-away-from-home allowance has been increased from 6s. per diem and 35s. per week to 10s. per diem and 60s. per week. That has been done in view of the obvious and very considerable increase in the cost of food, refreshments and travelling at the present time. Provision is also made in the Bill for payment of an attendant's fee at the rate of £1 per week in respect of cases of certified total and incurable paralysis. It will also be seen that the Third Schedule has been considerably amended in favour of the worker.

The Royal Commission also gave thought to the question of industrial accidents and their prevention. It is quite clear that one of the easiest ways of reducing much of the cost to industry of workers' compensation would be the minimising of the number of accidents, as far as is reasonably practicable. In order to do that, there may be undertaken many things which would minimise the risk. Of course, some of that minimisation would be dependent upon the co-operation of the workers in the use of safety devices. The Bill, among other things, empowers the compensation board, which I will discuss later, to give directions regarding the provision of safety devices and to take steps to see that, when those directions are given, they shall be carried out as speedily as possible, and to go to any reasonable cost necessary to minimise the occurrence of accidents in industry.

From what I have said so far, it will be observed that the Bill is principally designed to cover three major matters. They are—

To provide increased benefits to workers injured during the course of their employment, thereby bringing compensation payments to at least equal to what may be regarded as a fair Australian standard.

To remove the existing weaknesses in the present Act because of which large sums must now be paid to workers whose disability does not preclude them from resuming their pre-accident or some equivalent employment.

To place the administration of the Act on a better basis, for which purpose the establishment of a compensation board is provided for.

The compensation board, as proposed by the Royal Commission, was to have for its chairman a judge or a person qualified to be a judge, and its two members were to

consist of a representative of the workers and a representative of the employer side of industry. In Western Australia, we have no county or district court judges, who have been used as chairmen of such boards where they exist in the other States of the Commonwealth. We have only three judges of the Supreme Court, and it is quite obvious that we could not take one of them away to attend to the business—which I think will be a full-time job—as chairman of the compensation board. Therefore we have provided that the chairman shall be a legal practitioner of not less than seven years' practice and standing, who will be appointed by the Governor. The other two members will, of course, be the representatives of the sides of industry for which they will be called upon to act.

It will be found that by the Bill the compensation board has been given very wide powers indeed. The Royal Commission itself contemplated these very wide powers, and that will be clear to members if they will consider its report on that subject. The remuneration of members of the board will be fixed, as suggested by the Royal Commission, by the Governor. In order to finance the board there must, of course, be a fund, and that fund has to be contributed to by all insurers, including the State Government Insurance Office and those that are classed as self-insurers. Out of this fund, set up as suggested by the Royal Commission, will be paid the salaries and travelling expenses of the board and of the registrar and all other officers of the board. A registrar will be appointed to keep the board's records, and, I take it, to carry out some of those minor inquiries that will be necessary.

The fund will bear the costs and expenses of administration and all reasonable expenses for accident prevention and safety measures. It will cover the cost of compensation to any worker who may not have been covered by his employer. Of course, cover is compulsory under the Workers' Compensation Act, and it will be only in rare instances that that state of affairs would arise. I think members will be well satisfied with the constitution and powers of the board and the creation of the fund. To me it is quite clear that this will not to any extent increase the premiums payable by industry because, as the members of the Royal Commission pointed out, under our type of compulsory insurance everyone must come in. I am of opinion that the heavy commission and administration charges that have had to be borne, have been considerably greater than there was any real justification for, and, in my view, the costs under the new proposal will not be as great as in respect of the commission and charges to which I have referred.

Sitting suspended from 6.15 to 7.30 p.m.

The MINISTER FOR EDUCATION: At the tea adjournment I was beginning to deal with the suggested set-up of the premiums committee under this measure, with the idea of having control over maximum premium rates. That was also one of the recommendations of the Royal Commission. The Bill provides that the committee shall consist of three persons: one the Auditor General, who shall be chairman; another the manager of the State Government Insurance Office; and the third to be nominated by all other insurers and approved by the Minister and appointed by the Governor. That committee will have fairly extensive powers to deal with the premiums question and to determine in respect of every class of industry what is a fair premium to be paid; and it will do that, as the Bill provides, under a policy which will be laid down by the compensation board itself. So there is no doubt that with the representation which will be provided for on that committee and with the compensation board itself we may expect fair dealing, and at the same time we may expect that the premiums will be kept to a minimum commensurate with the service that has to be rendered for the money paid.

Hon. A. H. Panton: Will it have any over-riding powers over the factories and shops staff?

The MINISTER FOR EDUCATION: No, I do not think that is implied anywhere in the measure. There will be a great deal of co-operation because there must be.

Mr. Marshall: You will give them power to inspect?

The MINISTER FOR EDUCATION: Yes, because without it the members of the committee cannot reach a determination as to what should be recommended to be done. I do not think that on oral evidence alone

they would be able to arrive at a conclusion. Powers of inspection would be necessary to enable them to do anything worthwhile in regard to industrial accidents. I was referring to premiums and was going to say that the first impression was that the increased benefits which were contemplated in the Royal Commission's report would very rapidly lead to a considerable increase in the premium rates. But further consideration has been given to that matter; and I am advised by the manager of the State Insurance Office that he proposes to recommend for the first year that no increase in premiums will be necessary and that the matter can be reviewed. By that time, of course, the committee will be in full swing; but he has expressed the opinion to me that he is very doubtful whether any substantial increase in premiums will be required, partly for the reason that there will be a considerably increased income because various classes of workers, earning up to £750, and not engaged in indsutries where many claims for compensation are likely to arise, will naturally increase the general revenue.

It will be interesting to see just what decision the premiums committee comes to in this matter; but I am inclined to the view, after hearing all that has been said and put forward by the State Office, that the increases of the premium rates in the bulk of the industries concerned will be much lighter than was originally thought, and therefore will make this measure a great deal more acceptable to all parties concerned. I would like now to review for a moment the increases which were recommended by the Royal Commission and which have been accepted. They are as follows:—

Permanent total disability from £750 to £1,250.

Dependants in the event of the death of the worker—Increase from £750 to £1,000 plus an additional £25 for each dependent child.

Weekly payments during period of incapacity —Increased to 66 2/3% of average weekly earning plus £1 per week for dependent wife and 10s. per week for each dependent child with a maximum of £6 per week.

Funeral expenses—Increased from £20 to £30.

Injury sustained while travelling between place of residence and place of employment—Now compensable—an entirely new provision.

Claims made for injuries sustained in course of travelling to and from places of employment may in certain instances be open to abuse; but members will find provisions in the Bill enabling the board to deal with such questions; and provided it can be shown that a worker did not unnecessarily deviate from a reasonable course in getting to and from work, he will receive compensation for injuries sustained in the course of travelling. An interesting word is proposed to be removed from the Third Schedule to the Act. That word is "zymotic." I was quite unaware a day or two ago what this word meant, and I am not at all clear now what the definition means; but for the information of members, I will tell them that it is "pertaining to or produced by fermentation." "Zymotic diseases" means infectious diseases supposed to be produced by some communicable complaint acting on the system like a ferment.

The proposed amendments to the Third Schedule are in accordance with recommendations made by members of the B.M.A., including the Principal Medical Officer and the Medical Officer of the State Government Insurance Office. The principal amendment is the substitution of the word "communicable" for the word "zymotic," and the extension of the provision to all workers instead of the present restriction to a medical officer, nurse, orderly or other person employed in a hospital or quarantine station or in an ambulance brigade. This, together with the other things I have mentioned earlier, should go far towards meeting the desire of those who recommended to the Royal Commission the deletion of the words "by accident" appearing in Section 6 and elsewhere in the Act.

I wish now to make further reference to the point I raised earlier in regard to the claim by a worker for the maximum amount of compensation more than once. Those suffering a partial disability as the result of an injury for which the First and Third Schedules provide will in future receive compensation proportionate to the degree of disability and not the maximum amount available, namely, £1,250. Within the last two or three years one insurer has paid £750 for permanent disability in 12 cases, all of whom have resumed their pre-accident employment. Of the 12 cases, the following subsequent claims have been received:—

	Additional claims.
1	7
3	3
2	2
6	1

Workers suffering injury for which the Second Schedule provides will be proportionately compensated and no worker will be able to receive more than £1,250. A special provision, which largely follows that of the New Zealand Act, has been included to cover claims in respect of hernia disabilities. According to MacDonald on "Workers' Compensation in New Zealand" the consensus of medical opinion is that traumatic hernia, which I understand is caused by direct injury, is rarely met with, and most of the so-called ruptures attributed to accident or strain are not the result of employment but are coincident with it. At present practically 100 per cent. of the hernias are claimed as work-caused, and insurers have no alternative but to admit the claim as compensable. From the records, I found this matter had received the attention of what I think is known as the industrial committee of Trades Hall, which made a recommendation that the provisions of the New Zealand Act should be incorporated in any amendment to the Workers' Compensation Act of this State. A comparison between the clause in this Bill and the New Zealand provision will show members that that has virtually been done.

The compensation board will replace the present Medical Register Committee and when dealing with complaints against medical practitioners will have upon it two medical practitioners to take part in deliberations. The board's jurisdiction will extend inter alia to providing facilities for rehabilitation of injured workers; providing facilities for the complete and adequate medical treatment of injured workers; and dealing with the question of the prevention of industrial accidents. There is another provision which makes it compulsory for insurers to accept requests for cover in respect of all types of industry except mining. I will deal with that separately in a moment. That is the principle which has been applied, and apparently with success, in respect of motor vehicle third party insurance.

This is also a form of social insurance and is a compulsory form of insurance. It is quite clear, therefore, that if this Act and those parts of the parent Act that still exist are to operate successfully in the future, it is necessary and desirable, as the Royal Commission indicated, that there should be no refusal to accept the responsibility o giving cover when the applicant is pre pared to provide the necessary data and t pay the requisite premiums. In the case o mining risks, somewhat different considera tions apply. Whatever may have been th circumstances—it is well known to som members that two points of view have bee put up—in which the State Insurance Offic was formed, and whether or not insurers a that time declined or were unable to accep responsibility for the risks concerned i mining diseases, the fact remains that fo approximately 20 years the State Insuranc Office has dealt with all those contingencies In fact, that office has been obliged, i order that its general accident premium might to some extent compensate for th heavy risks it was taking in mining cases to say that it would not accept the one with out the other.

So there has grown up, in relation to th mining companies, a state of affairs i which the State Insurance Office is the onl organisation that can cover the companie against those particular risks. In the Bil it is proposed in those circumstances an for those reasons—because it is obviously impossible now to retrace the steps taker over the past 20 years, even if it were th point of view of the insurance companie that it could be done—that in respect o mining areas proclaimed by the Governo the State Insurance Office shall have th only right to undertake all types of acci dent insurance for the mining companies That will place in the law something tha has been in operation in fact over a con siderable number of years.

Mr. Marshall: Why do you not give then a general monopoly?

The MINISTER FOR EDUCATION: I the hon. member reads the report of th Royal Commission he will find tha it states that if the Government sets up a compensation board and undertakes to do other things to which reference is made there is no need for a monopoly, and so I have adhered strictly—so far—to the majo recommendations of the Royal Commission and can see no reason to depart from them in this instance and thereby break down th structure of those recommendations. I fee certain it will be agreed that the members of the Royal Commission and the two asses sors subsequently appointed to act in con

junction with them have, after considerable work and effort, done a very good job in the report they have put forward, and the recommendations they have made.

Mr. Marshall: In 1925 the private insurance companies argued that no form of employers' liability was profitable to them.

The MINISTER FOR EDUCATION: Without going into that question, I am merely stating what is contained in the Bill. I have refreshed my memory of the evidence tendered before the Select Committee and I find that there, at great length, were put forward two strongly conflicting points of view. I see no purpose in trying to decide which of them was the right one, and I therefore leave the matter entirely alone and keep to the facts as to what is proposed under this measure. It will, of course, be clear that in view of the fact that it is proposed to give the State Insurance Office these rights as to mining risks within any proclaimed area, the taking of risks in respect of those claims has not been included in the compulsory provisions of the Bill with regard to other forms of industry, because it is quite clear that it would be ridiculous so to include them.

I believe I have covered fairly fully the major provisions of this measure. I am anxious that members should have full opportunity of considering the proposals contained in the Bill and therefore—as the member for Leederville knows—I am willing that the debate should be adjourned to a week hence. In return for that, I trust that members who desire to move amendments when the Bill is in the Committee stage will be good enough to place them on the notice paper as early as possible, so that I may give them my consideration, because I do not profess to be an encyclopaedia with knowledge of every problem that might arise in these matters and it may be necessary to have some of them reviewed and to seek the assistance of officers of the Crown Law and other departments.

Mr. Marshall: It will be necessary for you to move one amendment.

The MINISTER FOR EDUCATION: I am going to refer to that, and to another also. I trust members will be good enough to help in the direction I have mentioned, as far as they can.

The Premier: You are not expecting many amendments, are you?

The MINISTER FOR EDUCATION: No, but I would be foolish to expect none—even if only for the purpose of having the position examined so that any point at issue might be settled. There are two typographical or printer's errors in the measure and I will point them out to the member for Murchison lest he think they have been overlooked. On page 9 of the Bill will be found the words, "one thousand two hundred pounds," which should read, "one thousand two hundred and fifty pounds." When the Bill is in the Committee stage I will move an amendment accordingly and do not doubt that the Committee will agree to it. The other error is at page 33 of the Bill where inadvertently, in the sixth line, the words "who have sustained personal injury by accident" were inserted. I will ask the Committee at that stage to strike out those words, for reasons that I will then give. I have pleasure in moving—

That the Bill be now read a second time.

On motion by Hon. A. H. Panton, debate adjourned.

BILL—FEEDING STUFFS ACT AMENDMENT.

Received from the Council and read a first time.

BILL—LAND ALIENATION RESTRICTION ACT AMENDMENT (CONTINUANCE).

Second Reading.

THE MINISTER FOR LANDS (Hon. L. Thorn—Toodyay) [7.55] in moving the second reading said: This Bill was introduced in another place and I am pleased to be able to report that it passed through all stages. It is a small Bill that provides for the continuation of the Land Alienation Restriction Act that was originally introduced into this Chamber by the Deputy Premier, then Leader of the Opposition, in order to give preference to ex-Servicemen in the selection of land. That Act prevents the disposal of Crown land or land in the possession of the Rural and Industries Bank to persons other than members of the Forces without the consent of the Minister for Lands, who is in charge of both departments, first being obtained. I do not think there is any more to be said of the Bill.

Hon. J. B. Sleeman: It is a little Bill.

The MINISTER FOR LANDS: It is, and I hope it will not be considered to be a case of smiling at my opposite, and his smiling back and giving his consent, as was done last week. I move—

That the Bill be now read a second time.

On motion by Hon. E. Nulsen, debate adjourned.

BILL—FISHERIES ACT AMENDMENT (CONTINUANCE).

Second Reading.

THE ATTORNEY GENERAL (Hon. A. V. R. Abbott—North Perth) [7.57] in moving the second reading said: This is a continuance Bill dealing with a provision inserted in the Fisheries Act in 1946 and continued since that time. That was the provision permitting the Inspector of Fisheries to allocate fishing net to professional fishermen if the shortage is such that an uneven distribution of the material in short supply is necessary. The provision in the parent Act reads—

> The Minister may from time to time, by notice in the "Gazette," regulate, restrict or prohibit the purchase, sale or disposal of any fishing gear, either absolutely, or upon and subject to such conditions, restrictions and regulations as may be specified in such notice.

The firms concerned have co-operated willingly and it has not been necessary to take action to enforce those provisions the necessity for which arose out of a war-caused shortage of fishing material which made it obligatory that there should be some proper allocation of whatever material was available. Professional fishermen feel—quite rightly—that they should have first claim on all fishing net because it is essential to enable them to earn their livelihood, and it is desirable also that every facility should be given to enable them to provide as good a supply of fish to the public as is possible under all the circumstances. I think it will be agreed that the supply of fishing net, even today, is not as great as we would desire it.

Mr. Rodoreda: It is not the supply; it is the price.

The ATTORNEY GENERAL: During this year the position concerning fishing net was investigated and it was found that it is still in very short supply. Accordingly, it is thought desirable that the provision as contained in the subsection should be continued for another year. It is not expected that the supply of net is likely to be relieved in the near future, although I feel sure that the merchants will willingly co-operate to ensure that those who most need it in the interests of the community will get it. I feel it is desirable that any misuse by any person having control of any quantity of this netting should be prevented if the occasion arises. Consequently, this provision which is limited to the 31st December, 1948, is to be continued till the 31st December, 1949. I move—

That the Bill be now read a second time.

On motion by Mr. Kelly, debate adjourned.

BILL—INTERPRETATION ACT AMENDMENT.

Second Reading.

THE ATTORNEY GENERAL (Hon. A. V. R. Abbott—North Perth) [8.3] in moving the second reading said: As members are aware, under the provisions of Subsections (1) and (2) of Section 36 of the Interpretation Act, regulations made under an Act are required to be laid on the Tables of both Houses within 14 days of the date when they are gazetted if Parliament is in session, and if not, within 14 days of the commencement of the next session of Parliament. The section also provides that on failure to lay any such regulations on the Table of the House within the time prescribed they become invalid. On more than one occasion it has been impossible to comply with the Act because one of the Houses which were in session had been adjourned for a longer period than 14 days. Therefore, the Crown Law Department has been obliged to go to the trouble and expense of having the regulations re-gazetted for the purpose of laying them on the Table of the House within the prescribed time. This occurred in the Upper House this year in connection with one set of regulations.

Members are aware it is not unusual for the Legislative Council, particularly at the beginning of the session, to adjourn for a considerable period and it has been found impossible to lay the regulations which have been gazetted on the Table of the House within the required time. The amendment is a very simple one because it provides

that paragraph (d) of Subsection (1) of Section 36 shall be deleted and a new paragraph (d) be inserted in lieu. The amendment provides that the regulations shall be laid on the Table of each House of Parliament within six sitting days following their publication. So if one House adjourns for any period, that period during which it has adjourned is not counted in computing the required number of days necessary for the tabling of the regulations. The amendment deals with sitting days only. I think it will avoid the trouble that has arisen in the past of having to regazette regulations owing to their becoming invalid which has not been due to carelessness or neglect on the part of anyone. I move—

That the Bill be now read a second time.

On motion by Hon. A. R. G. Hawke, debate adjourned.

BILL—STATE HOUSING ACT AMENDMENT.

Second Reading.

Debate resumed from the 16th September.

MR. RODOREDA (Roebourne) [8.9]: This Bill to amend the State Housing Act is another one of the simple Bills so often introduced by this Government, but it is neither so simple nor small as the one which has just been introduced by the Attorney General. The Bill embodies three amendments to the Act and they are all relating to that area of the State north of the 26th parallel of latitude, which we in this Parliament know as the North-West. These amendments, with which I agree, are absolutely essential if this Government is determined to build houses for the worker in that portion of the State. The present costs of building residences in the North-West are fantastic. There is no other word adequately to describe them. Some houses that have been built for staff members of the Department of Civil Aviation in the North have cost up to £4,000 and are buildings which we would term as simple little residences. Therefore, the maximum of £1,500 laid down under the State Housing Act is totally inadequate when we are considering the construction of houses in the North.

Only a few houses have been built in the North-West recently and I refer to those of a special type built by the Australian Blue Asbestos Company at Wittenoom Gorge. The Premier, the Director of Works and the Chairman of the Housing Commission saw these homes in the course of erection when they were visiting the area a few months ago, and I am sure they will agree that they are a suitable type of home for that climate. We were informed by this company that when they get into full swing they expect to build this type of house for about £1,200. But they had special facilities for contructing the homes. They had a bulldozer to level the ground, machines to lay concrete floors, with the carpenters and other tradesmen following them up. The houses are timber-framed covered with caneite. They have single walls with verandahs all round and a number of them are to be built on the same design. Naturally, this company can erect these houses much cheaper than could any private contractor.

The Chairman of the Housing Commission told me that a similar type of house would, if built by the Commission, cost at least £1,800 at the port and these houses built by the Asbestos Company are 200 miles inland. I agree that no contractor could build a similar type of house for less than £1,800 or £2,000 at the port. I do hope that the Principal Architect, or whoever is responsible for the designing of Government houses, will pay some attention to the type of house being built by this company, and also by the company operating at Yampi Sound. Prewar, the North-West Department, with its long experience of North-West conditions, evolved a very suitable type of home. It was a matter of trial and error, and a design was finally agreed on which I and most people who have lived in the North considered a most suitable type of home for that part of the State. However, they were all timber-floored, and I think that idea should be departed from on account of the high cost of freight for timber, the difficulty in handling it and its susceptibility to white ants.

I think the Premier previously referred to a type of house which he saw at Point Samson and which was also of excellent construction. I hope the Principal Architect will not design the elaborate type of house to which he has been accustomed. The Australian Blue Asbestos Company has built everything possible into the houses, including cupboards, tables, wardrobes, and even dressing tables. This principle in North-

West homes should also be the aim of the State Housing Commission. I presume that these homes will be built for renting, and I point out to the Minister that the people of the North cannot afford to pay any more by way of rent than is absolutely necessary. When the Minister replies, I should like him to tell us what will be the basis for fixing the rental charges for these proposed houses. Will it be an economic rental, or will the rental be adjusted according to the circumstances of the occupier? It is quite evident that, owing to the cost of these houses, very few workers would be able to pay the rent demanded unless some adjustment were made similar to that made by the Commonwealth.

I believe that rental homes would meet the present position, but the Government is likely to find a demand for a great many more than the numbers mentioned by the Minister. I think he said that Onslow requires six homes urgently, that Roebourne has submitted a claim for five and that from Derby four applications have been received. People, however, realise the hopelessness of making efforts to get houses and I believe that many, for this reason, have not forwarded applications to the department.

I would sooner have seen a definite amount fixed in the Bill as the maximum of the advance or the permissible cost that might not be exceeded, rather than that the whole matter should be left to the discretion of the Housing Commission. However, I admit that the rise in prices and the difficulty particularly of getting skilled labour in the North would intensify the problem and so I—and I believe I can speak for other members representing the North-West—am prepared to leave this matter for the present to the discretion of the Housing Commission.

In connection with the need for homes in the North-West, I should like to read a brief extract from the report of the Commissioner of Public Health, Dr. Cook. Amongst other things he stated—

> Condemned to live indefinitely in dilapidated and ramshackle dwellings progressively undergoing further deterioration without prospect of repair, seasonally plagued by blood-sucking insects, inured by years of usage to grossly insanitary practices in respect of waste and excreta disposal, often compelled by circumstances to conserve water at the sacrifice of domestic cleanliness and habituated to the consumption of unsafe and unpalatable drinking water, the local population must acquire a tolerance for discomfort and squalor such as is normal only among uncultured coloured people.

The Premier: Worse than the Dundas report.

Mr. RODOREDA: What a picture! What a gross exaggeration! I do not think that any member of the Premier's party that recently visited the North would agree with it. It is a dreadful statement for any Commissioner of Public Health to make; in fact, I think Dr. Cook went beyond his province in making such a report. Although there is need for houses and repairs, the need is no greater and the sanitary conditions are no worse in the North than they are in hundreds of country towns in Australia.

The Premier: That is true.

Mr. RODOREDA: Anyone with a knowledge of the country areas will appreciate that that is true. I consider that Dr. Cook should be censured for having included such a statement in his report. I agree with him that some of the houses are badly in need of repair, but nobody can expect to find in the North-West the type of house that people are accustomed to see in the metropolitan area.

Hon. A. R. G. Hawke: Some of the houses in Perth need repairing.

Mr. RODOREDA: Yes, the same thing, as the hon. member has stated, can be said of some houses in the metropolitan area. In another part of his report—and I agree with this paragraph—Dr. Cook, in a statement of the measures necessary to be taken towards the correction of the present situation, said—

> Provision of an adequate and safe reticulated supply of potable water in all settlements; condemnation and demolition of substandard dwellings and their replacement by suitable accommodation in planned towns, if necessary, on new sites.

Within the last few months I have complained to the Minister, by letter, that a health inspector from the department had been sent to these towns and had reported that quite a lot of houses should be condemned, and that threats of condemnation had been issued. It is ridiculous at this stage of the housing shortage to condemn a house in the North-West, particularly where it is sheltering a family. The doctor is afraid of disease; in fact the whole of his

report seems permeated with a fear of disease, but I suggest that there is no healthier area in Australia than the North-West. We have no disease there. So, while I agree that the sanitary conditions of the dwellings may appear to be mediaeval to inspectors from the city, until a better type of home can be built in the North-West the people should be allowed to continue to occupy the houses to which they are accustomed. When introducing the Bill, the Minister for Housing said—

> A contract was signed for building a home at Carnarvon, which is the nearest town of any size to the south, and the tender which was accepted was for £2,375.

The building was a small one for a civil servant. It was to be erected on a rental basis and the tender was £2,375! The Minister continued—

> That was the offer received after calling for public tenders, but though the contract was signed, the contractors subsequently withdrew and refused to proceed.

That is putting it rather mildly—"refused to proceed." I know all the circumstances of this case and I brought them under the notice of the Chairman of the Housing Commission, Mr. Reid, when he was recently on a visit to the North-West. He had to agree with me that he had not in his life come across a greater example of inefficiency and bungling on the part of the officials of the Housing Commission. He immediately of his own volition cancelled the contract. It is hardly credible that such bungling could take place; and there was no alternative action. So far as I am aware, only one contract has been let by the Housing Commission for the building of a home in the North-West; some may have been let in the last month of which I know nothing.

I hope this Bill is an earnest of the Government's desire to do something for the North-West. It is going to be an exceedingly difficult job to get private contractors to consider building houses there. The only possible way of overcoming the difficulty is, I think, for the Government to get a team together and send it up under the Public Works Department to build whatever houses are required, whatever the cost may be. Costs nowadays are fantastic and we have no basis upon which to work. Houses are badly needed in the North, as population is being kept out of the district. Working men will not go there, as they cannot afford to maintain two homes. The wages, district allowances, etc., are not sufficient to induce them to accept work in the North if they have to keep their families in Perth; and on the other hand there is no accomodation for the families in the North. Until this housing position in the North is met—not a great number of homes are required—we shall have no increase in population there and no progress in industry. I hope the Government has some plan in mind which will result in houses being built in the towns where they are required.

The Premier: Do you think we can get a contractor in the North-West at present?

Mr. RODOREDA: Yes. There is only one, who has been resident in the North for quite a number of years.

The Minister for Works: Has he a staff?

Mr. RODOREDA: He has sufficient staff to build, say, two or three houses. His staff consists of men who are inured to the climatic conditions. There was a contractor who built homes for the Department of Civil Aviation and who also effected extensive repairs to the hotel in Roebourne, but he has finally decided not to have anything more to do with the North-West. He has, however, undertaken to build the school at Carnarvon. I said he had decided not to have anything more to do with the North-West, but I do not regard Carnarvon as part of the North-West.

The Minister for Lands: No, it is a suburb of Perth.

Mr. RODOREDA: Its climate and conditions are almost the same as those of Geraldton. It is when one gets around North-West cape that one meets these adverse conditions. I have heard the tradesmen for the contractor talking among themselves and saying they were getting out of that country because they could not do a fair day's work in the heat to satisfy themselves or the employer. As I said, the only thing to do is to engage a team of men in the same way as a shearing team is engaged, and send them to work during the more favourable months of the year and get them out when the temperature reaches 115 degrees.

MR. HEGNEY (Pilbara) [8.37]: I am glad the Government has seen fit to introduce this Bill. I feel that it is to a great extent the result of the visit recently paid to the

North-West by the Minister for Housing and the Premier. They have seen various parts of the North-West and I believe appreciate their responsibility to endeavour to do something in the interests of the residents of that part of the State. Shortly after my first election as member for Pilbara, I had occasion to make representations to the Workers' Homes Board in order to ascertain whether it would be prepared to extend its operations to Port Hedland and Marble Bar. The replies I received were anything but encouraging. It was pointed out—as it has been pointed out to me since—that to build houses in the northern part of the State was not an economic proposition. In other words, the Government would not be sure of getting a fair return from its outlay, from a rental point of view, if it undertook building operations in such places as Port Hedland, Marble Bar and other North-West centres.

I am pleased to note that the Government now intends to extend its activities to the North-West. Firstly, I would mention that today there are two civil servants in Marble Bar—the Mining Registrar, who is also Electoral Registrar and the State school teacher, both of whom are married. As there is no accommodation for them in Marble Bar, they are occupying houses at the Comet Mine. These are houses of a fine type which were erected by the Comet Gold Mines, Ltd., some few years ago. In my opinion, they are ideal for the climate. Owing to the closing-down of the mine some time ago, these houses became vacant. They are now being occupied by the workmen's inspector of mines, the school teacher and the Electoral Registrar. The latter two go to and from Marble Bar every day by truck. I consider it incumbent on the Government to provide reasonable housing accommodation for its employees in such localities. More than one man who has gone to work for the garage proprietor has been obliged to leave because of lack of housing accommodation. The member for Roebourne was quite right in his opinion that the building of houses by contract would not be the appropriate way for the Government to do the job. I believe, as he does, that the better way would be for the Public Works Department to organise a team of tradesmen who could build houses in various centres.

Hon. A. R. G. Hawke: The Public Works Department has been sacking its house-building employees.

Mr. HEGNEY: That is so, in the metropolitan area. But I submit that the Government cannot reasonably extend that policy to the North-West because of the variation in circumstances. I know that contract as against day labour is the policy of the Government, and the Minister for Works is a member of the Government. But, north of the 26th parallel, the only practicable way to overcome the housing problem is for the Public Works Department to act in collaboration with the State Housing Commission to ensure that labour and materials are at hand as the occasion arises. By that means, a number of houses could be built at a minimum price.

The Minister for Works: What do you mean by a minimum price?

Mr. HEGNEY: I mean a minimum price.

The Minister for Works: What is it?

Mr. HEGNEY: I mean that it would be more economical for the Government, and a better proposition for it to organise the building of houses in the North on a day-labour basis and employ teams of men rather than have spasmodic contractors here and there through the North. I think that if the Government is going to build houses, it might consider the proposition that has been put forward for having the work done through the Public Works Department.

The Minister for Works: Do you think it would be a feasible proposition to collect men and take them up there? Do you think we would get them?

Mr. HEGNEY: I think so.

The Minister for Works: I am not saying it would not be possible.

Mr. HEGNEY: I am glad the Minister made that remark. I believe if men were advised that there would be continuity of employment and that the conditions of labour would be as good as is possible in the circumstances, the Government would be able to obtain the services of the requisite tradesmen to do the job. On the other hand, if the Government calls for tenders it might be difficult for a contractor to get the requisite number of men and organise transport and secure materials to do the job anywhere near the mark. To my mind, the cost of Commonwealth projects in some of these places has been beyond all reason; and that work has been done by contract. There is one con-

tractor who was building a house in Port Hedland two years ago, and it is not finished yet. The same, no doubt, would apply in other cases. The member for Roebourne mentioned that the Government might consider building houses only on a rental basis. I think that would meet the position for the time being, though I believe that if houses were made available at a reasonable cost, young men would be found to purchase them.

The Premier: That would be a better idea, in the North.

Mr. HEGNEY: If it were possible to do that, there are men and women who would prefer to stay in the North and make their homes there. Regarding the question of whether an economical rent should be paid for these houses that we assume are going to be built, even under present conditions—under various awards and regulations—there are Government employees in Port Hedland who are housed by the Government and pay about 17s. 6d. a week. The foreman of the Public Works Department is occupying a house that the department recently purchased from a young railway employee. It was built to workers' homes specifications, and is a good type of house—one of the most reasonable in Port Hedland. The foreman is paying the Public Works Department 22s. 6d. a week. I understand that the young school teacher has a home adjacent to the school ground for which he is paying 6s. or 7s. a week.

I should say that the question of a few shillings would be nothing in the long run for the Government, because if there were proper housing facilities there would be contented employees. Men would be able to take their families there, and some would be inclined to stop. At present it is not reasonable to expect married people to stay in those places. I know that men have gone to Port Hedland and had to stay at the hotel because they could not obtain other accommodation; but the employers were not able to hold them because they received more attractive offers from other places, where accommodation was procurable. I believe the Bill represents an attempt to overcome a difficult position. If further depopulation is not going to occur, it is necessary that some modified scheme of housing should be introduced as soon as possible; and I hope that, before the Government launches out on a scheme, the advice of practical men in the North will be sought, and that the views of residents who have been there for a long period will be considered before any particular type of house is built.

The Premier: We had a look at the houses.

Mr. HEGNEY: Yes, I know the Premier had a good look at different types, and he would have been impressed with the house of a few rooms and a wide verandah rather than with something more elaborate but with no verandah. Houses will have to be erected to suit the climate and to withstand the cyclonic disturbances that take place in that region.

The Premier: We saw a good type at Cossack.

Mr. HEGNEY: Yes. There are a few at Port Hedland and in other towns also. I hope that when the measure is passed, instead of tenders being called and the Government refusing to have anything to do with them because the prices are exorbitant, a very serious attempt will be made to organise a team of tradesmen which, in addition to building houses, will be able to repair and renovate existing Government property in various parts of the North. A proper effort should be made to organise labour and the supply of materials. The availability of materials should not be confined to the metropolis or the closer rural areas, but there should be a liberal allowance set aside for building in the North-West. Like the member for Roebourne, I hope there will be no opposition to the Bill and that after it has been carried the Government will, at an early date, address itself to overcoming the housing problem in the northern portion of the State.

THE MINISTER FOR HOUSING (Hon. R. R. McDonald—West Perth—in reply) [8.39]: I am indebted to the member for Roebourne and the member for Pilbara for their contributions to the debate, and I will ensure that the advice they gave from their experience and knowledge is brought under the notice of the Commission and its technical officers. There are two ways of building in the North—there is building under the Commonwealth-State rental agreement, by which the rent charged can be the economic rent and, if the actual rent based on cost exceeds the economic rent, then the difference is borne between the Common-

wealth and the State; and there is the worker's home. There is, I agree with the members who have spoken, room for a programme of housing in the different North-West towns under the Commonwealth-State rental scheme. The Bill was more particularly aimed at giving some opportunity to a certain section of north-westers and the Kimberley residents, who desired to buy their houses on easy terms, to do so. As the Act now stands, if a resident of the North were to buy a worker's home, or even lease one, he would have to pay a rent based on cost and outgoings.

While the State Housing Commission might ease that rent as much as possible by the provision of moneys bearing a low rate of interest, which might be secured from the Government, at the same time there is no provision in the Act whereby there can be a direct loss on rent assumed by the Treasury, as is the case under the Commonwealth-State rental agreement. Therefore, housing up there will proceed on two lines. There will be the workers' homes section under which, as a rule, the applicant will acquire his house by purchasing it over a term of years. It is hoped by the Commission that as a result of careful investigation it will be possible to evolve a type of house which can be built within what might be regarded as a reasonable cost for an area where costs are inevitably in excess of those in the southern part of the State. Then, on the other hand, there is the Commonwealth-State rental home system. I can assure members that the Government and the Commission feel that they must pay due regard to the legitimate requirements of the North.

The member for Pilbara referred to officers of the State Service who had no house to go to in places like Marble Bar. I agree with him. I think we have not done enough in the past to ensure that officers of the State Public Service, whether school teachers, railway men or others, who from time to time are transferred from one town to another, have a Government house in which to take up residence without the difficulty and anxiety which in so many instances they have had to face. In the past the policy of the Police Department has been to ensure a residence for the local policeman. I think, consistent with the limitations of our present housing difficulties, it is desirable we should do more to ensure that an officer in the State employ should have a house associated with the particular office he is following, and to which he can go when transferred.

Both the member for Roebourne and the member for Pilbara referred to building by the Public Works Department and, in particular, the sending up of men during the favourable season so that they would be able to do the maximum amount of work without being oppressed by the extreme heat which, we know, is felt in those northern areas at certain times of the year. Speaking from the housing point of view, I will be happy to examine that angle with the Housing Commission, because I think that in those remote parts it is not always possible to secure a contractor who is competent and who has the necessary labour force and plant to work in the most economical and efficient way.

Mr. Rodoreda: The contractor cannot get his material. That is his greatest difficulty, and why he will not tender.

The MINISTER FOR HOUSING: He may have difficulties there. It is possible that in some areas a degree of building on the lines which have been suggested by the member for Roebourne and the member for Pilbara may be in the best interests of inexpensive housing, and getting houses erected as soon as possible. The Housing Commission recently arranged for one of its officers to visit Carnarvon. He made a survey of the housing requirements there, and interviewed all the people interested in housing, with the result that the Commission now has before it much more information as to the housing needs of that town. I hope it will be possible for the Commission to pursue its investigations into all the towns in those northern areas, with more detail than has been possible in the past.

Mr. Rodoreda: A house that would suit Carnarvon would not suit further north.

The MINISTER FOR HOUSING: That is so. Carnarvon has a comparatively salubrious climate compared with some of the other parts of the northern areas. From Carnarvon to Wyndham the architectural features must vary, because there are distinct differences in the climatic conditions and circumstances. I shall be glad to bring before the notice of the Housing Commission and its architects, the advice tendered

by the members who have spoken. We hope that the Bill, if accepted by Parliament, will make some contribution towards an advance in the housing opportunities of our northern areas.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—BUILDERS' REGISTRATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 16th September.

MR. NEEDHAM (Perth) [8.50]: My first reaction to this amending Bill introduced by the Minister for Works was that it was of minor importance, but on further consideration I realised that among the amendments proposed in the Bill is one of major importance which, if agreed to by the House, would have far-reaching effects on the principles contained in the original Act of 1939. The Bill seeks to amend the parent Act of that year and the main amendment proposed is to increase the sum of money allowed for a house to be built by a registered builder. Another proposed amendment would tighten up the law relating to local government in order to prevent false statements by builders. There is also proposed an increase in the penalties for offences against the Act. The most important amendment contained in the Bill is that which seeks to increase the exemption from £400 to £600.

The parent Act had for its object, in the first place, the insuring of a better class of building and the minimising, as far as possible, of jerry-building, and the protection of artisans and workers against defaulting builders. As the Minister said in his second reading speech, the operation of the Act during the past nine years has been successful in that regard. As a result, there has been a considerable decrease in what is known as jerry-building and greater security has been given to the merchants who supply materials for the building of houses and to the artisans engaged in the industry, who have had a greater sense of security as regards their wages. I am afraid that if the sum of £400 is increased to £600 there is great danger to the principles contained in the parent Act. The protection will be lessened, and there might be an increase in jerry-building.

At present there is some control over the registered builder. He is responsible not only to those for whom he is erecting the structure but also to the Builders' Registration Board, and he must carry out the terms of his contract satisfactorily in every way. Where an unregistered builder is operating there is no such protection, and he is not amenable to the direction of the registration board or to the general control of building, and if the person for whom he is erecting the house has any grievance, that person has no redress under the Builders' Registration Board. His only redress would be to engage the services of a solicitor. Those are the reasons why I do not agree with the proposal to raise the exemption from £400 to £600.

During his second reading speech the Minister argued that the reasons for suggesting the increase were the higher costs of labour and material. He said that those items had increased in cost to the extent of 50 per cent. I agree that there has been an increase in the cost of labour and material and that the cost of building a house has risen considerably since 1939, but I do not agree that it has risen to the extent claimed by the Minister. He contended that £600 today is equal to £400 in 1939, and I do not concur in that at all.

Mr. Bovell: Do you think it is more?

Mr. NEEDHAM: No. I think it is less. From information I have been able to gather from those engaged in the industry, since the Minister made his second reading speech, I believe that, taking building all round, there has not been a general increase of 50 per cent. It is true that on certain classes of housing the increase may be as great as that, but it does not usually reach that percentage. Generally speaking, I think 30 per cent. would be a more accurate figure. I have therefore placed on the notice paper an amendment, the purpose of which is to reduce the figure proposed by the Minister from £600 to £525. There is another phase of the question which has evidently not been considered by the Minister. If the amount is increased to £600 because building costs have gone up, what will be the Minister's attitude when

building costs come down? If building costs fall and the £600 figure remains, then the Builders' Registration Act will be rendered practically useless. The Minister also said that if the Bill was passed in its present form, with an exemption of £600, it would increase the number of houses being built. I do not consider it would make any appreciable difference at all.

The Minister for Works: You do not think it would make even a slight difference.

Mr. NEEDHAM: It will make only a small difference, if any, and if it does increase at all the number of houses being built, it will be very welcome. If the Minister thinks it will increase the number of houses being built, he should have made it an urgent measure. It is nearly three weeks since the Bill was introduced and, if the Minister thinks it will make a difference, it deserves urgent consideration and should have been given preference over many other Bills that we have considered. I am sure the Minister himself does not think it will increase the number of houses being built, otherwise he would have given the Bill the priority it deserves.

I admit that I agreed to the £400 exemption when the measure was originally passed through the Chamber. When the legislation was first introduced, the exemption was £300 but members of that day thought that figure was not high enough and an amount of £400 was substituted. I would like to see some increase and I think I am offering the Minister a fair compromise when I suggest that in Committee he accept my amendment on the notice paper for a sum of £525 to be inserted in lieu of the £600. I have dealt with the principal amendment concerning the increased amount of the exemption, and the other amendments are not of much consequence as they are practically of a machinery nature. With the reservation that I have mentioned, I support the second reading.

MR. SHEARN (Maylands) [9.4]: I do not wish to take up the time of the House in discussing the Bill, but I would like the Minister in reply, if he does reply to the debate, to explain the real purport of the new provision dealing with the attitude that should be adopted by local authorities in respect to the issue of permits to unregistered persons. I would like him to tell us whether it is intended to preclude from doing so a man who may be building a house for himself, and if that is the only exemption there is under the Bill, outside of an unregistered builder; or whether it means that a man will be allowed to build a house for himself, exclusively for his own use, but that it must not exceed a cost of £600. If that is so, I suggest to the Minister that he is entirely wrong, because I see no reason why a man should be precluded from building his own home, providing he is to live in it, whether it is to cost £600 or £1,600. I would like the Minister to make that quite clear as I wish to know whether I have misread the measure or whether the position is as I have stated. It appears to me that local authorities will not be entitled to issue a permit to anybody under any condition if the sum involved exceeds £600. Otherwise I propose to support the second reading.

THE MINISTER FOR WORKS (Hon. V. Doney—Williams-Narrogin—in reply) [9.5]: I regret I did not hear the first portion of the remarks of the member for Maylands regarding owner-builders but perhaps he will be good enough to bring that aspect of the situation to light during the Committee stage. So far as the contribution of the member for Perth is concerned, although I am obliged to him for his views, I do not think he can consider himself entitled to any support where he compares the price of building in 1939 with the present price. That is almost ten years ago, and during that period the cost of materials and wages has increased considerably, yet the hon. member states that that increase is no more than 30 per cent. If he believes that, then I think he is the only one in the House who does, and I might go so far as to state that he would not find a man anywhere who knows anything about building to agree with him. I cannot help thinking that the hon. member has been attempting to deceive himself, because with his knowledge of present-day building costs he surely cannot think that a sum of £525 will build as good a house as could have been built in 1939 for £400. Still, for the consolation of the hon. member, I will allow that the matter is open to argument, and I will leave it at that.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Perkins in the chair; the Minister for Works in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Amendment of Section 4:

Mr. NEEDHAM: I move an amendment—

That in line 4 of paragraph (a) the word "six" be struck out and the words "five hundred and twenty-five." inserted in lieu.

I do not desire to delay the Committee by repeating what I said during the debate on the second reading. I hope the amendment will be agreed to.

The MINISTER FOR WORKS: The hon. member has made an explanation during the second reading debate but he has said nothing in Committee to justify this amendment. I do not think he really believes that it is justified. Anyone will agree that £400 in 1939 is equivalent to £600 today. The Returned Soldiers' League waited on the Premier at a deputation and asked for a substantial increase on the £400 limit. I think one of the members of that deputation quoted a figure as high as £1,000. I do not know whether members desire to run contrary to the wishes of the R.S.L.

Hon. A. H. Panton: Where do you get that idea?

The MINISTER FOR WORKS: It is alleged that a number of practised builders who, although not having sufficient knowledge to build an expensive type of house, would have sufficient knowledge and ability to build a house much in demand by people who are not well off, costing say £400, £500 or £600. I would not mind the figure going up to £650 or £700, but I do not think anybody can justify decreasing it to £525. The amount of £525 as against £400 means an advance of 30¼ per cent., and the hon. member says he considers that properly sets out the amount of advance in actual cost. The Returned Soldiers' League is particularly keen on this measure. Only yesterday I had a letter from the chairman of the League's housing committee in which he stated his extreme disappointment that the Government had not observed the wishes of the League to a greater extent than it had done. One of the objects of the principal measure brought down by the member for Perth was to protect the registered builder and the individual for whom the house was built. For that reason I would hesitate to go very far in excess of the amount of £600. I hope the amendment will not be agreed to.

Mr. NEEDHAM: I assure the Minister that he is much mistaken if he thinks that I do not desire this amendment to be carried. As a matter of fact, I would like the amendment to stipulate an amount even below that of £525. I also assure the Minister that the majority of builders are in favour of this measure. Behind this move by the Minister I see an attempt to do away with registration altogether. If £600 is inserted there is nothing to stop the Minister bringing in a later amendment making it £700 or £800. There is no limit to the amount a man may expend on a house if he is building it for himself. I see a great danger that before very long the registration board will disappear altogether. I sincerely hope the Committee will agree to the amendment.

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

Ayes	..	..	5
Noes	..	..	30
Majority against		..	25

AYES.	
Mr. Hawke	Mr. Panton
Mr. Kelly	Mr. May
Mr. Needham	*(Teller.)*

NOES.	
Mr. Abbott	Mr. Murray
Mr. Ackland	Mr. Nalder
Mr. Bovell	Mr. Nimmo
Mr. Brady	Mr. Nulsen
Mrs. Cardell-Oliver	Mr. Read
Mr. Doney	Mr. Rodoreda
Mr. Grayden	Mr. Seward
Mr. Hall	Mr. Shearn
Mr. Hegney	Mr. Sleeman
Mr. Hill	Mr. Smith
Mr. Hoar	Mr. Styants
Mr. Mann	Mr. Thorn
Mr. Marshall	Mr. Watts
Mr. McDonald	Mr. Wild
Mr. McLarty	Mr. Brand
	(Teller.)

Amendment thus negatived.

Clause put and passed.

Clause 4—New section, local authorities not to issue building permits to unregistered persons:

Hon. J. B. SLEEMAN: Will the Minister explain the proposed new section? To me, it seems doubtful whether a person could build a home for himself because the local authority could not issue a permit.

The MINISTER FOR WORKS: I do not think that question arises under the pro-

posed new section. The Act provides for the exemption of certain persons from the necessity for obtaining registration.

Hon. J. B. Sleeman: Could a bricklayer build a home for himself?

The MINISTER FOR WORKS: I have mentioned the provision in the Act and I should like the hon. member to show, if he can, that those persons do not come within the scope of the measure.

Mr. SHEARN: I desire to help the Minister. The marginal note to proposed new Section 4A states that local authorities shall not issue building permits to unregistered persons. Does this mean that if a man desires to build a home for himself and the cost exceeds £600, the local authority may refuse to grant him a permit?

Mr. BOVELL: In my electorate a number of people, retired and otherwise, desire to build houses at Flinders Bay and Busselton.

The Minister for Works: Those districts are outside the scope of the Act.

Mr. BOVELL: The Act may be extended to country areas later. I wish to be sure on the point.

The MINISTER FOR WORKS: Despite what I might say, the member for Maylands is justified in holding the opinions he does.

Progress reported.

BILL—NORTHAMPTON LANDS RESUMPTION.

Second Reading.

Debate resumed from the 16th September.

HON. E. H. H. HALL (Geraldton) [9.33]: I desire to congratulate the Government on this resumption. The land was resumed on the advice and at the request of the Northampton Road Board, the Northampton branch of the R.S.L. and the Progress Association. To have land like this locked up is neither in the best interests of the district nor of the State. I support the second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—CONSTITUTION ACTS AMENDMENT (No. 1).

Second Reading.

Debate resumed from the 16th September.

MR. READ (Victoria Park) [9.36]: I am much interested in this Bill. The problem with which it deals is exercising the minds of many pharmacists who are also members of Parliament, and the Acts governing the position of members are different in almost every State. Shortly, this Bill is designed to entitle a member of Parliament to hold an office of profit under the Crown if the office is that of an approved pharmacist or a medical practitioner under the Commonwealth Pharmaceutical Benefits Act. In our Parliament, that is, in the Council and the Assembly, there are three pharmaceutical chemists and one medical practitioner. A doubt exists as to the legality of our position as parliamentarians. We have made many inquiries, mostly in the Eastern States, but also in this State, and the position has not been altogether clarified.

I have copies of correspondence which we have received and the letters are most contradictory. I have also a voluminous report from the Eastern States which quotes cases and prosecutions both in the Old Country and in Australia, but it does not relieve our minds as to our position. The report seems to be quite definite on what the benefits are and what appertains to Commonwealth members. The writer states—

> I am asked to advise whether a person who is an "approved pharmaceutical chemist" within the meaning of the Act is disqualified as a member of the Federal Parliament or the Victorian Parliament. In my opinion, the answer, in each case, is, yes.
>
> Section 44 (iv) of the Constitution of the Commonwealth provides that any person who holds any office of profit under the Crown, or any pension payable during the pleasure of the Crown out of any of the revenues of the Commonwealth shall be incapable of being chosen or of sitting as a senator or a member of the House of Representatives.

Later, he states—

> Whether the case falls also within s. 44 (v) of the Constitution is more doubtful. It may be that that provision is limited to cases in which there is a contract in the ordinary sense and that it does not extend to cases in which the interest arises by virtue of a statute without any contract being entered into.

That is not very clear, yet it comes from an eminent source. From our own local authorities I have a letter answering an inquiry as to whether an approved pharmaceutical chemist may be disqualified as an M.L.A. of the State. The letter reads—

Sections 32 to 35 of our Constitution Acts Amendment Act, 1899 (as amended in 1945), appear to be concerned with contracts, agreements or commissions made with "The Government of the Colony" and not with the Government of the Commonwealth. It is unlikely, therefore, that these sections will affect you.

Sections 37 and 38 (6), however, relate to those who "hold an office of profit under the Crown." These words are very wide and I know that certain legal opinion inclines to the view that an approved pharmaceutical chemist within the meaning of the Commonwealth Pharmaceutical Benefits Act, 1947, would hold "an office of profit under the Crown" within the meaning of Sections 37 and 38 (6). I regret that I am not in a position where I may advise you on this point, and must suggest to you that you get further legal advice.

Members will see how clouded is the issue; and yet from the Commonwealth Solicitor General I have the opinion that no Act is needed. In answer to a telegram he says—

Regarding position of State member who is approved chemist under free medicine scheme you will appreciate that construction of State Constitution is matter on which not appropriate I should advise but on which State authorities might be asked to express opinion Stop For your personal information I may say I see no danger to members eligibility Stop Even if reference to Crown in State Constitution includes the Commonwealth an approved chemist does not hold an office Stop Provisions of State Constitution regarding Government contracts appear to relate only to contracts with quote Government of the Colony unquote Stop Foregoing reasoning may enable you to remove Mr Reads doubts by private communication if State authorities not prepared to advise him

That apparently clarifies the position. But does it? I have here five different opinions! In common with upwards of 300 chemists in Western Australia, I am carrying out a service to the public for which I have been trained. We chemists have rendered this service for many years; and now we are asked to supply, under the social service scheme, what is generally called free medicine, for which we receive recompense from the Commonwealth Government. I think that this Bill will definitely clear up the position, which should be done in fairness both to the service and to the chemists.

HON. J. B. SLEEMAN (Fremantle) [9.44]: While I do not think there is any need for the Bill, I have no objection to most of it. Chemists are justified in making sure they are protected. Under the previous Constitution Acts Amendment Bill that the Wise Government put through, I think it is clear enough to most people that chemists will not be affected. There is one portion of the Bill to which I take strong exception, and that is the reference to medical practitioners. This House has no right to deal or negotiate with a body of men who are on strike against the laws of the country. If the Bill Bowyangs were out on strike, or the men on the wharves, or the seamen, the first thing that would be said to them would be, "Go back to work and we will talk business."

But here Parliament is setting out to assist medical practitioners who are flouting the law of the country by means of a strike. It is nothing else than a strike though they might say otherwise. It does not matter who disobeys the law—whether it be a working man or a medical practitioner—the treatment should be the same. There is no difference between the working men who have declined to work and the medical practitioners who have refused to obey the law. The action of the medical practitioners still amounts to a strike, and this House should do nothing to assist them until they have the decency to do what they tell other people to do: not take part in a strike. I hope that in Committee all reference to medical practitioners will be struck out of the Bill.

MR. MARSHALL (Murchison) [9.46]: I do not know that this measure is necessary or that the country would be put to any great inconvenience if we did not agree to it. Even if the circumstances did prevent a number of medical practitioners and chemists from practising their profession and remaining politicians, they could still retire at any given time. There would be nothing to prevent them.

Mr. Bovell: They might not want to.

Mr. MARSHALL: That is the position. It is not so long ago since the member for Victoria Park quite joyfully opposed a piece of legislation I introduced to put an end to the bureaucratic attitude of an institution of which he is a member, and

which closed down people's businesses without any justification and deprived them of their livelihood. He joyfully agreed to the behaviour of that institution; but now he wants to hold two positions himself: he wants to stay in Parliament and to exploit the people in another way as well. If the business in which the hon. member is interested is profitable—and I believe it is—let him look after it! He may do the community a very good turn. The same applies to medical practitioners and other dispensers of medicine.

Mr. Bovell: We want all sorts in Parliament.

Mr. MARSHALL: And we have got them!

Mr. Bovell: You are trying to exclude them.

Mr. MARSHALL: We have got them. I agree with the member for Fremantle that we should not at this juncture be giving any protection to any member of the medical profession. Of course we should not! How often have I sat in this Chamber and listened to members opposite tell us what we should do with the industrialist when he refuses to comply with the law of the land! I have heard some say that they would thrash him with horsewhips. I do not think I would have to go very far—even outside the Cabinet—to find one who would subscribe to that view. Then there has been reference to putting such men with their backs to the wall and shooting them. But these members of a highly trained profession, who live in West Perth and Mount-street, or in some elite suburb, like Dalkeith, can go on strike and are eulogised by members of the Cabinet for their action in defying the law.

I consider we should treat them all alike. Let us tell the members of the medical profession that when they go back to work and agree to conform to the laws of the land, Parliament may give some consideration to their requests; but not until then. There is no reason why these highly trained individuals should be permitted to flout the law any more than any other section of the community; but it seems to me that there is always one law for the rich and another for the poor. It has ever been so. Although we boast of our democratic principles and ideals, constantly we have this sort of thing presented to us for consideration. I subscribe to the views of the member for Fremantle.

MR. NEEDHAM (Perth) [9.49]: I move an amendment—

That the word "now" be struck out and the words "this day six months" be added.

I do so because I think that at the expiration of that period the members of the medical profession will probably have come to some agreement and decided to obey the law of the land. I cannot see the need for any hurry in passing a measure of this kind. If the medical profession would obey the law, there might be need for such a measure so that a doctor or a chemist member of Parliament would be exempt under the constitution. I cannot see that the present attitude of the medical profession against the Pharmaceutical Benefits Act, passed by the Commonwealth Parliament, can last indefinitely, and that is why I have moved my amendment. I feel that by the end of six months, the members of that profession will have come to some arrangement with the Commonwealth Government. It would be wrong for this Assembly to pass a measure of this kind, exempting a medical member of this Parliament from the provisions of the Constitution, when he is practically on strike against a law passed by a Parliament of this country.

When men or women in industry cease work because of the conditions under which they are employed, or in an endeavour to secure better remuneration, our industrial arbitration courts will not hear them until they resume work and, while they remain idle, they are condemned by every section of the community because of the injury they cause to the economy of the nation. Rightly or wrongly, they are blamed when they stop work and they have no redress, under our industrial arbitration laws, until they resume. Now we have a measure before us to indemnify members of the medical profession who might happen to be members of this Parliament, against carrying out a law which they refuse to obey. I would willingly support legislation of this nature if the people concerned obeyed the law but, while they put themselves above it, I will not be a party to it.

We know what is happening, namely, that there are to be further negotiations on this question between the medical profession and

the Commonwealth Government. I do not, therefore, wish to say much more on the matter now. Many people in this young nation are suffering from various diseases, and it is costing them a lot of money to get their medicines. I do not say that the Pharmaceutical Benefits Act is everything that is desirable; possibly there are weaknesses in it, but it would be better for the medical profession to obey the law for the time being and, whilst so doing, persuade the Commonwealth Government to amend it where necessary. The people who are now suffering would then get some relief in connection with the high cost of medicines. I hope the House will agree to the amendment.

HON. J. B. SLEEMAN (Fremantle—on amendment) [9.55]: I hope the amendment will be carried, firstly because I do not think there is any necessity for the Bill, and, secondly, because there is a section of the community mentioned in it that is on strike against the laws of our country. I like everyone to be treated the same. I am getting sick and tired of members of Parliament saying, when workers are out of work for any period, that they should go back and obey the laws of the country, notwithstanding that in many instances they have a just case for stopping work. In this instance, the medical profession has no reason for ceasing work. Its members will not be out of pocket as a result of the Commonwealth law; they will lose nothing. The pharmacists will also get paid for their work. There is no reason why the members of the medical profession should not carry on without any loss of dignity or pay. They are simply on strike against the laws of the country, and they would be the first to condemn any other section of the community which attempted to stop work. Let me read from the Constitution Acts Amendment Act of 1945, brought down by the Wise Government, as follows:—

> For the purposes of this section, the term "the Crown" includes the Crown, a Minister of the Crown in his ministerial capacity, any State Government officer acting in his official capacity, any State Government department, any State trading concern, State instrumentality, State public utility, and any other person or body, whether corporate or non-corporate who or which under the authority of an Act of Parliament administers or carries on for the benefit of the State any public social service or public utility.

I think the pharmacists are quite safe, but, as I said before, I am not prepared to allow any measure to go through here with the object of helping men who are on strike, and who are always condemning others for going on strike.

Amendment ("six months") put and a division taken with the following result:—

Ayes	..	..	9
Noes	..	..	29
Majority against		..	20

AYES.		NOES.	
Mr. Brady	Mr. Sleeman	Mr. Abbott	Mr. Nalder
Mr. Coverley	Mr. Smith	Mr. Ackland	Mr. Nimmo
Mr. Marshall	Mr. Styants	Mr. Bovell	Mr. Nulsen
Mr. May	Mr. Hegney	Mrs. Cardell-Oliver	Mr. Panton
Mr. Needham	*(Teller.)*	Mr. Doney	Mr. Perkins
		Mr. Grayden	Mr. Read
		Mr. Hall	Mr. Reynolds
		Mr. Hawke	Mr. Seward
		Mr. Hill	Mr. Shearn
		Mr. Hoar	Mr. Thorn
		Mr. Kelly	Mr. Tonkin
		Mr. Leslie	Mr. Watts
		Mr. McDonald	Mr. Wild
		Mr. McLarty	Mr. Brand
		Mr. Murray	*(Teller.)*

Amendment thus negatived.

HON. A. R. G. HAWKE (Northam) [10.0]: From what the member for Victoria Park has said, it would appear that there is considerable doubt in high legal circles as to whether this legislation is required, at least in respect of chemists coming under the Commonwealth pharmaceutical scheme. In view of what he said and the authorities from which he quoted, I feel that the Attorney General might well give the matter further consideration. I do not know that he is absolutely convinced, from his knowledge of this matter, that the amendment is really necessary with regard to any chemists who might be members either of this Assembly or of the Legislative Council. If this legislation is not essential, we need not concern ourselves further with it. I have an idea that the Attorney General has some doubt on the matter and, if there is no real necessity for the measure being placed on the statute-book, we might be informed of that fact and proceed no further with it. I hope the Attorney General will agree to the Committee stage being

made an Order of the Day for the next sitting, in order that he may investigate further the necessity for this legislation, particularly on the basis of the documents from which the member for Victoria Park quoted this evening. I understand that one of the opinions quoted was that of the Solicitor General for the Commonwealth. I suggest that the Attorney General follow that course.

MR. SMITH (Brown Hill-Ivanhoe) [10.5]: I feel that some further investigation is necessary in regard to this measure. It seems to me to be a well established maxim concerning legislation of this type that, where there is an exception, everything else is included. Why make this sectional legislation for chemists and doctors in relation to contracts under the Crown? For that is all this really amounts to, with regard to the chemists that are to come under the Pharmaceutical Benefits Act. The measure seeks in roundabout fashion to overcome the difficulties of the position in which such doctors and chemists find themselves and refers to an office of profit under the Crown. By means of this measure we are asked to amend Section 38 of the Constitution, still leaving the provisions of Sections 34 and 35. Even if the measure be passed, will the incidence of Section 35 operate in connection with pharmaceutical chemists and the contracts they may enter into under the Crown with the Commonwealth Government, in relation to the Pharmaceutical Benefits Act?

When this legislation was passed in 1945, it cleared up an unsatisfactory position that had existed for many years, but did not clear it up entirely, or give members of Parliament free play in connection with contracts for public works and for the supply of goods unconditionally to the Crown under contract. If we can exempt pharmaceutical chemists by means of a Bill of this description and refer to their function as an office of profit under the Crown, it seems that we can introduce similar legislation and refer to any public contractor taking on a contract under the Crown for the construction of a public work as having an office of profit under the Crown.

Mr. Read: That is not a social service.

Mr. SMITH: That does not matter. The Constitution is a curious piece of legislation, upon which the legal fraternity have been divided in opinion ever since it was placed on the statute-book. While the amendment of 1945 did clear up the position to some extent, it contained the following—

> The goods are not sold or the work is not performed in pursuance of a written agreement which by virtue of its provisions has a continuing operation.

What the pharmaceutical chemists will do under the Pharmaceutical Benefits Act will certainly be done in pursuance of a written agreement which, by virtue of this provision, has a continuing operation. I have no doubt about that, and such persons are not exempted by the amendment of 1945. I would like to know whether this roundabout method of declaring this to be an office of profit under the Crown and of exempting members under the provisions of Section 38 is in addition going to exempt them under the provisions of Section 35, or whether they will remain liable under that section?

THE ATTORNEY GENERAL (Hon. A. V. R. Abbott—North Perth—in reply) [10.8]: I am perfectly agreeable to making the Committee stage an Order of the Day for the next sitting. Legal opinion on any constitutional question is likely to be one of some doubt, but is it not better to clear it up? As I told members earlier, the Solicitor General had grave doubts that it would invalidate any member who contracted with the Commonwealth Government under the Pharmaceutical Benefits Act and for that purpose it was decided to make the position quite clear. The 1945 Act would not apply to the member for Victoria Park, because the only people exempted are those where there is no other person carrying on the same kind of business in the town. The member for Brown Hill-Ivanhoe has raised another question, but in the opinion of the Solicitor General the amendment referred to was sufficient to clear any doubt as far as he was concerned. However, I will submit to the Solicitor General the arguments put forward in this House, and—

Hon. J. B. Sleeman: Do you believe in protecting doctors who are on strike?

The ATTORNEY GENERAL: —I will then make known to members during the Committee stage his further opinion. I think the member for Fremantle has sufficient knowledge of the law to know that no law is being broken because, if it were

being broken, it would very quickly be enforced.

Hon. J. B. Sleeman: Of course there is a law being broken. You are talking tommy-rot.

The ATTORNEY GENERAL: The hon. member knows that is not correct, so I think little attention can be given to such idle words.

Question put.

Mr. SPEAKER: As the Bill must be passed by an absolute majority of members, I have counted the House and assured myself that there is an absolute majority present. There being no dissentient voice, I declare the question duly passed.

Question thus passed.

Bill read a second time.

House adjourned at 10.12 p.m.

Legislative Council.

Wednesday, 22nd September, 1948.

CONTENTS.

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

QUESTIONS.

PETROL RATIONING.

As to Reduction in License Fees.

Hon. A. THOMSON (for Hon. C. F. Baxter) asked the Honorary Minister for Agriculture:

(1) Seeing that an additional 20 per cent. reduction of fuel will be imposed on the 1st October next, will the Government take steps to have the license fees of vehicles reduced accordingly?

(2) Did the Government anticipate taking such action to operate from next July?

(3) If so, why as from that particular date?

The HONORARY MINISTER replied:

Consideration is now being given to the question of introducing a Bill this session to enable the Governor in Council to effect reductions in license fees before the 1st July next, if the petrol consumption position has not improved.

HOSPITALS.

As to Accommodation at Esperance.

Hon. R. J. BOYLEN asked the Honorary Minister for Agriculture:

(1) Has the Minister's attention been drawn to the serious position which has arisen at the Esperance hospital?

(2) Is the Minister aware that on Saturday the hospital had to accommodate 20 patients, notwithstanding that it has provision for only 11 patients?

(3) Does the Government intend to take any immediate action to enlarge the hospital so as to cope with the immediate needs of the district and the large influx of visitors during the holidays?

The HONORARY MINISTER replied:

(1) No.

(2) The Minister has read in the Press that there is some congestion at the Esperance hospital at the present moment.

(3) No. The needs of Esperance are being carefully considered in conjunction with the hospitalisation plans for the State.