Legislative Assembly

Thursday, the 9th November, 1961

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The SPEAKER (Mr. Hearman) took the Chair at 11 a.m., and read prayers.

LOAN BILL, £21,762,000

Introduction and First Reading

Bill introduced, on motion by Mr. Brand (Treasurer), and read a first time.

QUESTIONS ON NOTICE

KIMBERLEY DEEP-WATER PORTS

Government's Decision

1. Mr. RHATIGAN asked the Premier:

   As, in answer to a question in the Legislative Council relative to deep-water ports in the Kimberleys, the Minister in charge of the House is reported to have said that the Government had not abandoned the idea of deep-water ports in the Kimberleys and hoped shortly to give a decision, will the Premier inform the House when the Government will make a firm decision on this very important subject?

   Mr. BRAND replied:

   The question of when a decision will be made on a deep-water port in the Kimberleys will be linked with the availability of loan moneys or the Government's ability to raise finance by other methods. The Government has before it the needs of the high priority ports of Esperance, Geraldton, Broome, and Derby, all of which are important projects associated with the developmental works of the area which they serve.

METROPOLITAN ROAD GUIDE

Printing

2. Mr. JAMIESON asked the Minister for Lands:

(1) When is it anticipated that the seventh edition of the *Metropolitan Road Guide* will be printed?

(2) Is he aware that many subdivisions in new housing areas do not appear on the sixth edition of the *Metropolitan Road Guide* now on sale?

Mr. BOVELL replied:

(1) Approximately the end of March, 1962.

(2) Yes. That is one reason for preparing a new edition. I might say that I gave authority for the preparation of this publication some weeks ago.

ROAD WORKS IN METROPOLITAN AREA

Commencement and Completion

3. Mr. HEAL asked the Minister for Works:

When is it anticipated that the following works will be commenced and completed:—

(a) The switch road through Mount and Malcolm Streets and St. George's Place;

(b) the widening of George Street;

(c) the overhead bridge or crossing from George Street to Charles Street, crossing the railway lines;

(d) the widening of Charles Street from Railway Parade to Scarborough Beach Road?

Mr. WILD replied:

(a) No date has yet been set for commencement of this project. There are at least two years of intensive design work before plans can be ready for construction.

(b) and (c) The widening of George Street and the overhead bridge or crossing from George Street to Charles Street crossing the railway lines are part of the whole project referred to in (a).

(d) This is a matter for the Perth City Council.

FOOD WRAPPERS

Use of Newsprint and Second-hand Paper

4. Mr. HEAL asked the Minister for Health:—

(1) Under the Health Act, or regulations, what unprotected foods are permitted to be wrapped in newsprint paper or second-hand paper?

(2) Is it permitted for butter, margarine, etc., to be wrapped in newsprint paper or second-hand paper?

Mr. ROSS HUTCHINSON replied:

(1) and (2)—

(a) Vegetables may be wrapped in clean unused newspaper obtained direct from the publishers.

(b) For other foods only clean unused paper may be used and there must be no printing (or writing) on the surface in contact with the food.

(c) Second-hand newspaper is not permitted for wrapping food.

HOUSES AND FLATS

Erections under Housing Schemes for 1953-54 to 1960-61

5. Mr. TOMS asked the Minister representing the Minister for Housing:

(1) How many houses and/or flats were erected and completed for the years 1953-54, 1954-55, 1955-56, 1956-57, 1957-58, 1958-59, 1959-60, and 1960-61 under the various headings—

(a) State Housing Act;

(b) Commonwealth and State Housing Agreements;

(c) War Service Homes;

(d) McNess Housing Trust;

(e) Under special Acts?

(2) What was the total cost under each of the above headings for the years mentioned?

Mr. ROSS HUTCHINSON replied:

(1) Number of houses and/or flats completed by State Housing Commission—

Year	C.S.H.A.	W.S.H.	State Housing Act	Departmental	McNess	B.P. Kwinana	Others	Total
1953/54	1,500	1,214 (368)	287	1	8	494	....	3,484
1954/55	2,031	1,107 (452)	785	13	4	122	....	4,062
1955/56	1,579	1,220 (375)	874 (195)	9	12	2	....	3,696
1956/57	800 (158)	571 (616)	353 (185)	2	36	....	....	1,762
1957/58	1,138 (336)	966 (640)	262 (135)	7	12	....	....	2,385
1958/59	853 (389)	510 (507)	321 (107)	17	20	....	10	1,731
1959/60	656 (375)	354 (754)	382 (81)	36	11	....	20	1,439
1960/61	742 (330)	276 (1,025)	519 (98)	53	2	....	68	1,860

Note. COMMONWEALTH STATE HOUSING AGREEMENT.—Figures shown in brackets are houses erected with funds loaned to Building Societies and are not included in totals.

WAR SERVICE HOMES.—Figures shown in brackets are already erected houses purchased on behalf of applicants, and are not included in totals.

STATE HOUSING ACT.—Figures in brackets are advances made on Second Mortgage and are not included in totals. Although the allocation for this class of assistance has been continued, the number of applications has declined considerably.

(2) Total capital expenditure under the Acts mentioned—

	C.S.H.A.	W.S. Homes	State Housing Act	Departmental	McNess	B.P. Kwinana	Other
1953/54	4,698,436	4,171,290	1,503,062	3,000	12,500	1,255,102	....
1954/55	5,196,365	3,975,322	2,402,493	39,000	16,600	263,296	....
1955/56	3,566,000	3,570,000	2,560,000	27,000	46,000	113,000	....
1956/57	3,150,000	3,550,000	1,125,000	6,000	30,000	....	....
1957/58	3,014,500	3,900,000	1,220,000	21,000	18,000	....	....
1958/59	2,842,000	2,586,000	1,132,000	51,000	31,000	....	39,000
1959/60	2,891,000	2,885,000	1,450,000	108,000	15,000	....	61,000
1960/61	2,977,000	3,485,000	1,350,000	159,000	81,000*	....	63,000

* McNess figure includes cost of erection of 39 Flats at South Perth.

MINISTERIAL CARS

New Purchases

6. Mr. TOMS asked the Premier:

Of the amount of £25,687, given as answer (a) to question No. 15 on the 8th November, 1961, how much was spent from the 31st March, 1959, to the end of that financial year on the purchase of new cars for ministerial use?

Mr. BRAND replied:

An amount of £2,629.

MT. GOLDSWORTHY IRON ORE

Finalisation of Negotiations

7. Mr. BICKERTON asked the Premier:

(1) Will he advise the latest developments regarding the Mt. Goldsworthy iron ore deposits?

(2) Are negotiations likely to be finalised before Parliament closes?

Mr. BRAND replied:

(1) No decision has yet been made.

(2) No.

LOCAL AUTHORITIES

Change of Boundaries

8. Mr. ROWBERRY asked the Minister representing the Minister for Local Government:

(1) In the event of any shire council or councils desiring to effect a change of boundaries, what procedure is necessary under the Local Government Act?

(2) Has a committee or board been set up under the Act to determine such a situation?

(3) What steps are necessary to approach such a committee?

Mr. BOVELL replied:

(1) Under section 12 (2) changes in boundaries may be made on the petition of all the municipalities concerned. Under section 12 (3) a piece of land may be severed from one district and annexed to another on the petition of one council, but such a petition must be referred to the Local Government Boundaries Commission.

(2) Yes. A commission has been set up in accordance with section 12 (6) of the Local Government Act.

(3) A council desiring union may request the Minister to refer the matter to the boundaries commission or, if the other council is prepared to co-operate, the two councils may petition the Governor without any reference to the commission. A council desiring to have annexed to its district a portion of any district may either co-operate with the other council and submit a joint petition or may petition alone, if it cannot reach agreement with the other council, in which latter case the matter must be referred to the boundaries commission.

RAILWAY EMPLOYEES

Application for Three Weeks' Annual Leave

9. Mr. BRADY asked the Minister for Railways:

(1) Has the Government Railways Department been approached to provide railway employees with three weeks' annual leave?

(2) Will he state the department's reply to such approach?

(3) Is he aware most States have holidays in excess of Western Australia?

Mr. COURT replied:

(1) to (3) I received a deputation from the unions. Later a petition from approximately one-third of the W.A. Government Railways employees was presented to me by the Leader of the Opposition. I undertook to present this petition to Cabinet. This I did on Monday last. It will be further considered when some additional information being prepared by the W.A. Government Railways is available. In the meantime the pressure tactics of what is understood to be a militant left-wing minority among the Midland Junction Railway Workshop employees is doing little to further the cause of railway employees or, for that matter, the public relations of the railways generally. The Government has no intention of being influenced by these tactics.

I should add that the honourable member referred to an application for three weeks' annual leave, but the application to the Government and that in the petition was for an extra week's leave—that is, the two weeks would become three, and the three weeks would become four.

MENTAL PATIENTS

Rehabilitation through Farm Training Schemes

10. Mr. BRADY asked the Minister for Health:

(1) Is any action being taken to arrange for mental cases to be rehabilitated through farm training schemes similar to those conducted by the Slow Learning Group at Hawkevale and "Ulalli," Maida Vale?

(2) Would Lockridge, Eden Hill, be available for providing a suitable farm training scheme for teenage patients?

Mr. ROSS HUTCHINSON replied:

(1) and (2) Yes. Plans for the development of the mental defectives colony at Guildford will provide for these purposes.

MT. HENRY HOME

Applicants for Admission, and Waiting Period

11. Mr. BRADY asked the Minister for Health:

(1) What is the waiting period for aged women to enter Mt. Henry Home?

(2) Approximately how many applicants are awaiting entry?

(3) Is any provision being made to find extra accommodation for waiting cases?

(4) Are only bed cases being admitted to Mt. Henry at present?

Mr. ROSS HUTCHINSON replied:

(1) This would depend on the degree of urgency of the case.

(2) 300—50 of whom are urgent cases.

(3) The recent conversion of Wooroloo to a hospital did relieve the situation temporarily. However, the provision of further accommodation is receiving consideration.

Certain voluntary agencies are dealing with plans for new homes and for extensions, concerning which approaches have been made to the Government for financial assistance.

(4) Mainly bed cases, but there is an occasional vacancy for an ambulatory or semi-ambulatory case.

SEWERAGE

Lathlain Park Extension

12. Mr. J. HEGNEY asked the Minister for Water Supplies:

(1) Is he aware that residents of Lathlain Park are keenly interested in an extension of the sewerage main to serve their district?

(2) Has consideration been given to this proposal?

(3) Is Perth Oval in Lathlain Park connected to the main?

(4) From what location would this service be connected?

Mr. WILD replied:

(1) There have been very few requests for sewerage from residents of Lathlain Park in recent years.

(2) and (3) Yes.

(4) The southern portion would be served by extension of the sewers serving the Perth City Council Lathlain Park Oval.

Areas north of the oval will form part of the Rivervale system.

STATE SHIPPING SERVICE

Investigation

13. Mr. NORTON asked the Minister for the North-West:

(1) What are the terms of reference, if any, under which Captain Williams will investigate the State Shipping Service?

(2) Will the Government give the people of the north an unqualified assurance that the State Shipping Service will be maintained?

Mr. COURT replied:

(1) The broad terms of reference are—

(a) To investigate the present organisation and operation of the State Shipping Service.

(b) To recommend changes considered desirable in the organisation and the operation of the service with due regard for the responsibility of the State to ensure reliable communication to the North-West, the Kimberleys, and Darwin.

Amongst matters that will be included in Captain Williams' investigations are:—

(a) The adequacy or otherwise of the present State Shipping Service fleet.

(b) Sailing and operational methods.

(c) Freight and passenger rates.

(d) Management and administration system of the State Shipping Service.

(e) The adequacy or otherwise of our northern ports and the methods of working them.

Further detailed points for investigation will be finalised with Captain Williams after he arrives here on the 19th November, 1961, and has had several days of preliminary discussion with the General Manager of the State Shipping Service.

Captain Williams will be assisted in his investigations by Mr. Hadden, an inspector of the Australian National Line.

(2) There is no intention of discontinuing the State Shipping Service. However, some alterations to methods of operating the State Shipping Service may be found desirable and necessary after an inquiry.

It should be realised that the State Shipping Service has been the subject of searching questions from the Commonwealth Grants Commission in view of the very heavy subsidy to cover deficits of the service that have been included in moneys received by the State as a result of recommendations of the Grants Commission.

GOVERNMENT EMPLOYEES AND CHILDREN

Number North of 26th Parallel

14. Mr. W. HEGNEY asked the Minister for Labour:

(1) What is the estimated number of Government employees north of the 26th parallel of latitude (excluding teachers, members of the Police Force, and civil servants) under the jurisdiction of the Public Service Commissioner?

(2) What is the approximate number of resident children between six and 16 years of age of such employees in the area mentioned?

Payment of Allowances for Children

(3) What would be the estimated cost per annum to pay such employees the allowance for children on the same basis as that now paid with respect to children of civil servants?

Mr. BOVELL replied:

This question involves an immense amount of research. Records of resident children between the ages of six and 16 years of such employees are not normally kept. If the honourable member desires to proceed with the question it will take several months to collate the information, because it covers a very wide area.

STATE INSURANCE OFFICE

Reduction of No-claim Bonus on Motorcar Insurance

15. Mr. SEWELL asked the Minister for Transport:

(1) Will he say whether the State Insurance Office intends to reduce the no-claim bonus on motorcar insurance from 60 per cent. to a maximum of 50 per cent. as from the 15th of this month?

(2) If this is so, will he say why this is being done?

Mr. COURT replied:

(1) Yes.

(2) As one step to correct the worsening claims experience in the Motor Vehicle Comprehensive account. The only other insurance office with a 60 per cent. maximum no-claim bonus is doing likewise, and for the same reason.

TOTALISATOR AGENCY BOARD

Implications of Court Judgment

16. Mr. TONKIN asked the Premier:

(1) Is he aware that the judgment of the court on the matter of the application by the Totalisator Agency Board of paragraphs (a) and (b) of subregulation (1) of regulation 36 to proposed "totalisator pools" means that such pools are not "totalisator pools" and therefore—

(a) The Totalisator Agency Board has illegally become possessed of a considerable sum of money which rightfully belongs to a number of off-course investors?

(b) The Totalisator Agency Board has made a distribution to racing clubs on the basis of profits which it has not actually and legally made?

(c) The Totalisator Agency Board and licensed off-course bookmakers are liable to pay to all off-course investors, who can substantiate their claims, the difference between the amounts which they have been paid and what they should have received if they had been paid according to law?

(2) Is it a reasonable assumption that so far as the Totalisator Agency Board is concerned the amount involved ranges between 1 to 3 per cent. on a turnover of at least £500,000?

(3) If this assumption is incorrect, what is the estimated amount involved?

Mr. BRAND replied:

(1) to (3) As a stay of proceedings for 21 days has been secured, and the question of an appeal against the judgment is under consideration, it would not be appropriate at this point in time for me to comment on the views expressed in the questions.

QUESTIONS WITHOUT NOTICE

GOVERNMENT EMPLOYEES AND CHILDREN

Number North of 26th Parallel

1. Mr. W. HEGNEY asked the Minister for Labour:

Following his reply to question No. 14 on the notice paper—

(1) I appreciate that the information would take some time to secure, but would the Minister be good enough to forward me the information when it has been obtained through his department?

Payment of Allowances for Children

(2) Will consideration be given to the advisability and practicability of applying child allowance to the children of wages employees mentioned in the question referred to?

Mr. BOVELL replied:

(1) I will request the senior officer of the department, as I have done, to proceed with getting the information, and will ask that it be forwarded to the honourable member when available.

(2) I cannot make any commitment at this stage until the matter is given due consideration.

STATE INSURANCE OFFICE

Reduction of Premiums

2. Mr. EVANS asked the Minister for Transport:

Arising out of his answer to question No. 15 on the notice paper, concerning the intention of the State Government Insurance Office to reduce the no-claim bonus from 60 per cent. to 50 per cent., could the Minister indicate whether it is the intention of the office to *pro tanto* reduce the insurance premiums because of the increased revenue that will be derived as a result of the new policy?

Mr. COURT replied:

If the honourable member studies the answer I gave he will realise it is most unlikely such action will be taken. This matter is in the hands of the State Government Insurance Office, which office has not been dictated to in any way by the Government.

ELECTORAL BOUNDARIES

Printing of New Assembly Rolls

3. Mr. MOIR asked the Attorney-General:

Is it proposed to print new Legislative Assembly electoral rolls as soon as possible after the new electoral boundaries have been finally determined by the Electoral Commission?

Mr. WATTS replied:

As I had no notice of any kind from the honourable member in regard to this question I have been unable to find out anything about this matter. I will obtain the information and advise him.

TOTALISATOR AGENCY BOARD

Implications of Court Judgment

4. Mr. TONKIN asked the Premier:

Will he kindly explain why it is inappropriate to answer questions which I have placed on the notice paper today on the ground that consideration is being given to an appeal, whereas it was not inappropriate for the Government to introduce a Bill in regard to the Katanning electric light scheme when a reference was already before the court and no decision had been given?

Mr. BRAND replied:

I would want notice of that question.

Mr. Hawke: How many years would you like?

Mr. BRAND: As many years as the Leader of the Opposition would like to give me.

ESPERANCE

Tabling of Report on Land-backed Wharf

5. Mr. NULSEN asked the Minister for Works:

Will he, before the session ends, lay upon the Table of the House the report on the land-backed wharf at Esperance made in January, 1961, by the Harvey engineer of the department? The people at Esperance are anxious to know the position because of the planning of the town.

Mr. WILD replied:

This file has been under active consideration in recent weeks and at the present moment it is at the office of the Treasurer. It will be made available to the honourable member in my office in about a week's time.

PENSIONERS

Reduction in Telephone Charges

6. Mr. HALL asked the Chief Secretary: Further to a question I asked on the 31st October concerning a reduction for pensioners in telephone costs, has the Chief Secretary the answer to the investigations he said he would make?

Mr. ROSS HUTCHINSON replied:

I have not yet received any answer to my inquiries.

ROAD WORKS IN METROPOLITAN AREA

Malcolm Street: Type of Future Thoroughfare

7. Mr. HEAL asked the Minister for Works:

In reply to part of my question asked today the answer stated that two years' intensive design would be necessary before the plans were ready. Can he advise me if that means the road will be a tunnel through Malcolm Street or an overhead road?

Mr. WILD replied:

I am not in a position to answer that question. As members know, it was well publicised that the Government employed some consultants from America, who are here now working in co-operation with our own Traffic Branch to determine the whole details of the plan. Therefore, I am not in a position to say what the recommendations will be.

EUROPEAN COMMON MARKET

Tabling of File

8. Mr. MAY asked the Premier:

(1) Is there a file dealing with the question of the European Common Market?

(2) If so, will he lay it on the Table of the House at the first sitting next week?

Mr. BRAND replied:

(1) and (2) I will look to see if there is a file. There has been correspondence between this Government and the Federal Government in regard to this matter, but I should not think there would be a separate file. If there is, I will be prepared to make it available to the honourable member one day when he is in town if he will call at my office.

PRINCIPAL ARCHITECT'S SALARY

Reasons for Discrepancies in Estimates

9. Mr. WILD (Minister for Works): Yesterday evening the Deputy Leader of the Opposition posed a question to me in connection with the salary of the Principal Architect and asked if there were a printer's error in the Estimates, or were the figures factual. The reason for the figure last year being £4,108 and this year £4,018 is that during last year there were 27 fortnights—27 pay days—in the year, while this year there are 26. In addition, had it not been for some marginal increases which the Principal Architect received from recent deliberations, the gap would have been bigger.

MINES REGULATION ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr. Ross Hutchinson (Chief Secretary), read a first time.

POLICE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 8th November.

MR. HAWKE (Northam—Leader of the Opposition) [11.27 a.m.]: This is rather an unusual type of Bill in its drafting. The objective of the Bill, as I understand it from the speech made by the Attorney-General, is to obtain statutory power, if possible, to prohibit the use of certain slot machines which are used or which would be capable of being used for gambling. Whether the machines which the Government has in view are machines which are capable of being used excessively for gambling purposes, or whether it has in mind all machines, even those capable of being used for minor gambling, I am not clear.

The Bill does not describe the types of machines which are to be outlawed; nor will the passing of the Bill mean an automatic prohibition of any machine. The Bill is so constructed in its language as to lay it down that the Governor may, from time to time, on the recommendation of the Commissioner of Police, prohibit the use or the possession of any slot machine or class of slot machine. I would think the Commissioner of Police and his appropriate officers know now which types of existing slot machines they wish to have prohibited.

Presumably, therefore, the Bill has been drafted in the form in which it is now before us for the purpose of creating a legal power which would give the Government, on the recommendation of the Commissioner of Police, authority to issue a proclamation prohibiting the use of some new type of gambling machine of the slot type which might be introduced at some later time. I can see some merit in that method of approach: because unless that method were to be adopted, then a further

amendment to the Police Act would be necessary each time some new class or some new type of slot machine was invented and put into use.

I have not been able to work out in my own mind what is the main anxiety of the Commissioner of Police or of the Government in this matter. I am not sure whether they are setting out to try to prevent the fool and his money from being soon parted or whether they are setting out to reduce gambling activities in Western Australia. If the main purpose is to prevent the fool and his money from being soon parted, then I think the objective will not be achieved. The person who possesses the type of outlook and the type of mind which would cause that person to lose more than he could afford in a slot gambling machine would not have much difficulty, I imagine, in finding some other way legally or illegally by which he could soon become parted from more money than he could afford to lose.

In other words, there are easily available, legally and illegally, methods of gambling, and the person who is sufficiently weak-minded or not sufficiently strong-minded to be sensible in such a situation, and who falls easy victim to whatever sort of gambling might be easily available, will, I am afraid, continue to be soon parted from his money.

If we are realistic in our approach to this problem of excessive gambling in the community, we have to admit that the major gambling activities are not by any means in slot machines or in minor gambling devices of that character. The overwhelming majority of gambling activities in the community are associated with betting on horses, either gallopers or trotters; and the State, through the medium of Parliament, in years gone by, and in recent years too, has legalised these huge gambling activities which take place regularly and periodically upon the racecourses and upon the trotting courses; and also, of course, in these days in the registered legal off-course betting establishments.

Mr. Lewis: Would not those arguments apply to one-armed bandits? In your wisdom—and I congratulate you for it—you abolished the one-armed bandits.

Mr. HAWKE: I quite agree. I am not opposing this Bill. I am simply dealing with the proposition that if the aim of the Commissioner of Police and the aim of the Government is to reduce gambling in Western Australia to a minimum, then this is practically nothing at all by comparison with the huge organised gambling activities which go on at every registered race meeting and at every registered trotting meeting. For every penny which would be lost in the slot machines, for instance, at least £1,000, I would think, would be lost on the racecourses and on the trotting courses.

Mr. Cornell: Do you not think that pinball machines have a greater attraction for the younger people than have the horses?

Mr. HAWKE: I would not think so. I cannot imagine that this form of gambling is undesirable and organised gambling on a racecourse or on a trotting course is respectable.

Mr. Cornell: That is not the question I asked.

Mr. HAWKE: Gambling in slot machines might be carried out in less respectable establishments; but if we are to look at the basic issue—which is the issue of gambling—then I do not see anything less respectable in gambling through a slot machine than in gambling on a racecourse or on a trotting course. Surely the problem and the principle are the same!

I think the question which was more directly raised was whether gambling through the slot machines does not provide a greater temptation for young people than gambling on the racecourse and on the trotting course. I would not know. I do not think anybody here would know for a certainty. A good many young people gamble on racehorses and trotting horses even though they are not allowed on the course or in the T.A.B. establishments. They have people who take their money for them to the T.A.B. establishments or to the racecourse or the trotting course.

Mr. Sewell: But they do not make the same associations at night-time.

Mr. Cornell: How do you know?

Mr. Sewell: You told me.

Mr. HAWKE: It might be argued with some merit that these slot machines attract some people whose minds are not very mature or not very strong. As a result, these young people of this type might congregate around these machines; and in addition to gambling in the machines they might later on indulge in delinquency of various and undesirable types.

Mr. Watts: That is the experience of the Commissioner of Police.

Mr. HAWKE: Yes. I am not arguing against that at all. However, I would say that if we are setting out to tackle that problem we are attacking it in a very piecemeal fashion in this proposed legislation. Does anyone here think that when the use of these slot machines is prohibited, the youth delinquency problems which members have in their minds are going to be reduced or are going to disappear? If any member here thinks that, it seems to me he has not much of an insight into this problem of youth delinquency and does not take a very realistic view of all the factors involved.

It is not the fact that gambling slot machines exist which brings out the delinquent qualities of behaviour in these

young people; and therefore the prohibition of these machines will not have any influence in that direction. It might shift the emphasis from gambling in slot machines to doing something else. The problem of youth delinquency does not come out of a slot machine; it comes out of the human mind of the young girl or the young boy concerned.

I wish it was so easy a problem that it could be even eased, let alone solved, by a move of this description. The delinquency problem arises from the mind of the delinquent concerned, and the use by such young people of slot machines is only incidental to the problem, surely!

We know, too, that gambling in wholesale fashion is given great respectability when it takes place on the racecourse and on the trotting course. It is given great respectability by Parliament in the first place, because it is made legal; and it is given additional respectability because, for instance, Her Majesty the Queen participates actively in horse-racing in England. She is quite an owner in her own right, and I cannot imagine she does not have an investment occasionally on her own horses or on somebody else's horses. Prime Ministers, and Premiers, and Governors-General, and Governors, all go to race meetings, and all have a little gamble, I should imagine. Even ordinary members of Parliament—such as myself and others here—go occasionally, and we back a fancy.

In regard to the total problem of gambling in our community I would say this Bill would have no effect at all. But if the Commissioner of Police and the Government are really anxious greatly to reduce gambling in Western Australia they would have to do something about reducing it where it is carried on legally and in wholesale fashion.

It has been said, of course, that Australians are a race of terrific gamblers; that they bet even on flies going up the window or down the window. As a generalisation, there is some truth in that. But it is not really true. It is not wholly true; it is not even half true. I would say more than 50 per cent. of Australia's population does not gamble on racehorses or trotting horses, or on one-armed bandits, or in slot machines—or even in lottery tickets.

So it could very well be, and I think it is, that the Australian people are constantly libelled by this wild assertion that Australians are a race of gamblers. I suppose that if the situation could be accurately assessed it would be found not more than 25 per cent. of the population at the outside—and I am speaking of the adult population—would gamble. The only time we would get a higher percentage than that would possibly be on the first Tuesday of November in each year when the great Melbourne Cup is run.

As I have said, I offer no objection to this Bill, and therefore offer no objection to the prohibition of the use of these gambling slot machines. Their abolition or prohibition will not do any harm. Whether it will do any good is, I think, beyond the capacity of anyone to say with any degree of certainty. The prohibition will remove at least one sort of temptation from the minds of young people, with whom we seem mostly to be concerned. However, there will be other temptations somewhere—maybe worse ones. So, although the Bill will remove this type of temptation it will not, in my view, achieve anywhere near as much as some of those who favour the prohibition of these machines might think it will.

Mr. Nulsen: I think the prohibition of the one-armed bandits did a fair amount of good.

Mr. HAWKE: We cannot say for certain how much good it did.

Mr. Brand: If it prevented anything developing such as has developed in New South Wales, it did a great amount of good.

Mr. HAWKE: Yes; that may be. I think in order to check with accuracy one would have to find what the fellows who were gambling their money away in one-armed bandits have since done with their money. I imagine no-one has bothered to try to find that out.

Mr. Ross Hutchinson: It would take a little longer to get rid of it.

Mr. HAWKE: Yes. The Minister for Health is realistic in these matters; and I think he would agree with me that the fellow who would lose £5, or £10, or £50, or £100 in one-armed bandit machines in a week would, when the use of these machines was prohibited, lose large sums of money in some other direction. I have heard of men losing unbelievable amounts at the card game of poker.

Mr. Rowberry: And at two-up.

Mr. HAWKE: As the seasoned warrior from Warren reminds us, much money is also lost at the Australian, so-called national, gambling game of two-up. So I suggest in the circumstances we are dealing with an unusual type of mind; with an unusual class of people.

The proposal in the Bill to prohibit the use of gambling slot machines, whilst it will remove this type of temptation, may not, in the long run, reduce very much, if at all, gambling by the young people or any other persons who now throw money away per medium of these machines. However, for the good which the Bill could achieve, I have nothing but support to give it.

I am concerned about the wording of the essential portion of the Bill; and I would like the Attorney-General, if he

would, to listen carefully to what I have to say, even though it might be more appropriate to say it when the Bill gets into Committee.

Clause 2 of the Bill proposes that the Governor on the recommendation of the Commissioner of Police shall issue a proclamation; and the clause goes on to say that the Governor may by proclamation—

(a) prohibit the use or possession of any slot machine, or class or classes of slot machine; or

(b) the use or possession in any place, class or classes of place of any slot machine, or class or classes of slot machine,

named or described in the proclamation. I think the word "prohibit" is in the wrong place; and I would like the Attorney-General to have a close look at it. I think the word "prohibit" should follow the word "proclamation" and not be in paragraph (a) of the subclause. By being in paragraph (a) of subclause (1) it seems to me it applies only to paragraph (a) and has no application to paragraph (b).

Mr. Watts: Yes; I think I would agree with you. This was not originally my Bill; but I would say you are probably right.

Mr. HAWKE: In addition, the wording of paragraph (a) and the wording of paragraph (b) seem to be largely the same. I have no doubt there is some subtle legal difference between them, and I would like the Attorney-General, when the Bill is in Committee, to explain it clearly to us.

Going down to subclause (3), I have some complaint to make about the use of the word "that." I believe *Hansard* knows of my dislike of the word "that." It is an ugly word in most situations. Its use cannot be entirely avoided, I know. However, let us take subclause (3) which reads—

> For the purposes of this section, "slot machine" means a machine that is operated by the insertion of a coin or valuable token but does not include any machine that . . .

The clause then goes on to set out the machines which cannot be proclaimed under this legislation as being machines which would be prohibited.

I think, myself, at least one of the words "that" in the early part of subclause (3) should be deleted; and really I see no reason why both the words "that" should not be deleted.

More importantly, I am wondering whether this subclause (3) might not establish a sort of get-out for people who want to continue to make a profit out of possessing and using gambling machines. If my doubt in that direction be well based, then this subparagraph might require considerable alteration. As I have said, the subparagraph sets out certain classes of machines, the use and possession of which cannot be prohibited by the Governor by proclamation after he has received recommendations from the Commissioner of Police. The machines, the possession and use of which cannot be prohibited by proclamation, are those which—

1. give access to any place or convenience;
2. are weighing machines or parking meters;
3. certainly yield previously ascertained goods of which the sale or exposure for sale is not prohibited by any law of the State.

Breaking in here, I understand there is no machine which, for a certainty, yields goods for sale.

Mr. Watts: Do you think there is a possibility of the coin slipping?

Mr. HAWKE: I have had several complaints—and I am very serious about this—from mothers of children, in respect of instances where the children have put coins in machines, but when they have pulled whatever has to be pulled to get the goods out, no goods have come out. So it could be the use of those machines should be closely examined. Obviously when the machine does not produce the goods to the user after the user has put his money in, the firm which owns the machine and is selling products through the machine, is making profits and very large profits to which it is not entitled.

Mr. Watts: I think you will find that is the reason for the use of the word "certainly"; so that there is no question about its being a machine other than one which yields goods.

Mr. HAWKE: Yes; but how can we say that any machine, for certain, every time a coin is put into it, produces the goods it should produce?

Mr. Watts: If it did not, it would not come within this exception, and the owner could be dealt with. I think he could be dealt with under this provision.

Mr. HAWKE: I would like to hear more from the Attorney-General—

Mr. Watts: I know that is the reason the draftsman put that word in.

Mr. HAWKE: —on that point when we get into Committee. I would be 100 per cent. in support of the proposal if the reason for this description is to protect people who put their coins into machines which are supposed to produce goods automatically to the person concerned, and the machines fail, as they apparently do at times, to produce the goods.

Machines which provide music, and so on, are other types of machines which cannot be prohibited by proclamation. The doubt I have is whether these machines, or any one of them, or some types of them, could not be changed in some

way to allow them to be used for gambling activities. I know that could not happen with some of the machines, but it seems to me some smart aleck, who would have a vested interest in the manufacture of gambling machines, might find in this part of the proposed law a loophole which would enable him to produce one of those classes of machines to which I have referred and, by some technical alteration, allow gambling to take place in them.

Mr. O'Neil: Would not the last two lines of the subclause cover the point?

Mr. HAWKE: They might do. On looking more closely at it, I am inclined to think the member for Canning might be correct. However, I am very anxious that the Attorney-General should consider what I have said, because it seems to me rather futile to pass a law to prohibit certain classes of gambling machines, and then have in the law a sort of exemption section which might allow something which the Commissioner of Police and the Government wish to stamp out, to be re-established.

I am at a loss, really, to know why subclause (3) should be in the Bill at all. I see no need for it, because in the more operative provisions of the Bill the Governor, on the recommendation of the Commissioner of Police, could issue a proclamation to prohibit machines which were gambling in character and which the Commissioner of Police thought serious enough in their operations to warrant his making a recommendation for their prohibition.

I think this problem should be attacked in a clear and a decisive way as proposed in the early part of the Bill, even if some addition to the early part of the measure might later be needed. Once we start to include exemptions, we lessen the ability of the Commissioner of Police to deal with the situation; we reduce the field in which he can make recommendations; and to the extent we reduce the field, so we reduce the power of the Governor to act by way of proclamation to prohibit gambling machines.

I appreciate greatly what the Attorney-General said earlier. It was to the effect that this Bill is not a measure which he himself prepared or had any direct part in preparing. Presumably, it has come from the Police Department which has had the necessary conferences with the Crown Law Department to have the Bill drafted in its present form. I will await with interest, therefore, the comments which the Attorney-General will make to us when replying to the second reading debate on the Bill; or, alternatively, the comments he makes in the Committee stage.

MR. WATTS (Stirling—Attorney-General) [12.1 p.m.]: I think the Leader of the Opposition is raising some degree of doubt in this matter when no doubt is really warranted. When this Bill came before the House I was of the same opinion as that which was conveyed to me by some other members: that they thought its provisions were far clearer than is usually the case in legislation of this nature; in short, it was comparatively simple to understand what was intended, and why.

I agree with the Leader of the Opposition that the word, "prohibit" should be in another place because it should govern both paragraph (a) and (b), and where it is at present it will govern only paragraph (a).

Mr. Hawke: So those members who told you the Bill was clearly drafted did not know what they were talking about.

Mr. WATTS: I do not think I used the word, "drafted." We will have to look back into *Hansard* to see if I did, but I do not think I did. I suggest to the Leader of the Opposition that the shifting of that word should be dealt with in another place.

In regard to paragraph (b) itself, the Commissioner of Police is of the opinion that this question should not be approached with the "bull at the gate" principle, but by the process of trial and error. It is desired to take certain steps where it is considered the evil is most rife as being a place in the first instance where the machines should be probihited; and therefore it was suggested that power should be taken in the Bill so that the Governor might name the type of steps to be taken, and add to that type, or subtract from it in the future, as the circumstances of the case might require. That is the explanation of that.

I do not want the Leader of the Opposition to run away with the idea that this Bill is introduced with the object of curing delinquency. Hardly a child would come to that conclusion; but, as I understand the position, the Bill is introduced with the idea of minimising the opportunities that are afforded to those young people to be exploited.

Mr. J. Hegney: "Exploited" is the correct word.

Mr. WATTS: That is, I think, one of the duties we have to consider; and this Bill is brought down in the hope that it will make some contribution towards that end. I have been advised by the inspector of police who is in charge of this matter that he has evidence that one individual lost £700 on one of these machines, and I think it is our duty to minimise the opportunities that are offering for the exploitation of such people. I do not suggest for one moment that it will cure the evil I have in mind, and the more particular one which the Leader of the Opposition obviously has in mind, but at least it will not make it any worse.

Mr. O'Connor: Have you any idea how long it took that man to lose £700?

Mr. WATTS: A month, I understand.

Mr. Hawke: What sort of a no-hoper was he?

Mr. WATTS: I do not know; but there was a situation as the information was given to me.

Mr. Hawke: I know many people who lost a good deal of money on the result of the grand final football match.

Mr. WATTS: No doubt. Exemptions in regard to slot machines have proved to be necessary if we are to introduce this new section to the Act to prohibit the use or possession of any slot machine, which provision, if left by itself, would include a vast number of useful machines which should not, in any way, be prohibited. I understand the question arose with the draftsman of whether it would be better to let Parliament know what machines it was proposed to exempt, or whether this question should be left entirely to the issuing of a proclamation. Obviously, the conclusion was arrived at that it would be best to let Parliament know what type of machine is to be exempted, because it will be noticed that it does not add any other method by which machines can be exempted. The Bill sets them out.

Mr. J. Hegney: As the Leader of the Opposition said, there is sufficient power to deal with this problem without subclause (3) being in the Bill.

Mr. WATTS: That is so; but it would not be known what type of machine should be exempt until a proclamation was issued and it would be more undesirable to make a statement in regard to it. As a matter of fact, the Bill is remarkably short and simple for a measure of this kind. It could, I understand, have rambled on for quite a long time, because I have been informed that in other States legislation of a similar nature, which represented an attempt to tackle this problem, has been fairly lengthy. That is the answer to the observations made by the Leader of the Opposition.

Mr. Hawke: The legislation in the other States you have mentioned probably does not use the proclamation method of prohibition.

Mr. WATTS: No; it is mostly done under the heading of "gaming"; and the evidence is that it would be substantial because, bringing it under the gaming laws has made the offence more difficult than it ought to be, and, in most cases, completely impossible to prove. I made some comment only last night in regard to that, but as I do not have my notes here with me now I cannot amplify my remarks.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Watts (Attorney-General) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 89A. added—

Mr. HAWKE: The Attorney-General has agreed that the word "prohibit" is in the wrong place in the Bill, and has agreed to have the matter adjusted when the Bill is in the Legislative Council.

Mr. Watts: That is so. I will ask the Minister there to attend to it.

Mr. HAWKE: That is acceptable to me. I was rather surprised to hear the Attorney-General say that paragraphs (a) and (b) of subclause (1) of this clause have been provided in the manner in which we see them in the Bill because the intention is to prohibit the ownership, possession, and use of these machines sort of piece-meal.

Mr. Watts: To give the Commissioner of Police the opportunity to make such regulations as he deems fit.

Mr. HAWKE: I am not able to understand why this method of approach should be the one favoured by the Commissioner of Police. It seems to me, on what the Attorney-General has told us, these machines will be prohibited in some places and not prohibited in others. Are we to understand from this that the use of machines in some places is undesirable; and yet, in other places, desirable? If the use of the machines in some places is desirable, I want to know more about it.

Mr. Watts: It is not a question of desirability.

Mr. HAWKE: It is not?

Mr. Watts: It is a question of proceeding by stages.

Mr. HAWKE: I want to be convinced that this proposition of proceeding by stages is well based; otherwise we shall have a situation where there is discrimination—a situation in which some citizens might be allowed to go ahead freely and gamble on slot machines, and yet, at the same time other citizens would be prohibited from doing the same thing. If Parliament abides by one principle as much as another, it is the principle of no discrimination. As I understood the Bill, in respect of what the Attorney-General told us in the second reading debate, I was clearly of the opinion that once the Governor issued a proclamation it would be a proclamation prohibiting, universally in the State, the possession or the use of these gambling slot machines.

Since then, the Attorney-General has told us that their possession and use will be prohibited in stages. Who are the fortunate people, or the unfortunate people—whichever view one takes of the position—who are to be given the right to continue

to possess and to use the gambling slot machines? Is the possession and use of the machine in a milk bar to be prohibited, and the possession and use of machines at some club to be permitted?

This principle of discrimination in regard to the law is one which should be avoided wherever it is possible. The law should place all citizens on the same basis at the same time, irrespective of whether they have reached the age of 21 years as citizens, or whether they have reached some younger age. There may be some good reason for this matter to be approached by the Commissioner of Police in the way suggested by the Attorney-General. If there is, the sooner we hear about the reason the better.

Mr. O'NEIL: The Leader of the Opposition referred to gambling slot machines, and that is where he might have been on the wrong track. There is no reference to gambling slot machines in the Bill. In most cases the pin-ball machines installed in public places are designed for amusement only; so those machines are not gambling machines. Only in certain establishments are rewards or gains given for certain scores being made on the machines. That is the reason for prohibiting the use or possession of these machines in certain places. However, it is essential for the police to prohibit their use in certain places.

Mr. GRAYDEN: The Leader of the Opposition stated that in legislation of this kind discrimination should not be made. I take the view that in this instance discrimination should be shown, because I consider pin-ball machines to be rather innocuous. They cannot be compared with the "one-armed bandit" machines which have taken hold of New South Wales.

The machines which are installed in cafes and public places in this State are not undesirable in all cases. They become undesirable only when they are concentrated in milk bars and such places in the city, and when they are used specifically for gambling. Therefore a discrimination should be made, and the Minister should be given the discretion to prohibit the use or possession of these machines in prescribed areas.

Mr. J. HEGNEY: I support the remarks of the Leader of the Opposition. If it is proposed to abolish, in the metropolitan area, these machines which are exploiting the younger people, they should be abolished throughout the State, and no discrimination should be made between different areas in the State.

The member for South Perth said these machines do not present the evil in some places that they present in milk bars and amusement parks which are frequented by the young people. I have seen adults inserting money into these machines hoping to obtain some reward or gain. That is an incentive to gamble. Young people, more particularly, hope to obtain easy money by gambling on these machines.

We have been told about the enormous sums which have been frittered away in this manner. Such gambling can take place in all parts of the State where these machines are installed, although cases in outlying districts may not be known to the police.

This law should not be applied, at the discretion of the Commissioner of Police, to certain areas and not to others. If these machines are to be prohibited in the metropolitan area they should similarly be prohibited throughout the State.

The Minister referred to some observations he made in the early hours of the morning in the city. I myself have driven along William Street after the House has risen, and I have frequently seen groups of young people gathered around these machines in cafes and milk bars. All of us agree if a law is to be applied to one section of the community, it should be similarly applied to all sections.

Mr. HAWKE: I would not recognise one of these machines if I saw it.

Mr. O'Neil: They do not produce cash in return for a requisite score. The owner of the establishment produces the cash if a certain score is made, but this practice is carried on only in certain places.

Mr. HAWKE: The main point with which I am concerned is that all of the machines which are used for gambling purposes should be prohibited at the same time. The Attorney-General spoke briefly when he said their possession and use would be prohibited stage by stage. He did not go into any detail about the machines which will fall within the first, the second, the third, and subsequent stages of prohibition. I can understand the position that the Commissioner of Police would be the one to have the requisite knowledge to be able to furnish details of the classes of machines to be prohibited and which should be included in the various proclamations. I want to be assured that all these machines, irrespective of the class or where they are installed, will be covered by the first proclamation issued if they are used for gambling or undesirable purposes.

Mr. Watts: You can be sure of that.

Mr. HAWKE: To a large extent that assurance meets my argument and objection. I could not agree that because a machine was operated in a milk bar in William Street it should be prohibited in the first proclamation; while a similar machine used for a similar purpose at Grass Valley should not be prohibited, as was suggested by the member for South Perth.

Mr. Watts: It is a problem concerning the different types of machines.

Mr. HAWKE: I am pleased the Attorney-General does not agree with the member for South Perth along these lines. It would undoubtedly be a dangerous discrimination in the administration of this law. Slowly but surely we are seeing a little more daylight in the situation. The Attorney-General has only become the Minister for Police in the last two days because of an unfortunate event, and he cannot be expected to know all the details and background which were responsible for the Commissioner of Police recommending that legislation should be introduced and passed during this session to enable this problem to be tackled effectively. In view of the assurance given by the Attorney-General that all machines which are used for gambling or undesirable purposes would be covered in the first proclamation I am reasonably well satisfied.

Mr. TONKIN: Can we take it that a *bona fide* amusement machine will become exempt from prohibition? Because if we cannot, then the position is not at all satisfactory. Human nature being what it is, it is inevitable that a person who believes in his own prowess will desire to back up his judgment with a small wager. That takes place in golf matches when wagers of 2s. are made on the result. That is what gives rise to competition in the use of the machines. Some of these are *bona fide* machines into which children insert a penny in an endeavour to drop the ball into an opening. Children sometimes have several shots to try out their skill. They do not receive any monetary reward but only the satisfaction of achievement. We should not stop such practices.

Mr. Watts: Surely it has occurred to the honourable member that the reason for including the various proclamations in the Bill is to enable the Commissioner of Police to ascertain which machines are used for gambling and which for undesirable purposes.

Mr. TONKIN: Even in the case of *bona fide* machines it is inevitable, if one is a gambler, that one will have a side wager on the result of the game. What we have to prevent is gambling; we should not prohibit the use of these machines because people gamble on them. There is nothing wrong in children playing games on these machines at the cost of a penny a game. There is nothing wrong with that practice.

Mr. Watts: No-one has said there was anything wrong with that practice.

Mr. TONKIN: It is wrong to prohibit the use or possession of these machines because some people gamble on them. If we did we should also prohibit the game of golf because the players gamble on the result.

I can appreciate the desire of the Government in this matter and I am fully behind it. It is highly desirable to prevent the congregation of teen-agers around these machines which encourage them to get up to all sorts of mischief. I want to stop that sort of thing, and I want to stop people losing hundreds of pounds on these machines; but I do not want people to be prevented from installing these machines if they provide *bona fide* amusement for children.

I have before me a report of a case which was heard before the Supreme Court of the U.S.A., in connection with the use of these machines. There is a lot of sound common sense in the following submission:—

> Amusement pin-ball machines are clearly distinguishable from their gaming counterparts, and are not "so-called 'slot' machines," even though coin operated.
>
> Responsible manufacturers of amusement-type machines do not claim overbearing social worth for their products. The games they market—primarily pin-ball games—give harmless amusement and diversion, for a very modest consideration. They please their patrons, momentarily, perhaps, by providing an animated, somewhat challenging test of luck and skill, which is its own reward and which makes no appeal to the so-called gambling urge. They own to serving human idleness. But they do not exploit human weakness.
>
> The pin-ball game may fairly stand for judgment in the company of juke boxes, soap operas, county fair concessionaires, comic books, B-minus movies, and the merchandisers of slightly toxic substances like tobacco. In such company these devices hold their own. What injures them undeservedly is their perennial identification with the gambling-device industry and the unsavoury twilight zone of illegal gambling. And as noted in the argument under Point I, above, confusion in this respect is sometimes deliberately fostered.
>
> The coin-operated pin-ball game is no relation of the gambling slot machine; it has a different forebear, the Victorian parlor game "bagatelle," and it appeared on the scene a quarter of a century after the drum-and-reel slots had made their profitable mark. The first pin-balls (also called "marble" games) were marketed about 1930 and were simple, inexpensive counter playthings aimed at penny revenues. The devices were popular, and by 1933 they had appeared in a table-top version, followed by the development of battery-powered lights and sound effects and a rudimentary back-board or light box. A few years later the light box was developed to incorporate score indicators and other novelty features.

I think it most undesirable that in an endeavour to curb gambling we are going to shut down on harmless amusement which is not going to do any injustice to anyone; and if there are these machines which will play a tune or which will enable a person to get a certain score by means of manipulating the triggers on a machine, why not allow that to be done? What is wrong with it?

I would not like to feel that in our attempt to control gambling; to control the nuisance which results from the congregation of teen-agers around these machines, we will not stop everything else, including harmless amusements. I think we should make some attempt in our legislation to provide safeguards in that direction.

It is quite impossible with the time at our disposal and the rate the Bills are coming in to study them sufficiently carefully to be sure these safeguards are included, so we have to rely on the good sense of the Minister and the police in this matter. But I do hope we are not doing something which is going to destroy the possibility for harmless amusement in our endeavour to eradicate something which we all deplore.

Mr. WATTS: I would say to the Deputy Leader of the Opposition that the provision in this Bill is that no action should be taken by the Governor-in-Council without the recommendation of the Commissioner of Police—not the Minister for Police, but the Commissioner of Police. It is extremely unlikely that the Commissioner of Police will make foolish recommendations along those lines. I think the Deputy Leader of the Opposition would agree with me in that.

It is quite clear to me also that the commissioner and his officers—and particularly the officers, because it is with them I have had most contact in this matter—are well versed in the difference between the gambling or undesirable machines which I discussed a moment ago and those which are absolutely harmless and innocent amusement.

Relying firstly on that fact, and secondly on the wisdom of all Commissioners of Police, I am absolutely sure the honourable member can rest quite satisfied.

Clause put and passed.

Title put and passed.

Report

Bill reported without amendment and the report adopted.

Third Reading

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

GAS UNDERTAKINGS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 8th November.

MR. TONKIN (Melville—Deputy Leader of the Opposition) [12.36 p.m.]: I can understand the desire of the Fremantle Gas and Coke Company to have the amendments proposed in this Bill and in the Fremantle Gas and Coke Company's Act Amendment Bill. If we agree to the proposals it follows that we must accept the amendments in both Bills.

I played some part many years ago in endeavouring to control the price of gas in Fremantle because I felt the circumstances were such that it was necessary the Legislature should take a hand. Here we have a situation where a company has a monopoly of supply in a certain area; and because that is so, the people served in the area covered by the franchise have to pay a lot more for gas than the people who live outside it; or, put another way, if one were served with gas by the State Electricity Commission one would get the service much more cheaply than one gets it through being served by the Fremantle Gas and Coke Company.

I am afraid that this disparity in price is going to get wider. I am very much afraid that these proposals—and I can see merit in them—will result in an increase in the price of gas supplied to Fremantle consumers; and, of course, if it gets too high, what will happen is that the people are going to use electricity, and the company will then find it increasingly obligatory to put up the price of gas in order to ensure a profit; and the remaining gas users will thus be faced with a still higher and higher price. I am afraid that is a distinct possibility.

I notice it is expected that a saving of some £68,000 a year will be made because of the change-over for the purpose of making gas from oil instead of Newcastle coal. As the Minister said, the State Electricity Commission is apparently not satisfied that that amount of profit will be made, but believes that some additional profit will be made from the change-over. In order to finance what it is proposed to do, the company is to be permitted, with ministerial approval, to charge against its profit and loss account a higher percentage for depreciation and an allocation for renewal of plant.

If one is permitted to charge in one's profit and loss account a higher rate of expenditure than was previously charged, it follows, of course, that in order to get sufficient gross profit to meet the cost, the price of gas will be raised so as to maintain the amount of net profit being sought. And, as this is a monopoly, it only remains for the company to determine what level of profits it wants, for it then to arrange the price of gas accordingly.

The safeguard—and I am prepared to rely upon it—is that the charge against the profit and loss account for allocations to the renewal fund or for increased allowances for depreciation will be controlled by the Minister. He will have to give his approval for the proposed charges which are to be made.

Sir Ross McLarty: Did your Bill not fix the maximum amount of dividend that could be paid?

Mr. TONKIN: It did; but, of course, this is going to alter that somewhat. The Bill which I introduced sought to control the price of gas by making it unattractive for the company to charge a high price because it could not get any immediate advantage from such high costs, and therefore it was limited to keeping in reserve a sufficient amount to cover one year's dividend. Consequently it was not encouraged to put up the price of gas, which would enable it to accumulate large reserves, more than was required to pay one year's dividend. That is where the control existed. There is provision in the legislation, too, for a basic price, and I will concede the argument of the Minister that the basic price and the real price should, as far as is possible, be fixed with a view to making them coincide.

The basic price, after all, is only a determining point. It is not a controlling factor. The basic price for coal is provided only as an indicator; and, as an indicator, it would have some effect—not a very strong effect, but some effect—on the real price, because obviously if the disparity between the real price and the basic price were large, public attention would be drawn to it, and public opinion might be opposed to the action being taken. Apart from that, I do not know that the basic price had any real effect on the price for gas which the company charged; but what did have a real effect was the dividend which was to be paid—the amount of dividend which would be held in reserve.

I have a very real fear that this legislation will result in a much higher price for gas, and it is already very high in Fremantle—much higher, in my opinion, than it should be. The company is entitled to be praised for showing sufficient initiative to want to improve this gas-making facility and so improve its cost of production. That is always laudable. But if it is going to use that as a device for getting more profit or charging more for its gas, then I part company with it.

It is readily understood, I think, that if strict control were not exercised over the amount which the company may charge as depreciation on its plant and over the amount which it may charge against the profit and loss account as a contribution to the renewal fund, the price of gas would be forced up inordinately high; and as the company has the monopoly, there is no competition to keep it down. It is a matter of paying the price the company asks or going without the gas; and as the State Electricity Commission will not supply gas in the area covered by the company's franchise, the only escape for a person who feels his gas bill is much too high is to go off gas altogether. And I have very little doubt that is what the result will be if the company is not careful. Surely it will be sufficiently prudent to be able to foresee such a result, and to guard against it; because once a movement of that kind starts it will be difficult for the company to retrace its steps; and, of course, there is always a point at which people will change their custom.

Sir Ross McLarty: What is the margin between electricity and gas in that district today?

Mr. TONKIN: The margin of price between electricity supplied by the State Electricity Commission and gas?

Sir Ross McLarty: Yes.

Mr. TONKIN: It is hard for a layman to compute that, because it comes down to a question of the b.t.u.'s, and what a person can cook with so much electricity as against a similar quantity of gas. I do not know that; but I do know that the price of gas in Fremantle is much higher than the price of gas in Perth. So, as a matter of geography in the metropolitan area, if one lives in an area supplied—it may be only half a mile or a mile away—by the State Electricity Commission one gets one's supply of gas much more cheaply than if one is living in the area supplied by the Fremantle Gas & Coke Company. I am afraid that the disparity will be greater, because I anticipate that the probability is that so far as the price of gas supplied by the S.E.C. is concerned, it will be lower instead of higher; whereas the price of gas for Fremantle, I am afraid, will be higher.

The only thing which would prevent it would be that the saving which the company anticipates making from the new process will be of such dimensions as to enable it to absorb the increased charges for depreciation and allocations to renewal fund, and still make the requisite amount of profit as well. I have nothing before me, nor did the Minister supply anything, which would enable me to judge whether the anticipated saving in production costs will be sufficient to cover the increased charges which will be included in the profit and loss account by way of depreciation and renewal. That is where the difficulty lies, of course.

There is a proviso that the sum which may be added for loan payments is to be limited to that figure which the Minister has approved. So there is a control there, and we have to rely upon the Minister to exercise his right in the interests of the consumers as well as the company.

The Minister said it is proposed to extend the permissible charges against profits to include transfers to a loan redemption fund. This is an additional charge which could not previously be included in this account; it is to be extended to make this charge possible. So we have a proposal which enables the company to make additional charges against its gross profit; and, of course, that will affect the price of gas, because the company will want to make the same or even greater profits than it was making before. If it is going to have increasing charges against its gross profit it has to make more gross profit to cover those charges and give it the requisite net profit. I am afraid that means an increased price for gas which will not be readily acceptable to the consumers in the Fremantle area.

That brings me to the point I tried to emphasise earlier: that the company has to be cautious about that, because it becomes a question which we have heard so often before—"You can lead a horse to water but you can't make him drink." People in the area covered by the franchise of the Fremantle Gas & Coke Company cannot be made to use gas if they think it is less expensive to use electricity. As sure as night follows day that is what they will do under such circumstances. Then the company, having gone in for a considerable capital expenditure, with a reducing revenue because of fewer consumers, will be obliged to put up the price of gas still higher, and so those remaining on gas will find themselves in a difficult situation; and the position will snowball.

I hope the company will have due regard for those possibilities—nay, even probabilities—and do what it can to safeguard against them. I have no objection to the proposed change in the method of raising capital or getting an increased amount of capital. The whole of the amount which the company can raise by means of share capital has been raised—the limit has been reached—and unless this alteration is agreed to it cannot raise any more share capital in the ordinary way. I am not opposed to the company being in the same position as other companies in its endeavour to get additional capital into the concern. But the one point we must not lose sight of is that this company is a monopoly—it has the sole franchise in this area—and, therefore, the consumers in the area are at the mercy of the company.

There is one complaint I have to make. In itself it is really only trivial, but it is a matter in connection with which the company could save quite a deal of money. I spoke to one of the principals of the company some years ago about it and he said he would look into it; but no alteration has taken place. Members will know from their own experience that they get accounts for their water rates, their gas, electricity, and so on, and the notices on their accounts say that they have to be paid by the 22nd of the month, the 20th of the month, or something like that. But when one gets the account one might be busy and one does not get around to paying it until the day before, or the day on which it is due.

As soon as one has discovered that, one writes out a cheque and posts it to the company and it arrives on the day the account is due. But in this case the company already has a notice in the post telling the consumer that the account is overdue. That is fivepence wasted; but it still does it, instead of waiting three or four days for the lag which always occurs. I do not care how meticulous a person is about paying his accounts, there will be occasions when he will have an account which is supposed to be paid on a certain date—and this applies even in cases where he gets a discount for paying before a certain date—but because he has forgotten about it, or for some other reason, he does not pay by the due date. It is his own fault, of course, but it still happens.

In this case the company concerned must involve itself in hundreds of pounds a year in sending out unnecessary notices that accounts have not been paid when they have been paid. Now and again I go to the post-box at my home and I take out two letters at the same time, one showing the amount I have paid and the other containing a notice telling me that I have not paid my account—in the same mail!

Mr. Watts: That is quite possible.

Mr. TONKIN: It has been happening for six years to my knowledge, and it is a useless waste of money. It is unnecessarily keeping up the price of gas. I hope that the company will show a bit of commonsense in a thing like that and wait two or three days for the inevitable lag. Nine people out of ten will on occasions overlook the exact date. Look what happens about posting a letter! Sometimes one writes a letter, intending to post it, but it is put in one's pocket and very often forgotten. Then the next day one finds the letter still in one's pocket.

Mr. Hawke: That usually happens when your wife gives you a letter to post.

Mr. TONKIN: With some people, of course, it is next week before the letter is posted. It still happens; so why incur an expense because it does? I think the company should be sensible about this; and although I can appreciate that it is desirable to get the money in as quickly as possible, and keep the consumer up to the mark, surely a little common-sense would pay dividends and save the company considerable expense! There is not only the fivepence for the stamp, and the cost of the envelope, but there is also the time taken in making out the account the second time. Multiply that by the number of

consumers, over twelve months, and it can be seen what a considerable sum of money is wasted. This company is one which does that to a very large extent.

Maybe if it were not a monopoly it would not do it because the company, in its present position, it able to recover its costs. As far as it is concerned, it does not matter how much money it wastes. That is why I am a bit dubious about the ultimate outcome of these proposals, and I shall watch them with the greatest interest. In the meantime I am prepared to rely on the controls which are contained in this Bill to the effect that increased charges cannot be made without the approval of the Minister. I hope the Minister, whoever he may be, will keep in mind all the time the necessity for protecting the consumer from being called upon to pay an inordinately high price for the gas he requires. I support the Bill.

Question put and passed.

Bill read a second time.

Sitting suspended from 1 to 4.30 p.m.

GAS UNDERTAKINGS ACT AMENDMENT BILL

In Committee, etc.

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

Third Reading

MR. WATTS (Stirling—Minister for Electricity): [4.31 p.m.]: I move—

That the Bill be now read a third time.

MR. FLETCHER (Fremantle) [4.32 p.m.]: I regret I was not here when this Bill was introduced. Since it concerns my area I wish to read to the House a communication I have received in connection with it. I assure the Minister there is no opposition to the measure; I only read this to keep the record straight. The communication is from the Town Clerk of North Fremantle. It is addressed to me and reads as follows:—

> A proposal to amend Section 6 of the Fremantle Gas and Coke Company Limited Act 1886-1956 so as to permit an increase of £300,000 in the borrowing power of the Company has been referred to this Council by the Minister for Electricity (Hon. A. F. Watts, M.L.A.)
>
> It is desired to inform you that Council does not wish to raise any objection to the proposed amendment.

I support the measure.

MR. WATTS (Stirling—Minister for Electricity) [4.34 p.m.]: I might say to the honourable member that I am grateful to him for reading that letter, and I would also inform the House something I forgot to mention, in the heat of the moment as it were, and that was, at the time the proposals were being given consideration, every local authority or area which might be affected by the proposals was given an outline of those proposals by letter in the same way as North Fremantle. As far as I know, and I think I am perfectly correct in saying so, with the exception of one—North Fremantle, which has just replied—they raised no objection.

Question put and passed.

Bill read a third time and transmitted to the Council.

THE FREMANTLE GAS AND COKE COMPANY'S ACT AMENDMENT BILL

Second Reading

Debate resumed from the 8th November.

MR. TONKIN (Melville—Deputy Leader of the Opposition) [4.37 p.m.]: This proposal relates to that in Order of the Day No. 2. I have made most of my remarks relative to both proposals on that Order of the Day. Briefly, the Fremantle Gas and Coke Company proposes to replace the whole of the existing plant with new plant. It is estimated that the replacement will cost £300,000, and the company proposes to raise that money by the issue of debentures. As matters now stand, the company is not able to issue debentures because it has reached the limit, and this legislation proposes to remove that limit and to leave the way open for the company to raise the necessary debentures.

Having expressed the factors which I consider may affect the future position I do not propose to go over those again. Having agreed to the first Bill it necessarily follows that agreement should be given to this one; and therefore I raise no opposition to it. I think it is very laudable that the company should want to replace the old plant. Although it is not completely worn out, I think it would be better if it were brought up to date. So the idea of replacing it with entirely new plant is to be commended, and this Bill will make it possible for that to be done.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr. Watts (Minister for Electricity), and transmitted to the Council.

MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [4.41 p.m.]: I move—

That the Bill be now read a second time.

This is a fairly simple Bill and should not cause any great controversy. It is, nevertheless, a most essential one. It has been considered and passed without amendment in another place and has been on the files of the Legislative Assembly for some weeks.

When first provision for compulsory third party insurance was made in 1943, the insurance was carried out by contract between each vehicle owner and the insurance company of his choice.

In order to ensure that the charges made were reasonable, and also that the cover given was adequate, provision was made for the appointment of a Premiums Committee which the Governor was authorised to appoint from time to time.

The Act imposed on the committee the duty of reporting when any of the premiums charged for insurance were unfair or unreasonable; and if it made such a report, the Governor had power to proclaim the suspension of the Act. However, it could not make any recommendation or suggestion as to what was, in fact, a fair premium.

In 1948 the Motor Vehicle Insurance Trust was formed to operate on behalf of all companies. The trust was given power to determine the terms, warranties, and conditions to be contained in and the premiums to be charged for policies of insurance under the Act. The Premiums Committee still had the power to report that the premiums charged were unfair or unreasonable and the Governor still had power to suspend the Act. In 1951 an amendment was made to provide power to determine the terms, warranties, conditions, and premiums, subject to the approval of the Minister.

Since that time the Minister has been responsible for ensuring that any proposed increase in premiums was justified by the financial position of the trust and the results of its operations. For some time it has been felt that the Minister should have expert assistance in determining whether the charges are fair and reasonable, and hence the necessity to introduce this Bill.

In the Bill the first amendment is to clarify the duty of the committee as to reporting, and that such reports must be made to the Minister. The second allows the committee to make such recommendations as it thinks fit, such as what it thinks is a fair premium.

As to the constitution of the committee, which is recommended to be six in number, the Bill provides for the inclusion of a practising member of the Institute of Chartered Accountants, who is to be the chairman; the general manager of the State Government Insurance Office; a person to represent the participating insurers that are not members of the Fire and Accident Underwriters' Association of Western Australia; and one person to represent the insurers that are members of that association. In addition, there is to be a person representing the Royal Automobile Club, and one to be nominated by the Minister.

It is not thought fair to the trust or to the members concerned, that representatives of the trust should be on the Premiums Committee; hence the representatives of the insurers are to be appointed on a nomination from the two groups and are not to be trust members. The representative of the motorists is to be nominated by the Royal Automobile Club, as I feel that this is the most satisfactory method. The last person to be appointed by the Minister will be a person who, from time to time, is considered suitable to achieve a proper balance on the committee as a whole.

The next amendment is to provide that the remuneration of the committee members—and I do not think that these men should be asked to give their time free of charge in every case—is to be paid from the insurance fund; that is, it will be met by the premiums charged in insurance policies.

The next amendment is to repeal subsection (3) of section 31; because in view of the nomination method of making appointments, it is no longer appropriate.

MR. TONKIN (Melville—Deputy Leader of the Opposition) [4.46 p.m.]: I rise now so as to facilitate the passing of this Bill. However, as it is to set up a committee with power to report to the Minister, I propose to make a submission which I hope the committee will take note of. I doubt whether members appreciate that when the owner of a motorcar permits his wife, his son, his servant, or his close friend to drive his car, that car is virtually uninsured. That arises from the principle of subrogation.

If I permit my wife to drive my car, she is covered against damage to a third party; but if she hits a stump with my car and the car is severely damaged, I will get no compensation from the insurance company if it decides it will withhold compensation, unless I agree that the company can sue my wife. In this case, my wife would be paying me the compensation. That applies not only to when one's wife drives the car, but also to one's son, daughter, servant, or close friend.

In the case of third party insurance the driver of the car, even though not the owner, is covered with all cases except when it is a case of drunken driving; and even if it is a case of gross negligence on the part of the driver the insurance company will pay the damage to the third party under the policy. But where the owner's car is damaged and the owner is not the driver, then the company can require the owner to agree that the company sue the driver. So if the driver of the car is one's wife, one could not get compensation for the damage to the car unless one agreed that the company could sue one's wife; and if the owner of the car would not agree to that, the company would be absolved from liability.

I think that is a very big weakness in the existing law, and I hope that attention will be given to that aspect so that the owner of the car can be protected in such circumstances in the same way as a third party is protected against injury which may result from negligent driving on the part of the driver.

Let me make the position clear with regard to third party liability. It makes no difference who the driver is so long as he is a licensed driver, and the policy holds good even though the driver is guilty of gross negligence. However, it does not hold good if the driver is convicted of drunken driving. In the case of the insurance of the owner's own vehicle, that vehicle is virtually uninsured when it goes out on the road if it is not being driven by the owner, but is being driven by some relative of the owner or some close friend.

Who would expect to receive compensation from his own wife, from his daughter, or from his close friend? In those circumstances the owner would not agree that the insurance company could take action against the driver. As soon as that takes place the company is absolved from liability to the owner of the vehicle. That is called the principle of subrogation and acts very detrimentally to the owner in such circumstances.

I feel that is a matter which ought to be given early attention so that the necessary steps can be taken to put it right: because in my view it is a decided weakness in the existing law. I am certain that very few people are aware of it. How often does one say to a friend, "Here are my keys; slip down the street and do so-and-so"! If, in doing that, the person had an unfortunate accident—ran into a tree or some other obstruction—and severely damaged the car, the owner of the car would not get the insurance on the car unless he agreed that the company could prosecute the driver.

Mr. Brand: In the case where there was neglect, what would be the position if your friend went down town, had a few beers, and—

Mr. TONKIN: If it is drunken driving it is in a different class altogether. Even in the case of a third party claim the insurance would not be paid if the accident was the result of drunken driving.

Mr. O'Neil: What about the comprehensive insurance vehicle policy?

Mr. TONKIN: It still would not meet this situation. I know of an instance where this actually occurred—a case of a man allowing his friend to take his car, which was a very valuable car. The driver said there was some weakness in the steering. It is significant that a case which the police subsequently took against the driver failed—a case for negligent driving. But nevertheless the owner of the car received his compensation from the father of the young man who drove the car, and not from the insurance company; because the insurance company was insisting on the principle of subrogation.

I feel this is a very decided weakness in the existing position; and although there is no opportunity for me to remedy the matter in this Bill, it surely should be one of the matters to which this proposed Committee could give consideration, more especially if the matter is referred to it by the Minister. I hope that will be done, because the circumstances could occur quite easily. People now permit a wife, daughter, or son to take the car with very few qualms; but how many would do it if they realised their car was virtually uninsured in such circumstances?

What is negligence is a difficult thing to establish one way or the other under some circumstances. In the case I have in mind the accident occurred partly as a result of the person driving a car with which he was not very familiar; and, secondly, he said there was some slackness in the steering and the car did not respond as readily as the one which he had been used to driving. This driver hit a post, and the car was very severely damaged. In that case the insurance company did not meet the liability.

Inquiries have been made of a number of companies, some of which said that no reputable company would insist upon this principle. That is all very well; but some companies, which apparently consider themselves reputable, do insist on being able to put this principle into operation. It looks to me to be a decided weakness in the existing position and one which requires to be looked at. I hope that when opportunity arises the Government will have it referred to the committee so that a report can be made and necessary action taken if it is felt desirable.

MR. GUTHRIE (Subiaco) [4.55 p.m.]: I listened with great interest to what the Deputy Leader of the Opposition had to say. I did not quite follow all that he said, but I would point this out to him: that the matters which he raised would be of no

concern to the Motor Vehicle Insurance Trust. They would be matters which would arise under a normal comprehensive policy covering a vehicle owner for damage to property; because the Motor Vehicle (Third Party Insurance) Act makes it perfectly clear that the Motor Vehicle Insurance Trust is responsible only for injuries to a person. Claims for any damage to one's vehicle, or any other vehicle, to a man's front fence, his front verandah, and so on, do not arise against the Motor Vehicle Insurance Trust. If a car leaves the road, drives through my front fence, smashes into my bedroom, and injures me, I have to sue twice: I have to sue the Motor Vehicle Insurance Trust for my personal injuries, and I have to sue the driver or his insurance company for the damage to my property. I think that the matters to which the Deputy Leader of the Opposition was referring would apply to damage to property.

There is another aspect regarding the Motor Vehicle Insurance Trust which I think should be made very clear to members and to the public. The Deputy Leader of the Opposition stated that there were circumstances of drunkenness which would absolve the Motor Vehicle Insurance Trust from liability. I cannot recollect whether that is so. I know that the non-possession of a driver's license does. There is another provision in the motor vehicle insurance policy which is not generally understood. If members read the back of their licenses—which contains the policy—there is a warranty that one's vehicle has always to be in a roadworthy condition; and if it is not in a roadworthy condition one is not covered for one penny by the Motor Vehicle Insurance Trust.

Some years ago the Privy Council decided in a Queensland case that a man who drove along the road without his headlights on was driving an unroadworthy vehicle, and the insurance company rightly declined liability. More recently our own Motor Vehicle Insurance Trust has applied that principle in the case of a man who drove his vehicle along the Rockingham Road on a wet night with only one headlight on. He hit a man whose motor-cycle had broken down, and the victim was bending over it. The driver claimed that he did not see the motor-cyclist. He also claimed that he did not know that one headlight was not on.

The Motor Vehicle Insurance Trust admitted that it could not prove one way or another whether he did know that. The trust declined liability and the matter was referred to a leading Queen's Counsel well known to the Deputy Leader of the Opposition, and counsel advised that the Motor Vehicle Insurance Trust was right. Therefore, I would warn members that persons driving a defective motor vehicle do not carry one penny of insurance from the Motor Vehicle Insurance Trust.

I would like consideration to be given to the upper limits of the damages which can be awarded to a passenger in a motor vehicle. At the moment it is £2,000 for each passenger and £20,000 in the aggregate for all the passengers in the vehicle. These days, it is completely inadequate. When one realises that the largest amount paid out by the trust is something of the order of £25,000—in one case that I know of—one can appreciate that if that man had been unfortunate enough to be a passenger in a motor vehicle instead of a pedestrian on the road he would have got the princely sum of £2,000, because he was hit by a man, driving a vehicle, who had nothing.

In the case I am thinking of the man was brought from Sydney to be prosecuted, and there was a suggestion of drink. He had skipped town and was brought back from Sydney.

That man, instead of collecting £25,000, would have been limited to £2,000; and I feel that the fears that were experienced, when the legislation was introduced, of major accidents in buses and so on have not been realised. I feel the time has well come when the passenger in the vehicle could be put in exactly the same situation as the pedestrian on the road or the driver or passenger in another vehicle. I know these matters are foreign to the Bill; but you, Sir, extended indulgence to the Deputy Leader of the Opposition, and I have taken the opportunity to mention them.

I have practically no objection to the measure; but I feel that in the next session of Parliament some attention should be paid to the question of the passenger in the vehicle. I do not suggest that anything should be done, necessarily, regarding the breach of warranty, but people should realise that they carry no insurance, either with the Motor Vehicle Trust or with their own comprehensive policy, if they drive a vehicle that is not roadworthy.

MR. COURT (Nedlands—Minister for Industrial Development) [5.1 p.m.]: I thank the Deputy Leader of the Opposition and the member for Subiaco for their support of the Bill and their comments on it. Some of their comments have gone far beyond the objectives of the measure; and, in some cases, beyond the parent Act. However, the points made are of interest to the general public, and to the motoring public in particular; and the attention of the Minister concerned will be drawn to them; and I know he is already contemplating a review of some of the cover that exists under the present statutes.

I would not comment on the legal implications at the moment because they are very involved; even the member for Subiaco, with his legal knowledge, was reluctant to be specific on certain points so

far as the law is concerned. However, those points will be considered because this type of legislation has to be kept under review on account of the changing circumstances from time to time—the changing types of cars and the increased number of vehicles on the road.

In practice I think the companies concerned—there are several groups of companies involved, including the State Government Insurance Office, the non-tariff companies, the tariff companies, and companies like the R.A.C.—have all done a fairly good job in interpreting their responsibilities in a generous and sensible manner. Nevertheless, I agree it is important that the statutory and contractual commitment should be defined and reviewed from time to time, and the points have been well made.

The only point I want to make in connection with this matter is that if we are to increase the amount of cover that the motorist is entitled to, the passenger is entitled to, and anyone else is entitled to, it follows as night follows day that the premiums will go up, and that is something nobody relishes. However, that is not the only consideration; and it is appreciated that legislation of this type must be kept up to date and under review all the time.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr. Court (Minister for Industrial Development), and passed.

MINES REGULATION ACT AMENDMENT BILL

Second Reading

MR. ROSS HUTCHINSON (Cottesloe—Chief Secretary) [5.7 p.m.]: I move—

That the Bill be now read a second time.

I am sorry to have to introduce this Bill at such a late stage of the session. However, it has been in another place for a period of weeks, and it passed through that Chamber yesterday.

There was no provision in the Mines Regulation Act prior to 1938 for the proper qualification of any person occupying the position of supervisor in a goldmine. Provisions of this nature did apply in our coalmines, and in the metal mines of other States.

The underground supervisor's certificate was introduced in 1935 to bring under control a difficult situation which came about through the big influx of new men to mining areas in the early thirties. The certificate is based on a minimum of five years' practical experience, and examination conducted by the board of examiners.

The mine manager's certificate of competency was introduced in 1949. It was based on a special course at the Kalgoorlie School of Mines, at a standard somewhat below the diploma which was introduced mainly to shorten the course, in order that a reasonable number of qualified men might be available to the industry. Many of those qualifying for this certificate proceed to the diploma.

The board of examiners now considers that the standard of a mine manager's certificate should be raised, and proposes to issue a first-class certificate of competency, and a second-class, as is done in Queensland, Victoria, and South Australia.

It is intended that the first-class certificate be based on the diploma of the School of Mines, and the second-class certificate on the existing mine managers' course. The introduction of these certificates is proposed by regulation, as has been the case with former certificates.

There are two main provisions in the Bill in relation to these matters. The first proposes, in clause 3, that district inspectors appointed shall in the future, hold the first-class certificate. The second provides, under subclause (1) of clause 4, for the introduction of the first-class certificate to replace the existing mine manager's certificate for those in charge of more than 25 men underground.

Subclause (2) of this clause makes provision for a second-class certificate to replace the underground supervisor's certificate in respect of the supervision of a mine employing fewer than 25 men underground.

I desire to let members know that the status of persons at present employed is protected by the discretionary powers of the board of examiners and of the inspector of mines, in addition to statutory provisions.

Clause 5 of the Bill refers to Sunday labour and proposes to empower the Minister to authorise Sunday labour in Yampi Sound. It is at present almost impossible for the company to hold a sufficient supply of broken ore to meet shipping requirements over the week-end at Cockatoo and Koolan Islands. This is because of the increasing size of ships now operating in the ore-carrying business, as related to the limited bin space which is available, such limitation coming about because of the very rugged nature of the ground. Anybody who has seen the operations being carried out there will appreciate the difficulties associated with the loading of the ore. Consequently, it is considered that permission for Sunday work should be granted in those cases where additional work is necessary to secure the discharge of a ship on Sunday.

A revision of clause 6 is considered necessary to meet the advances made in plant as a consequence of which modern compact 20 horse-power hoists now available but not covered by the existing provisions of the Act may be used by mining companies. The addition of the word "vertical" is intended to clarify the meaning of the existing subsection.

The intention of subclause (3) is to give the Minister power to extend the provisions of the section. It so happens that in some cases the proposals for mine development go beyond the statutory limits, while the equipment is quite capable of performing the work. It is desirable that the Minister should, in such cases, have authority to extend the general provisions within safe limits. I commend the Bill to the House as being in the interests of the industry and of the men who work in it.

Debate adjourned until a later stage of the sitting, on motion by Mr. Moir.

CITY OF FREMANTLE AND TOWN OF EAST FREMANTLE TRUST FUNDS BILL

Second Reading

MR. WATTS (Stirling—Attorney-General) [5.14 p.m.]: I move—

> That the Bill be now read a second time.

The Bill is on the file, having come from another place. Its purpose is to repeal the Fremantle Municipal Tramways and Electric Lighting Act, 1903-1952, and the Fremantle Municipal Transport Board (Postponement of 1960 Elections) Act, 1960; to dissolve the Fremantle Municipal Transport Board; and to approve of an agreement between the Fremantle Municipal Transport Board, the City of Fremantle, and the town of East Fremantle for the setting up of two trust funds; namely, the City of Fremantle Trust Fund, and the Town of East Fremantle Trust Fund.

At this stage it is my wish to make reference to the fact that the three bodies mentioned had, in the first place, asked The Hon. E. M. Davies, M.L.C. to introduce the Bill in another place; but on account of his unfortunate illness, and not knowing when he would be resuming his parliamentary duties, a request was made that the Minister for Local Government introduce the measure. It is therefore for that reason that I am now introducing and explaining the purposes of the Bill to members of this House. The Bill, actually, is quite a simple one; but I deem it advisable, for the information of members, to make a brief reference to the original Act.

The Fremantle Municipal Tramways and Electric Lighting Act, 1903-1952, was for the purpose of empowering the municipalities of Fremantle and East Fremantle jointly to construct, maintain, and work tramways within the boundaries of the said municipalities, and to construct and maintain works for the generation and supply of electricity for motive and lighting purposes within the same district. This Act provided for the setting up of a board to be known as the Fremantle Municipal Tramways and Electric Lighting Board consisting of five members of which the mayor for the time being of Fremantle was *ex officio* a member of the board, and the other four members were elected by persons for the time being on the electoral roll of the two municipalities and were re-elected each two years.

The board subsequently disposed of its electric light undertaking in 1952; and in that year an agreement was entered into between the board, the City of Fremantle, and the town of East Fremantle dealing with the manner in which the proceeds arising from the sale of the electric light undertaking were to be held. This agreement was ratified by an Act of Parliament (No. 66 of 1952) and one of the provisions in the agreement was contained in clause 2, paragraph (h) of the first schedule and provided that—

> should at any time the board become dissolved or non-existent, the trustees of the said sum and all accrued interest shall be those appointed by the city and the municipality and in default of or until such appointment they shall be the mayor, town clerk and treasurer for the time being of the city and the municipality.

I mention this particular agreement at this stage of introducing the Bill because the agreement which the Bill now before the House seeks to ratify provides for the appointment of trustees to be known as the City of Fremantle Trust Fund and the Town of East Fremantle Trust Fund. Members will readily appreciate therefore that the agreement in this Bill follows the principle laid down in Act No. 66 of 1952.

Following the sale of the electric light undertaking, the Fremantle Municipal Tramways and Electric Lighting Act—a private one of 1903—was amended by Act No. 36 of 1952, and this amendment provided for deleting the words "Fremantle Municipal Tramways and Electric Lighting Board", and substituting therefor the words, "Fremantle Municipal Transport Board". This is mentioned at this stage because the Act now before the House refers to the "Fremantle Municipal Transport Board", as also does the agreement in the schedule thereto.

Elections for the return of the four members of the Fremantle Municipal Transport Board were due to be held on the fourth Saturday in November, 1960, but owing to the imminent sale of the

board's transport undertaking, the Fremantle Municipal Transport Board (Postponement of 1960 Elections) Act No. 53 of 1960, was passed, postponing those elections until the fourth Saturday in November, 1961; that is, the 25th November, 1961.

The second clause of the Bill now before the House provides that this Act shall come into operation on the 25th day of November, 1961, so that the day on which the members of the board automatically retire by effluxion of time, the necessary trust funds will be set up.

The Bill itself is a very short and simple one; and, in clause 3, defines "the agreement", "the board" (the Fremantle Municipal Transport Board), the "East Fremantle Fund", and the "Fremantle Fund".

Clause 4 of the Bill repeals the Fremantle Municipal Tramways and Electric Lighting Act, 1903-1952, and the Fremantle Municipal Transport Board (Postponement of 1960 Elections) Act, 1960, as I have already explained.

Clause 5 of the Bill dissolves the board, and this has already been mentioned by me. Clause 6 approves of the agreement to the schedule.

Clause 7 provides that each of the Fremantle fund and the East Fremantle fund under its respective name is constituted a body corporate with a seal, and is capable of acquiring, holding, and disposing of real and personal property and of suing and being sued, and in the subclauses to clause 7 continues any right of action by or against the board as applicable to the two trust funds.

Clause 8 defines that receipts given by either fund shall be an effectual release and discharge in respect of the amount so paid as if the receipt was given by the board itself. Clause 9 seeks to exempt the agreement from stamp duty.

The agreement in the schedule to the Bill was entered into between the Fremantle Municipal Transport Board, the City of Fremantle, and the town of East Fremantle on the 31st day of October, 1961, and this agreement provides for the setting up of two trusts to control the assets acquired by the board during its management of the undertakings on behalf of the two municipalities; and that, with the exception of the payment of a sum of £60,000 to the City of Fremantle, and £10,000 to the town of East Fremantle, the balance of the funds shall be held in perpetuity for the city and the town respectively.

The agreement further provides that the income received from the trust shall be divided and apportioned annually in the proportion of 6/7ths to the City of Fremantle and 1/7th to the town of East Fremantle, which is, of course, in agreement with Act No. 66 of 1952, which I referred to in my opening remarks.

Provision is also made for the standing finance committee of each municipality to be the representative trust fund with the added proviso that if no standing finance committee is appointed it shall then be obligatory, both upon the city and the town, to appoint the necessary councillors to control the trust.

The agreement also provides for the conduct of meetings and authorises both trusts to make investments in any manner authorised by the Trustees Act, 1900, and amendments for the time being in force.

The keeping of accounts, the auditing thereof, and the appointment of staff, are all provided for in the agreement.

The agreement provides that within seven days after assent, the transport board shall supply to the trusts, along with any other information required by the trusts, an accurate statement of the board's assets and liabilities. At the end of the balancing period for the year ended the 31st August, 1961, the audited statement of assets and liabilities showed total assets amounting to £882,558, while actual liabilities were recorded at £45,302, leaving net assets at £837,256.

I think members will agree that, in view of all that has taken place over the years with regard to the operations of the electric lighting and transport scheme in these two municipalities, the agreement they have now reached and the provisions which are in it, are worthy of ratification by the House. I commend the Bill accordingly.

MR. TONKIN (Melville—Deputy Leader of the Opposition) [5.25 p.m.]: There is no objection to the Bill. As the Attorney-General explained, it was originally intended to be introduced in another place by The Hon. E. M. Davies, but because of his illness that proposal was altered, and one of the Ministers in the Council introduced the measure.

It is significant that the Bill is here as the result of agreement between the local authorities. I understand it took them some considerable time to reach agreement, but ultimately they did; and the fact that they did meant that a Bill required to be introduced to establish the position which they agreed upon. The Bill does that, and they are quite happy with it; and therefore there is no reason why it should not have a speedy passage. I support the second reading.

MR. FLETCHER (Fremantle) [5.26 p.m.]: Since the Bill was introduced in the Council, and as its contents are not controversial, I also support the measure. Had there been any reservations in regard to the Bill, I am sure my three parliamentary colleagues in another place would have pressed for them, if they considered them justified. Of the two local authorities

concerned, one was originally in my electorate, and the other was recently brought within its boundaries. As I have not had any instructions from either of those two bodies, and as the Bill appears to confer financial benefit upon them, I support the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr. Watts (Attorney-General), and passed.

MINE WORKERS' RELIEF ACT AMENDMENT BILL

Second Reading

Debate resumed from the 8th November.

MR. MOIR (Boulder) [5.31 p.m.]: It is a matter of regret that a Bill of such an important nature should be introduced so late in the session, although I must admit that the Minister who introduced it accorded me every facility within his power to become acquainted with its provisions. A Bill which has so far-reaching an effect as this one, and which contains so many machinery alterations to the Act, should have been brought down earlier in the session to enable the usual adjournment of one week for the consideration of an important measure.

I find myself in a difficult position, because I have not been able to consult the people who are affected by this Bill. The Minister stated that the provisions in the Bill were requested and were agreed to by the unions and the Mine Workers' Relief Board. However, I have not had the opportunity to show the unions a copy of the Bill and to ascertain whether the provisions meet with their requirements or are in accordance with the proposals they submitted.

The proposals in the Bill are not new. There has been agitation for a long time for improvements to be made to the Act for the purpose of increasing the contributions, because of the difficult position in which the fund is placed. When I was Minister for Mines, proposals were made for increasing the contributions so as to rectify the position of the fund; but I was very reluctant to increase the contributions without bringing about, at the same time, substantial improvements to the Act.

It must be understood that this legislation was introduced in 1932; and, except for minor amendments over the years, has not been altered in any substantial respect. I think it was in 1958 that the Hawke Labour Government brought down an amendment to include the disease of asbestosis within the provisions of the Act. Up to that time workers suffering from asbestosis were not covered by the Act. Today the Act is almost completely out of date, and what was a good piece of legislation in 1932 is completely inadequate in 1961, and has been for many years. There were difficulties in the way of improvements being made to the legislation, not the least of which was the party liable to pay the increased contribution. Where there is a clash of interests and different parties have to subscribe to a fund, generally some party is reluctant to increase is contribution.

The method of financing this fund is that the mine workers pay approximately one-third of the amount, the Government another third, and the employers the remaining third. The subscription has been in the order of £2 8s. a year, which is deducted from the fortnightly pays of the workers. In addition, the employers and the Government make their contributions. When it is suggested that the benefits be increased the question arises as to the method of raising the additional money required.

Over the years the mine workers were quite willing to increase their contributions if they could be assured they would receive something worth while from the fund —benefits more in line with what are expected in these days. The Mine Workers' Relief Act is supplementary to the Workers' Compensation Act in regard to advanced silicosis; advanced asbestosis; and either silicosis or asbestosis with tuberculosis; and tuberculosis on its own which might be contracted within a certain period after the worker has left the mine, or contracted while he was still working in the mine.

The Mine Workers' Relief Act came into being in 1932, following an Act known as the Mine Workers' Relief Act Incorporated, under which a voluntary fund was established to which the workers subscribed. That fund was not able to meet all the financial commitments imposed on it. It was seen that the fund was failing financially; and, as a result, the Mine Workers' Relief Act was passed. It took over the obligations of the old fund. It is necessary for me to explain this because later on I shall be referring to the old voluntary fund; and if I did not mention it now members might not understand what I was referring to.

Provision was made under the old voluntary fund that when a worker contracted early tuberculosis, or tuberculosis and silicosis together, after the workers' compensation benefits were exhausted an amount was to be paid out of the fund amounting to 25s. a week for a single man, and a similar amount for a married man, and something additional for the children. With the taking over of the Mine Workers' Relief Act Incorporated by the Mine Workers' Relief Fund, it was found that while the liabilities were taken over, the new fund

was precluded from increasing the benefits paid. Furthermore, under the old fund, a worker was paid on a *pro rata* basis.

There was also this complication: The old fund was a voluntary fund. Workers might have worked in a mine which contributed to the fund, but subsequently they might work in another mine which did not contribute to the fund. Their continuity of contributions was therefore broken. When applications for benefits were received it was necessary for the secretary of the fund to trace the mining history of the applicants, and they were paid on a *pro rata* basis.

The matter of settling claims was fairly simple in respect of workers who were employed on the Golden Mile, because it was a condition of their employment that they contribute to the fund, and every worker on the Golden Mile was a full contributor. But in other parts of the goldfields the system was rather different, and some mines did not contribute to the fund while others did.

A drive was made in 1931 to attract more contributors to the fund. At that time Wiluna Gold Mines was in operation, and to induce the workers in that mine to become subscribers they were given a guarantee that if they subscribed to the fund they would be treated as full beneficiaries. So an anomalous position was created. A worker might have exhausted his claim under the workers' compensation legislation, and years after payments had to be made from the Mine Workers' Relief Fund in accordance with the period of engagement in mines on the Golden Mile—in which case contributions were a condition of employment and full benefits were paid for this period—and in mines which had not contributed to the fund. Payments were therefore made *pro rata* to such employment.

Then we had the complication of workers employed in Wiluna Gold Mines who were paid full benefits even though they might have contributed to the fund for only one year before it was taken over in 1932 by the Mine Workers' Relief Fund. Many bitter disputes arose amongst the older miners who had reached the stage when they became beneficiaries under the voluntary fund. They were silicotic in the early stages and they were paid on a *pro rata* basis; and some of them were paid as little as 1s. 9d. a week, while other beneficiaries were paid the full amount of 25s. a week. In some cases a man who had worked 30 years in the industry and had been exposed for a much longer period to dust, received only 1s. 9d. a week, while others who were exposed for a shorter period received 25s. a week. These older miners did not understand the position. At one time they probably did; but with the passing of the years, and with increasing age, they were unable to.

Nearly all of them would have paid contributions to the Mine Workers' Relief Fund as constituted under the existing Act. They would be eligible if they reached the advanced stage of an industrial disease, to compensation, and they have been paid the full amount provided under the Act. This has raised some discontent among some workers, because an injured worker who has not reached that stage and who is still drawing the small amount may find that another worker is able to receive a larger amount. The simple explanation is that the worker receiving the higher amount has reached the stage, through the progression of the disease, when he qualifies for that amount of relief under the Mine Workers' Relief Act, through having been registered under the various sections of the Act.

The Mine Workers' Relief Act does more than pay workers the benefits to which they are entitled. It also deals with the examination of those working in the mines. When a man first seeks employment he is examined and X-rayed under the provisions of the Mines Regulation Act, but every subsequent examination is conducted under the provisions of the Mine Workers' Relief Act.

There is also provision under the Mine Workers' Relief Act to prohibit a worker who has contracted TB., either with or without silicosis or asbestosis, from working in the mines once he has been notified of his state of health by the Minister. He then has to seek employment, and if he sufficiently recovers he obtains work elsewhere.

Of course, under the provisions of the Workers' Compensation Act the man who has T.B. with any degree of silicosis or asbestosis is not compensated by virtue of the provisions of that Act, but by the provisions in the Mine Workers' Relief Act he is compensated under the Workers' Compensation Act. That is what a lot of people overlook.

As I have said earlier, over the years this Act has been a supplementary Act to the Workers' Compensation Act so that when a worker who has reached the advanced stage of silicosis, asbestosis, or T.B. with silicosis, he has been able to come under this Act after he has exhausted the amount payable under the Workers' Compensation Act.

When this Act commenced operating, the Workers' Compensation Act provided an amount of £750 as the maximum payable, and the Mine Workers' Relief Act also made a similar provision whereby an amount of £750 was payable at a weekly rate set down. When that was exhausted, the worker then continued under what is called the scale contained in the schedule to the Mine Workers' Relief Act. But, over the course of time, the total amount has been increased in the Workers' Compensation Act, but has remained the same under the Mine Workers' Relief Act.

It is very important perhaps in some respects, and has been less important of late years than it was previously, but the intention of the Act when introduced was to give a second amount of compensation. A man could, if he had dependants, draw up to £3 10s. a week and at that time the basic wage was £3 18s. 3d. So we can see that the amount being received was almost that of the basic wage. However, because it was a fixed amount he can only receive £3 10s. until the £750 is exhausted and then he comes under the scale contained in the schedule. So really he has been under a disability of late years because the scale under the schedule was actually higher than the amount received under the Act.

Mr. Ross Hutchinson: This Bill corrects that, of course.

Mr. MOIR: Yes; but I have known when it was beneficial to go on to that mandatory payment if a person was drawing relief from other sources. I can well remember one particular man who had T.B. The board would have liked to cut his amount down. Although I was a member of the board at the time I hasten to assure members that it was not my belief that the amount should be reduced. I was opposed to it. However, the others thought he was receiving a little too much and wished to cut down the amount, but they found they could not because it was a separate amount which had to be paid. Consequently members will realise that the provisions in the Act have not always operated against the injured worker. Of course, £750 did not take very long to go, and then he could go on to the higher amount.

I believe now that to keep the Act in conformity with what was intended, the amount should be increased to keep it in line with the Workers' Compensation Act. That was the intention in 1932, and it is a retrograde step if the same conditions do not apply. If the injured worker was entitled to two lots of compensation in 1932, in my opinion he would still be entitled to two amounts today.

I know members on the other side will not agree; but we had that provision in 1932. Therefore, it must have been the accepted opinion for the legislation to have been passed, and it was evidently recognised to be a fair thing then. The provisions under the Mine Workers' Relief Act should have been improved and kept up with those under the Workers' Compensation Act.

Of course, I know there are difficulties in the way. There has been the question of who would pay for the improvements. The Act at present provides for entitlement under the Workers' Compensation Act for workers who contract T.B. with silicosis, or within 12 months of doing so. I am very pleased to see that in this amending legislation that 12 months will be extended to two years for tuberculosis. That is a very good improvement.

The fund is well managed by a board comprising two employers' representatives, and two workers' representatives; and the Government is represented by the chairman, who is invariably the local magistrate. I was a member of the board up to the time I entered Parliament, and therefore had first-hand knowledge of the way it worked. I know that the board always took a sympathetic view of the applications that came before it.

In addition to the contributions made by the various parties, the Government guarantees the fund. The contributions can be increased by regulation and do not have to be increased under the Act. While it is hard to get various parties to agree that there should be increases at times, there was an increase in benefits during the time Mr. Kelly was Minister for Mines. There has also been one increase in contributions.

Mr. Ross Hutchinson: Do you think this increase is sufficient?

Mr. MOIR: On the figures, the proposed increases would be more than sufficient.

Mr. Ross Hutchinson: More than sufficient?

Mr. MOIR: Yes. On the figures I have worked out as to the added benefits and the estimated number of employees, it appears to me that the fund will have added to it each year approximately £30,000.

Mr. Ross Hutchinson: I thought you were of the opinion that the benefits should be increased by higher subscriptions?

Mr. MOIR: Yes. They are being increased by higher subscriptions.

Mr. Ross Hutchinson: But even higher?

Mr. MOIR: Yes, for something worth while; because my quarrel with the fund has been that it looks after people when they are in a very desperate state of health. It is far better to do something for people before they reach that condition. My view is that something should be done for those who are in the early silicotic stage or the early asbestosis stage. It would probably be an inducement for them to leave the mining industry and try to obtain some employment elsewhere.

When the miners are notified under the Act by the Minister that they have contracted silicosis and it is in the early stages, they are advised to leave the industry in the interests of their health. However, they are not compelled to do so; and, indeed, a man could be suffering the advanced stages of these diseases and still not be compelled to leave the industry.

That is a point we could argue on quite a bit. The view is quite rightly held that a man should not be allowed to work so

long in a mine that he gets to the dreadful stage which I mentioned before. The only time a man can be stopped working in a mine is when he gets T.B. on its own or in conjunction with one of these industrial diseases. Some basis should be formed upon which this matter can be decided. I admit it is hard.

I have taken part in many conferences which have been held to try to overcome these difficulties. At one time, when I first entered Parliament, I thought we had reached a solution. A conference was held and I thought that something worth while would result for this class of worker. However, the whole thing fell through on the point of contributions.

Again, as I say, the workers were required to contribute. Here let me say that it is worthy of note that at the present time the Government's contribution is somewhere in the vicinity of £13,000 per year. That is in sharp contrast to the amount the Government has been contributing towards another section of mine workers in this State—the coalmine workers—although there are not nearly as many of them as there are in the gold or metalliferous industries.

Only a few years ago the Government's contribution was £37,000 a year, and today it is in the vicinity of £24,000 a year. In addition to that the employer contributes something in the vicinity of 11s., per ton, which, of course, must be added to the price of coal, of which the Government in the main is the purchaser.

In addition, the mine worker contributes something like 5s., 6s., or a little over 6s. to the fund. However, the miners do receive very worth-while benefits and do not have to be candidates for the undertaker when they qualify for those benefits. I mention that in passing to indicate that I am critical of the parsimonious attitude which has been adopted towards these workers in the past. I consider that quite a lot more could have been done for them.

Of course, we know that the metalliferous industries are in a different position. In the main the goldmining industry has had to find a market overseas. It has had to sell its products for whatever came forth, such price not being based, of course, on costs. Therefore, it makes the situation very difficult. On the other hand, the first consideration in the coalmining industry is the cost; and then, on top of that, is allowed what would be a fair profit. Unfortunately, many years ago, it did not seem to matter much what the initial cost was so far as coal was concerned.

However, whereas the coalminer has received justice in the payments made to him, I say that the goldmine worker has received considerably less than justice. Owing to the qualifications that apply, a goldminer has to be in a desperate state of health before he qualifies for mine workers' relief. I always feel sorry whenever I hear that any of my friends or acquaintances have qualified for mine workers' relief, because I know that they have to be in a bad state of health before they are eligible.

The increased contributions will bring approximately £30,000 per annum into the fund; but with the proposal to include a new category of beneficiary, a large proportion of that money will be used up. The new beneficiaries are a category that has worried people connected with the fund for many years: I refer to the person who has a degree of silicosis or asbestosis as well as some other complaints that have no relationship to his employment; and consequently, though he is not compensable, he is nevertheless disabled. When I talk of complaints that may have nothing to do with his employment, I would qualify the statement by saying that they are complaints that are not recognised medically as being related to his employment.

I think many people have doubts about the correctness of that in many instances, because over the years it has been proved—and we now have medical men who will admit to and support the contention—that certain complaints arise directly from the type of employment. However, this Bill makes provision for that type of person to be brought within the ambit of the Act. It is also intended to cover the old worker who has silicosis early or asbestosis early and who is drawing the old age or invalid pension. I think that is an admirable amendment and one which is most desirable.

However, there is one provision in the Bill to which I am very much opposed: I refer to that part of the measure which affects the person who has been prohibited from working in the mine because he has tuberculosis alone, who goes out of the mining industry and into a hospital for treatment, and receives payments under this Act. If at some future time he is certified by a doctor as being fit for light duties he will, if this Bill is passed in its present form, not be entitled to receive any further payments under the Act.

The Minister's notes mention the doctor's certificate saying that such a person is, "free of disease." I have never heard of a doctor certifying that a person who has had tuberculosis is free of the disease. The expression I have always heard used is that the condition is quiescent. Under the Act as it stands, when the stage is reached that a person in the category I mentioned is able to perform light duties, he continues to receive weekly payments under the fund. But this Bill will alter that. There is a provision in it that when a doctor certifies that a person who has had tuberculosis, has left the industry, but no longer has that disease, his payments from the fund cease.

I think that is entirely wrong and a grave injustice is being done. I only wish the member for Leederville were in his seat because I am sure he as a medical man would agree with me that any person who has suffered from tuberculosis is never 100 per cent. fit again. It must be remembered, too, that once having contracted tuberculosis these people are prohibited from working in the mines again, and wisely so because once it is demonstrated that a man is predisposed to contracting tuberculosis it would be foolish, even if he wished to do it, for him to subject himself to the same dangers again; and I think it would be wrong for anybody to allow him to do it. So I consider it is a wise provision which prohibits a man who has once contracted tuberculosis from re-entering the mining industry.

But I think it is entirely wrong to cut off payments from the fund when a doctor says that a person is fit for light duties and his condition is such that he no longer has active tuberculosis; because it must be remembered that he has lost his former occupation. It is recognised under the Act that he contracted his tuberculosis by reason of the fact that he worked underground in the mining industry, and therefore was more prone to be affected by the disease. So I am very much opposed to the provision in the Bill which will take something away from these men. It is something that has been in the Act for 30 years and it is a retrograde step to remove it, particularly when the person concerned has lost his right to work in the only industry that he has probably ever known.

Now that the member for Leederville is in his seat I am sure that he would agree with me that where a person has had tuberculosis, and the disease dies down, he would never be the same healthy person again. He would not be fit to perform the arduous work that he performed previously.

Dr. Henn: If you are referring to working in the mining industry I would agree with you.

Mr. MOIR: Yes. To illustrate my point, such a person would have to seek work of a lighter nature; it could not be as strenuous as the job he had in the mining industry. But these men usually start working in the mines as boys and it is probably the only occupation they have ever known. If they are to be deprived of the payments they receive under the Act simply because a doctor certifies that their tuberculosis condition is quiescent I think it will be completely wrong. They will have to obtain employment; and while some may be able to do that, others certainly will not, because the employment cannot be of an arduous nature. Some of these men may be better off than they were in the mining industry, but others certainly would not be as well off.

Mr. May: Usually mining men cannot do it because they are not used to it.

Mr. MOIR: I would not altogether agree with the honourable member, because I have known people to leave the mines and be fortunate enough to get some position where they are better off.

Mr. May: But not as a general rule.

Mr. MOIR: No, not as a general rule. Miners work in the industry for years; they know their job; and for them to learn some other occupation is very difficult. While his medical adviser said that he was still suffering from a tubercular condition a man would not attempt to look for some other occupation; but, if this Bill is passed, immediately the doctor certifies that his condition is no longer active, his payments under the fund will cease, irrespective of whether he has a job or not, and he will have to look for some other occupation.

If the weekly payments are to cease once the tubercular condition is certified to be inactive, surely a man should be allowed a certain period in which to rehabilitate himself in some other occupation. That would give him time to learn some other work. One can picture the case of an exminer who is receiving weekly payments; and who, immediately he is certified as having inactive tuberculosis, has his payments stopped. He would try to find employment, and there might be numerous jobs available, but he could not do many of them because he is able to do only light work. He might work for a while at one job and then his employer puts him off because he cannot do any heavy work; then he goes somewhere else, and the whole process is repeated. It is entirely wrong to throw a man out in the cold like that.

As it is recognised under the Act that a man contracts this disease more readily because he is a mine worker, I think there is an obligation to look after him. It has been recognised as an obligation in the past, but now the right is to be taken away. I am sure the House will readily understand why I am opposing that provision in the Bill. The Act previously provided that such a person should receive £750 at the weekly rate of payment provided under the schedule, and the payments were £3 a week for a married man when the basic wage was £3 18s.

I am pleased there is a provision in the Bill for a medical board to hear disputes. I do not think it is fair that the doctor at the health laboratory in Kalgoorlie should have the whole onus thrust on him to say whether a man has certain injuries or diseases. I have every confidence in the doctor at the laboratory; I think he is an admirable man.

Dr. Henn: Is Dr. McNulty still there?

Mr. MOIR: Yes.

Dr. Henn: He is very good.

Mr. MOIR: I share the honourable member's opinion; but after all, he is only human. I suppose the member for Leederville, as a medical man, has made mistakes.

Mr. Graham: Hear, hear!

Mr. MOIR: As we all do in our different spheres. I would say that the member for Subiaco, in his capacity as a legal man, has made mistakes. The only difference is that they say doctors bury their mistakes and lawyers hang theirs.

Mr. May: There is a difference.

Mr. MOIR: All joking aside, I think it is too much responsibility to place on one man, and I feel sure that the doctor at the laboratory will feel quite happy about this provision. It provides that where a worker thinks he has one of these complaints or diseases, and he is dissatisfied with the diagnosis, he will have the right to go before a medical board.

So that there will be no frivolous appeals taken to the medical board, there is a provision that his claim must be supported by medical evidence. I agree with that because I think the provision is a step forward. I know it has caused a lot of heart burnings in the past, and it is only right that a worker should have the right of appeal against the decision of the doctor at the laboratory. I am sure that the present doctor at the laboratory would be the last one to deny the worker that right.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. MOIR: Before the tea suspension I was dealing with the provision in the Bill which allows for appeals to a medical board on behalf of workers who dispute the findings of the medical officer at the laboratory. Under the present Act there is a provision for an appeal; namely, when the doctor at the laboratory certifies a man has tuberculosis and he in consequence receives a prohibition notice from the Minister. At the moment the Act allows that man, supported by medical evidence, to go before a board. If the board finds an error has been made, and that the worker is in fact not suffering from tuberculosis, the prohibition notice is withdrawn.

There are one or two queries I have about this medical board. I would like to know where it will sit, and how often it will sit. Will it wait until there are a number of cases to be heard? Will it travel to the various mining centres to hear the evidence, or will it sit in Perth, and will the people have to come to Perth? This could be rather important because the person concerned could be waiting some time before he had his appeal decided one way or another by the medical board.

Mr. Ross Hutchinson: I would imagine the workings of that board would be designed to accommodate the workers.

Mr. MOIR: I understand there will be additional difficulties; there always are when one institutes something new. I hope the people responsible for administering the Act will bear in mind the fact that we do not want undue delays when the medical board comes to hear appeals. The board should not wait until there are a number of appeals pending before deciding to hear them, because the question could be a very important one for the individual concerned.

As I have said before, I am not very clear on this Bill. It contains a number of provisions and a good deal of machinery; and it would take a lawyer to understand all its implications. I want to make that very clear. One of the matters that concerns me is that which deals with the worker who will become a beneficiary under this Bill and who will be required to continue his contributions. If that is so I think it is entirely wrong. I know that, under the present Act, while a worker is on the fixed scale he continues his contributions. I think that is wrong. Nobody who is receiving a benefit should be required to pay part of that benefit back to the fund in contributions.

Another provision in this amending Bill with which I am concerned is that which provides that a man will receive a benefit under the Bill only if he has silicosis with tuberculosis—provided he contracts the tuberculosis within three years of leaving the industry. I think I could safely assert without fear of successful contradiction that once a person has contracted silicosis or asbestosis he will be prone to contract tuberculosis at any stage of his life.

I quite agree with the other provision that a two-year limit should be placed on the period in which a person can obtain entitlement to benefits under the Act in respect of tuberculosis alone. Previously the Act provided 12 months; and that was considered too short. A two-year period is more realistic. Beyond that it could be wide open to argument that a person contracted tuberculosis due to his having worked underground in a mine. But we have an entirely different position where a worker who has silicosis in any degree, if not in a major degree, is limited to a three-year period during which, if he contracts tuberculosis he becomes a beneficiary under the fund.

Who set the arbitrary figure of three years? Why not four years, or five years? I think there should be no limit at all. Any medical man who has had experience of this sort of thing would agree that once a person's lungs had been damaged by silicosis or asbestosis he must be more prone to the contraction of tuberculosis than the normal person. So I cannot see why the three-year period has been put in. I think the Minister should have a real

look at that, because I feel a grave injustice will be done to people in the future if this Bill becomes law.

Mr. Ross Hutchinson: I cannot understand that at all.

Mr. MOIR: I cannot either, so we are at one on that.

Mr. Ross Hutchinson: I cannot understand what you are saying at all, because there is a material improvement on what it was; you admitted so yourself.

Mr. MOIR: Even if it is a material improvement on what it was, why not be realistic about it? I am quite sure the Minister for Health has at his command very expert medical officers who could advise him on this point. I mention this because I feel it is my duty to do so. I do not oppose the Bill, but I must point out its shortcomings. I do not want anyone to say that I did not raise these matters when the measure was before us and open for discussion.

Another provision that surprises me is that a prospector will only be able to claim up to three years after leaving the industry. Again we are not being realistic about this, because last year we amended the Workers' Compensation Act to take the three-year period right out. Be it understood that the present Act says that a mine worker, upon being notified that he has early silicosis or early asbestosis, and leaving the mining industry, can apply to the board within three months to become a contributor to the fund; and as long as he is a contributor to that fund he can, if the state of his health deteriorates, ultimately become a beneficiary. But a prerequisite is that he must be a silicotic or have asbestosis in the early stage.

We have recognised in the other Act that a man can be in the position of showing no signs of silicosis and asbestosis and be out of the industry for some years after which his health is impaired by silicosis—and I think the same would apply to asbestosis. But we are not prepared to recognise it here.

The answer is to allow all ex-mine workers and all ex-prospectors who wish to do so to carry on their contributions to the fund. It does not mean at all that all of them, or a large proportion of them, would become beneficiaries, but it would protect those few people who were unfortunate enough to have their conditions advanced to the stage where they were disabled and to the stage, provided under this Act, where they would be entitled to benefits.

So I think we should be realistic about this. We should not provide a bar in one Act while recognising the position in another and making provision for it accordingly. It we do not have an amendment which provides for that we will have the farcical situation where an ex-mine worker, after having left the industry, say for five or six years, has not been in the early stages of the disease and has so been unable to register under the provisions of the Act, but develops silicosis to the extent that he suffers disablement which will bring him under the provisions of the Workers' Compensation Act, while being denied the provisions of this Act. So I say there exists a serious anomaly in that respect. It is one that will have to be looked at very closely.

I would like to return for a moment to the question of the withdrawal of benefits from the tubercular ex-worker when he has been certified as no longer having the disease in an active form. I illustrated a while ago the difficulties of such a person; and on looking at this measure, I wonder just what has been saved by withdrawing that person's benefits. After all, that group represents only a small proportion of the total beneficiaries under the Act. The great number of beneficiaries are people with silicosis and asbestosis in an advanced stage; and even under the new provisions contained in this Bill, people with silicosis and with some other disability which is not compensable will be admitted. However, the numbers will still be very small in proportion to the overall total; and I wonder what the framers of this amending Bill considered would be saved out of the fund.

It must be remembered that large funds are involved here. I desire to quote from the Mine Workers' Relief Fund annual report which was tabled in the House on the 23rd August of this year. In passing, I would like to refer to this report, which is in an entirely different form from the previous reports we have received. It gives a lot of valuable information. However, the previous reports that we have received over the years have set out the funds belonging to the Mine Workers' Relief Fund; how they were invested; and what the earnings were. But in this latest report, that information has been omitted.

The reports for 1959 and 1960 contain these figures; but in the 1961 report there is no means of knowing just what the financial position of the fund is. The best we can do is to go to old reports and obtain figures which are 12 months out of date. In the 1961 report we find that during the year the board dealt with applications for relief as follows:—

By members of Mine Workers' Relief Fund Inc.	16
Under section 48 Mine Workers' Relief Act	8
Under section 49 Mine Workers' Relief Act	4
Under section 54 Mine Workers' Relief Act	20
Under section 56 Mine Workers' Relief Act	2
Under section 57 Mine Workers' Relief Act	2

The total number of applications was 52. The number of beneficiaries receiving assistance from the fund at the close of the financial year was as follows:—

Mine Workers' Relief Fund Inc. (Old Fund)	263
Section 48, Mine Workers' Relief Act	206
Section 49, Mine Workers' Relief Act	59
Section 54, Mine Workers' Relief Act	113
Section 56, Mine Workers' Relief Act	4
Section 57, Mine Workers' Relief Act	5

This makes a total of 650. Here I want to say that all of these people would not be ex-mine workers, because a lot of the beneficiaries are married; and their wives or widows, and their children, in some cases, make up these numbers.

One thing that strikes a person when dealing with a fund like this is the fact that the ex-mine worker is not the liability on the fund; the liability is his wife when she becomes his widow. That type of beneficiary does not contract silicosis, so she is able to live a normal life. However, the ex-mine worker who is a beneficiary does not live to a normal age; he dies sooner or later as a result of the disease which he has contracted. As I said before, it is his dependants who are the claimants on the fund—the widows and the children to the age of 16 years are the claimants. The widows can claim until they die, provided they do not remarry, in which case they would cease to be a drain on the fund.

The expenditure on relief last year was £59,820. Therefore, one can say that quite a substantial amount of money was paid out. Expenditure from the fund last year was £12,550. The average number of contributors under each heading was as follows:—

Contributors employed on mines	5,705
Inspectors of Mines	14
Prospectors	18
Phthisis Contributors	94
Contributors registered under section 50	251
Sundry contributors	7

This makes a total of 6,091.

As far as the monetary holdings of the fund are concerned, the last report in which these were given was that for 1960; and we have to turn there to find out the amount of money. That report shows that the total amounted to £322,278, so there is still quite a lot of money remaining. The fund was built up over the years as a result of the larger number of men employed in the mining industry prior to the second World War when, from memory, I think the number of contributors reached as high a figure as 15,000. The fund built up over those years, and particularly because new men came into the industry in the early 1930's and took quite a long time before they contracted the disease of silicosis. I think we can say there is quite a large sum of money in the fund, although it has been losing a little over £12,000 per annum because more money has been paid out than has been coming in from contributions and earnings from money invested.

Seeing there is an upsurge in metalliferous mining in this State and that considerable royalties are going to be received by the Government from those mining ventures, it could well be that some of those royalties could be set aside to be paid into this fund, in addition to the money the Government pays in at the present time, so that the fund could be built up to a healthy position in order that greater benefits could be provided at an early stage of the disease.

In conclusion, I do not want it to be thought that I am opposing this Bill. I am simply pointing out the weaknesses it contains, and the injustices in it. I am very pleased that the new section of workers has been brought under the provisions in the Bill, but I am not happy about the tubercular person certified by a doctor as having the disease no longer active, or that the disease is quiescent, being deprived of the payments which are due to him and which have been paid to him over the years since the inception of the Mine Workers' Relief Act.

I think the provision to place a three-year limitation on an ex-miner in regard to his contraction of tuberculosis and his recompense from the fund is entirely unreal. In addition, I intend to oppose the clause which will deprive the one-time tubercular mine worker from receiving benefits. With those reservations, I support the Bill.

MR. ROSS HUTCHINSON (Cottesloe—Chief Secretary) [7.55 p.m.]: As I said in my second reading speech, this Bill will confer benefits on mine workers; but I did not claim—and I do not think the Minister for Mines would, either—that the Bill is in any way a perfect one, or that it will do what is required by all sections. However, it is a Bill which according to the general consensus of opinion, is one that is very worth while and one which confers decided improvements upon the mine workers in the industry.

Mr. May: Why do you call them benefits?

Mr. ROSS HUTCHINSON: They are benefits under the Mine Workers' Relief Act.

Mr. May: The last word you used was the best. You said "improvements."

Mr. ROSS HUTCHINSON: I hope the honourable member will not hold me to exact synonyms and so on; and I trust I might be able to choose my own words as I think fit.

Mr. May: It sounds like social service.

Mr. Hawke: Stick to the English language.

Mr. ROSS HUTCHINSON: The member for Boulder did chide me, although gently, about the late introduction of the Bill. I must say quite frankly that I was not able to introduce the measure at an earlier stage of the sitting—and it is unfortunate that I was not in that position. I suppose there will be other Ministers in other Governments in years to come who will find themselves in the position of having to introduce Bills in the late stages of sessions. That apparently is something that has been going on for some time now and on odd occasions it will happen again in the future.

Despite the late introduction of this Bill, the measure is with us now, and I hope we can consider it on its merits. It is a case, I would hope, of being better late now than never—particularly, as I said before, as it confers important benefits on the employees in the industry, as it will strengthen and broaden the scope of the benefits under the Act. In essence, the honourable member supported the provisions of the Bill in his contribution to the debate. He supported all provisions with the exception of one, and perhaps he might deal with that in more detail during the Committee stage.

Mr. Moir: There are two.

Mr. ROSS HUTCHINSON: Therefore, I feel we can count on the fact that the House will pass this Bill without amendments.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Ross Hutchinson (Chief Secretary) in charge of the Bill.

Clause 1 to 21 put and passed.

Clause 22: Section 49 repealed and re-enacted—

Mr. MOIR: This is the clause to which I take exception. It proposes to repeal section 49 of the existing Act, which provides that where a person has contracted tuberculosis within the period stated in the Act, he shall be paid benefits from the fund. The proposed amendment will completely wipe that out.

This amendment is entirely wrong. We find there is provision for a recurrence of the complaint, which presupposes the possibility of a recurrence. In my opinion any person who has once contracted tuberculosis is in a far different position from the position he was in before he contracted the disease. Under the Act such a man is prohibited from working in a mine, and he cannot return to work in a mine. He is therefore deprived of his means of livelihood.

Provision was made in the original Act to recompense a man for the loss he sustained by being deprived of his employment, and the necessity to find other employment in an occupation completely unknown to him.

A worker who previously contracted tuberculosis must always watch himself to ensure that he does not contract the disease again, and in my opinion he should never be deprived of the benefits of the fund. It is true that if he is unfortunate enough to have a recurrence he will again come under the provisions of the fund. But the fact remains that something is being taken away which has existed for almost 30 years. If a man had been receiving money wrongly something would have been done about it long before this.

I venture to suggest that the amount of money which would be involved is so small that it would not be worth while bothering about. It does not make sense to me to bring down a Bill such as this, which contains good points yet at the same time does an injustice to a class of injured worker who has been entitled to benefits under the Act. I therefore oppose the clause in its entirety.

Mr. ROSS HUTCHINSON: I cannot agree to the deletion of this clause, and I would ask the Committee to pass it. I think the honourable member, in his endeavours to assist a section of workers who have had the condition of tuberculosis arrested, is not examining the clause from all aspects. The whole point of tuberculosis X-rays and control is an endeavour to make an early diagnosis and to effect cures in so far as is possible, with the basic idea of fitting a man for gainful employment in another sphere; of making him independent; of making him a man capable of earning his living in another sphere. That fact, and the ramifications of that, are most important for a man's well-being throughout the span of his life.

I am asking the honourable member and the Committee to have regard for that fact. One must also have regard for how the fund is financed. While, as the honourable member says, the amount of money would be small, it could be substantial enough to help make the outgoings even more than they are at the present time. Medical men are reluctant to say that a man is free of the disease; but when the condition has been arrested, possibly after the worker concerned has spent many months in hospital, and he can then be gainfully employed in another industry—no longer a hazardous industry like the mining industry—and there is less likelihood of his having a recurrence of this particular industrial disease, having regard to all factors this Bill will contribute to a balanced outlook and, in the long run, to a man's welfare.

Mr. MOIR: The Minister for Health is overlooking one very important point: that is, that all workers in the mining industry contributed to this fund. They helped to pay for it.

Mr. Ross Hutchinson: I mentioned that.

Mr. MOIR: For instance, the increase in contributions from 1s. to 1s. 9d. per man per week, together with the subsidies from the employer and the Government, will amount to £30,780 annually. It is now estimated that the immediate liability is £12,688 per year. There is a deficit of approximately £13,000 on the fund at the present time. In addition to paying the increased benefits to the new category of persons who come under the fund, and making up the annual deficit which has been in the fund for some years, there will be a surplus of approximately £5,000 per year.

Rather than take these payments away from this class of people who have received them for so long I think it would have been better if the contributions had been raised even higher. I am quite sure there would not have been a man in the industry who would have grumbled at that, if he knew it meant the continuation of payments to those people who have enjoyed them in the past.

Mr. Ross Hutchinson: But the union and the fund agreed to this 75 per cent. increase.

Mr. MOIR: I have grave doubts whether the union was aware that this category of persons was to be cut out. I have been an official of the union for many years and have taken part in conferences. I have never heard that suggestion put forward, and I do not think it would have been entertained for one moment. The Minister said that the Bill was practically what had been asked for. Owing to the shortness of time during which the measure has been in the possession of the Committee, there has been no opportunity to refer it to people to see whether it meets their requirements. I have grave doubts that some of the provisions would have received the blessing of those concerned. I would be surprised to know that the union agreed specifically to this provision. I will therefore take the responsibility upon myself of opposing the clause in its entirety.

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

Ayes—22.

Mr. Bovell	Mr. Lewis
Mr. Brand	Mr. W. A. Manning
Mr. Cornell	Sir Ross McLarty
Mr. Court	Mr. Nalder
Mr. Craig	Mr. Nimmo
Mr. Crommelin	Mr. O'Connor
Mr. Grayden	Mr. O'Neil
Mr. Guthrie	Mr. Owen
Mr. Hearman	Mr. Watts
Dr. Henn	Mr. Wild
Mr. Hutchinson	Mr. I. W. Manning

(Teller.)

Noes—22.

Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. Moir
Mr. Curran	Mr. Norton
Mr. Davies	Mr. Nulsen
Mr. Fletcher	Mr. Oldfield
Mr. Graham	Mr. Rhatigan
Mr. Hawke	Mr. Rowberry
Mr. Heal	Mr. Sewell
Mr. J. Hegney	Mr. Toms
Mr. W. Hegney	Mr. Tonkin
Mr. Jamieson	Mr. May

(Teller.)

Pairs.

Ayes.	Noes.
Mr. Mann	Mr. Evans
Mr. Burt	Mr. Hall

The CHAIRMAN (Mr. Roberts): The voting being equal, I give my casting vote with the Ayes.

Clause thus passed.

Clauses 23 to 27 put and passed.

Clause 28: Section 57 amended—

Mr. MOIR: I object to the provision as far as prospectors are concerned. The three-year limitation is what I strongly object to.

Mr. Ross Hutchinson: You don't object to it; because it is a substantial improvement on what it was. You object to the fact that it is not more.

Mr. MOIR: Yes, certainly. I do not think it can be sustained that tuberculosis contracted only within a three-year period would be due to a silicotic condition. If a man has had silicosis so that it has seriously impaired his lungs, then he is likely to contract tuberculosis at any time.

Another omission is the failure to mention asbestosis; and carcinoma of the lungs could be included. Medical opinion is fairly strong that a person whose lungs are damaged by asbestosis runs a grave risk of finally contracting carcinoma of the lungs. I oppose the clause.

Mr. Ross Hutchinson: Do not oppose it.

Mr. MOIR: I am not opposing the clause; I am criticising it for not going far enough. I hope the Minister will be patient with me. I can read the disgust on his face, but I am here representing people and I want him to know, if he is bored—

Mr. Ross Hutchinson: I am not bored.

Mr. MOIR: —that I would be recreant in my duty if I did not voice my opinions.

Mr. ROSS HUTCHINSON: I understand the honourable member's desire to criticise anything he wishes. He referred to a look of disgust on my face; but I was surprised because I thought he was going to oppose the clause; at one stage he said he would. The provision here is a substantial improvement on what has applied in the past. Perhaps the Bill does not go far enough, but it goes substantially further than did the legislation when the honourable member was Minister for Mines. I urge the Committee to accept this provision as being a substantial improvement.

Mr. MAY: The Minister has not told us why the limitation is still three years. The individual would still be diseased after that period. The member for Leederville should advise us in this matter An industry should be responsible for all time for a man suffering from an occupational disease resulting from his employment in the industry. That applies in the coalmines. All the Minister has told us is that the three-year provision is better than what previously applied.

Mr. Ross Hutchinson: That is right.

Mr. MAY: We want the Minister to do better than three years and give a man security while he is suffering. I would like the member for Leederville to say what he thinks about this matter.

Dr. HENN: Nothing will give me greater pleasure than to give my opinion, although it may not be worth very much. The honourable member is probably going a bit too far when he asks for compensation for anybody who develops tuberculosis with or without previous silicosis, for the rest of his life, just because he has worked in the mines.

Mr. May: I did not say that.

Dr. HENN: That is what the honourable member implied. Tuberculosis is usually discovered in mine workers within a fairly short time of their leaving the industry; and I know what I am talking about because I worked in the chest wing of Hollywood for some time.

The member for Boulder said that the fund was at a fairly low ebb and that it cost £12,000 more per annum than it received. If we included all the miners who developed tuberculosis, as suggested, the fund would be a complete wash-out, and would be a great liability to any Government.

It is a bit unreasonable, therefore, to ask for more than the three years to be included in the Bill. To ascribe to a man's mine activities tuberculosis which develops seven or eight years after he has left the mines. is a bit debatable. I do not think a clear-cut situation arises in any diagnosis of that sort. It is well known that medicine is not an exact science, and when we come to dealing with this question we have to use not only the skills that are available but common-sense as well. I feel that what the Minister has included in the clause is a fair thing at this stage of medical knowledge.

Mr. MOIR: I think there is a little misunderstanding. I am not complaining that there is a three-year limitation placed on the benefits, but a three-year limitation placed on the period in which the miner can contract tuberculosis after leaving the industry, and still receive benefits. The payments will go on as long as the man lives; there is no limitation on them. I asked earlier who drew the line of demarcation. I would like the member for Leederville to say whether he thinks there is a greater hazard in the first three-year period, or in some later period; or is there any hazard at all where a person has his lungs affected by silicosis and he gets tuberculosis afterwards and it cannot be ascribed to a silicotic condition?

The member for Leederville said I mentioned that the fund was losing £12,000 a year. I do not think he was in the Chamber when I referred to the figures for 1959. I quoted those back years because the 1961 report does not provide those figures. The fund could go on losing £12,000 a year for many years. I have never been greatly worried about the fact that it is losing money, because the Government guarantees the fund. I took the view that it would be better to pay those men even if the fund were losing money, and let the Government shoulder its responsibility in the matter. I am objecting to the time limit of three years being imposed on a man with silicosis in the advanced stage, within which he will receive benefits if he contracts tuberculosis as well.

Clause put and passed.

Clause 29: Section 56A added—

Mr. MOIR: After voicing my criticism of other parts of the Bill, I express pleasure concerning this clause. The only query I have is: Why should the proposed new section be numbered 56A when it follows section 57? However, that is probably only a minor matter. I think the provision in the clause is admirable because it will take care of these people we have been worried about for many years; namely, the beneficiaries under the old voluntary fund, and also the contributor to that fund who has kept up his contributions over the years.

In many cases these men are receiving as low as 1s. 9d. a week, and this provision will enable them to be fully covered by the provisions in the Act. Having been contributors to the fund for such a long time, practically all of them qualify for the old age pension, and many of them are receiving the invalid pension. So this provision will bring great benefit to them. I cannot understand why we should have such an excellent provision at the end of the Bill, when there are so many weak provisions at the beginning of it.

Mr. ROSS HUTCHINSON: I am pleased the honourable member has expressed his pleasure concerning this provision, and I shall convey his sentiments to the Minister for Mines. It is quite customary to insert a section with the letter "A" after it in the numbering of a new section. It is merely a normal machinery amendment.

Mr. MOIR: There is only one other minor point I wish to raise. In the original Act where the figures "1912-1924" are used in respect of the Workers' Compensation Act, throughout the Bill the figures have been changed to "1912" only. Generally, when referring to another Act, the

figures of the years which apply to the last amendment are used. However, there may be some explanation for only the figures "1912" being used in this instance.

Mr. ROSS HUTCHINSON: I cannot satisfy the honourable member on this point; but if he is worried about it I will make some inquiries to ascertain why only the figures "1912" have been used in the title.

Clause put and passed.

Clause 30 put and passed.

Title put and passed.

Report

Bill reported without amendment and the report adopted.

Third Reading

Bill read a third time, on motion by Mr. Ross Hutchinson (Chief Secretary), and transmitted to the Council.

DOG ACT AMENDMENT BILL

Second Reading

Debate resumed from the 8th November.

MR. BRADY (Guildford-Midland) [8.37 p.m.]: I have been through the Bill in the limited time at my disposal since it was introduced last evening, and have compared it with the legislation introduced last year. Looking back on some of the early history of the Dog Act, I find it has always been legislation that has created a dog fight in this House, because there are varied views as to what should be done. It all depends on who owns the dog, where it is, and what it is used for. So the legislation last year was rather a mix-up, and this Bill is seeking to eliminate some of the confusion that was created then.

Running quickly through the contents of the measure, it would appear that many of its provisions merely seek to bring the parent Act into line with the new Local Government Act. Therefore, many clauses in the Bill are purely machinery clauses For example, in this Bill, "district" means an area of the State, which is a municipality under the Local Government Act. Amendments of that nature can, of course, be accepted without any objection. There is another proposal to amend the Act to remedy a printer's error. The word "section" is printed, but should read "subsection".

An important provision in the Bill is to allow local authorities the right to refuse to register a dog where it is deemed to be vicious or dangerous. That provision has been introduced apparently because of the controversy that has occurred in recent months as a result of postmen being attacked by dogs in various parts of the metropolitan area. Canvassers and rubbish men have also been attacked by dogs; and it could quite well be, as the Minister said the other evening, that some members of Parliament may even be attacked. Therefore, from the point of view of self-preservation, I am going to support this clause, because I do not know when I might be bitten by a dog.

If the local authority had the right to refuse to license a vicious dog, its owners would be more careful and exercise more control over it. I know one local authority where one dog bit three people within a short time; and when the owner was challenged about the dog's habits he resented it and ordered the victims off his premises. When these people appealed to the local authority it could do nothing in regard to the matter.

Mr. Nulsen: What will you do about the mischievous dog?

Mr. BRADY: The measure also provides that if a dog is unduly mischievous, the local authority can refuse to register it.

Mr. Jamieson: What do you mean by "mischievous"?

Mr. BRADY: I know a dog that is very mischievous. It picks up the papers belonging to the neighbours of its owner, and takes them to its owner every morning. In my opinion, that is a very mischievous dog, because it has caused quite an upset between the newsagent and the householder, who is deprived of his morning paper, when such an occurrence could have easily been avoided by the owner of the dog if he had exercised proper control over it.

This clause gives the right to a local authority to refuse to register a dog that is vicious, dangerous, or unduly mischievous. That is only fair and just. Many people who own a mischievous dog could not care less about what it does. The dog, of course, knows the members of the family; but if any stranger approaches the premises it attacks him. So I cannot see any harm in that provision. The clause goes further and allows the right of appeal to the owner of a dog who has been refused a license by the local authority.

Another clause provides for the refusal of a license by the local authority in the case of a dog that is diseased. Where the local authority notifies the owner that the license for the dog has been refused because it is suffering from a disease, the owner has the right of appeal.

It is further provided that if the owner appeals, and loses the appeal, the dog can be ordered to be shot. However, if the person who has the right of appeal against the dog not being registered does not exercise his right of appeal, the dog carrying the disease can still be shot after a period of, I think, two months.

Another provision in the Bill simplifies the administration of local governing bodies in regard to information being sought by people as to the ownership of a dog. It appears that, in the past, for the payment of 1s. a person could go to

the local authority office and ask for the details of the dog's registration, or for permission to peruse a list of all dogs registered, which list has to be kept up to date from time to time. Invariably that list has to be made up to the 31st July each year.

A large number of dog owners do not license their dogs until after July. If these lists are made out in August they will be more up to date. It is also provided in the Bill that instead of such lists being prepared, the local authorities should hand the index registration cards to anyone seeking information on the ownership of dogs.

Where a person refuses to supply information at the local authority's office, the penalty has been increased to £1. The search fee for the ownership of a dog has been increased from 1s. to 2s. 6d.

A further clause in the Bill applies to dogs which wander around without collars. Local authority officers are to be given the right to destroy such dogs if they are not licensed. Clause 6 proposes to add the following to section 19 of the Act:—

> but if any such dog is not wearing a collar around its neck with a registration label attached thereto at the time it is so found and, in the opinion of the member of the Police Force or the officer of the local authority, it is impracticable to seize the dog the member or officer may, without seizing the dog, destroy it by shooting it or causing it to be shot and shall dispose of the carcass of the dog.

I wish the Minister had given us more information on the need for this provision.

It is well known that pastoralists and people who run stock and sheep have always been opposed to dogs prowling on their properties. From time to time they have urged that more severe restrictions be imposed. I read a report recently which indicated that in the Denmark area a dog had savaged a number of valuable sheep, and those sheep had to be destroyed. The owner of the sheep might have written to the Minister to urge that a provision such as this be included in the Bill.

I have every sympathy for owners of stock or sheep, but I am not in sympathy with giving police officers or local government officers the right to shoot dogs willy-nilly, when a district desires to reduce the dog population. Such shooting can prove to be very distressing to owners who have a great affection for their pets. In reply to this debate the Minister should give us more detail on this amendment to section 19.

Clause 7 of the Bill seeks to amend the section in the Act governing the laying of poison baits. At the present time these baits have to be laid at least one chain from main roads. It is proposed in the Bill to delete the reference to "main" and to add the passage, "road, reserve or public place". I cannot think of a more desirable amendment, because in my view poison baits should be laid at least one chain from roads, reserves, or public places, or further if possible.

Another amendment in the Bill seeks to delete the word "aborigines" and insert in lieu the word "natives." Another amendment substitutes for the words "male aboriginal native" the passage "person who is a native as defined in the Native Welfare Act, 1905." Let us examine this amendment. I understand that in this State a quarter-caste native can be regarded as a native within the meaning of the Act.

Many of our native population do not understand this legislation. All they know is that a male aboriginal native is entitled to free registration of one dog. My interpretation of this amendment is that natives who have been granted citizenship rights will have to pay the registration fee, whereas previously they might have been granted the concession of free registration.

I am opposed to the following provision in the Bill:—

> Where a member of the Police Force or an officer of a local authority finds a dog in the control or possession of such a native, if at the time it is so found the dog is not registered under this Act the member or the officer if he is an officer of the local authority of that district may, without seizing the dog, destroy the dog by shooting it or may cause it to be so destroyed and shall cause the carcass of the dog to be disposed of . . .

It looks as if the unfortunate native who possesses a dog which helps him in hunting food may suffer under this amendment, because it is provided that the officers referred to may cause an unregistered dog to be destroyed by shooting. I would like the Minister to explain this amendment more fully.

A native with a dog may be passing through a local authority district, and the dog may not be registered. If a farmer in the district finds one of his sheep savaged he will ring up the local authority or the police, and report the incident as well as the fact that a native with a dog was passing through the district. The farmer will no doubt ask for permission to destroy the dog; and if the police officer or the local authority officer agrees, the farmer can shoot it. That is the interpretation I place on this amendment.

It is well known from one end of Australia to the other that if there is anything which a native values, it is his dog. Sometimes he goes without food so that the dog can be fed. In many cases these dogs are the means of hunting food for their masters while they are unemployed.

As this legislation is to be applied throughout Western Australia it seems to be wrong in principle to allow police officers or local government officers to destroy these highly valued animals. I am opposed to this amendment in the Bill. Unless the Minister can give a valid reason for its inclusion I will oppose it in the Committee stage.

Clause 10 seeks to repeal section 36 of the Act. That section is as follows:—

> Section six A, twenty-two A, twenty-three A, and thirty-four A shall not have effect within the metropolitan area as defined by the regulations under this Act, or within any Municipality outside the Metropolitan Area, unless extended to such municipality by an Order in Council published in the *Gazette*.

It appears that no Order-in-Council has been published under this provision of the Act; and, further, it appears the metropolitan area has not been defined for the purposes of the Act. It is very difficult to interpret the meaning of this section. The reason for not applying it to the metropolitan area or other municipalities was that local authorities had the power to refuse registration of destructive dogs; that there was freedom from liability for acts done for destruction of vermin or dogs wandering at large; that poison might be laid in certain cases; and that local authorities had the power to make by-laws. Personally I am not opposed to section 36 being deleted, and its removal will bring all owners of dogs on to the same plane.

In dealing with the Bill to amend the Police Act this evening one member said that discrimination was being shown in the implementation of the provisions of that Bill. In this legislation there is discrimination between one section of local authorities and metropolitan local authorities. Under this Bill four sections of the Act which previously did not apply to the metropolitan area will be deleted. As long as members understand that, I will feel quite happy that I have made clear the shortcomings of the Bill.

In the main I will support the Minister. The only provision of which I take a dim view is the one which will allow dogs belonging to natives to be shot willy-nilly by police officers or local governing authority officers. As I have said, I support the Bill; but I would like the Minister, if he can, to tell us why the provision allowing dogs to be shot in various areas has been included, when no mention was made of it before.

MR. BOVELL (Vasse—Minister for Lands) [9.1 p.m.]: I thank the member for Guildford-Midland for his comments. I think it is generally recognised—and the member for Guildford-Midland supported this in principle—that dogs can be somewhat dangerous to children, passers-by, and especially employees who are performing essential services. Since the legislation has been enacted the Perth City Council has advised that it has been very difficult to catch some of these dogs which are wandering at large. Because some of them are considered to be a nuisance, or vicious, or dangerous, the council believed that the authority—and of course it is a responsible authority—should be vested with the power to destroy these dogs.

It may be difficult to catch a dog and destroy it later; but if a dog is found wandering around without a collar and has no doubt been seen wandering around for some time, and is considered vicious or dangerous, the local authority concerned, or a police officer, should have the right to destroy that animal. I have enough confidence in local government administration to know that those concerned will not destroy dogs without some just reason.

The member for Guildford-Midland has referred to what he terms the willy-nilly destruction of dogs owned by natives, and he has raised some objection to the words "caused to be so destroyed". The responsible authority will have to approve of the destruction of a dog. It does not mean that everyone who takes a dislike to a native or his dog can shoot such dog. We have to consider this matter in its proper perspective and realise that the responsible authority—the policeman or the local authority—would not give permission for the willy-nilly destruction of the dogs of natives.

I realise that a dog, not only to a native but to anyone, is one of his best friends; and to lose either a dog or a horse could, to some people, be a very serious loss indeed. However, I have enough confidence in local authorities and the Police Force to realise that they would not go around destroying dogs willy-nilly.

This legislation is designed mainly to tidy up certain matters; and I would repeat that as far as the point raised by the member for Guildford-Midland is concerned—in relation to the destruction of dogs without having evidence that they were not registered—this provision was included because the Perth City Council in particular requested it owing to the difficulty of catching dogs when they are wandering at large. It was considered that the best way to solve the problem would be to give the responsible authority the right to dispose of a dog which is considered vicious or a nuisance. I should imagine that before a dog was destroyed, complaints would have to be lodged with the local authority or the police in the district and a thorough investigation would be made of the necessity or otherwise to have the animal in question destroyed.

I do not think it is unreasonable to vest the power in the local authority or the police officer, as the case may be. It must be remembered that the legislation can

always be reviewed, as it is being reviewed now. As the member for Guildford-Midland has said, these amendments were made last year; and as a result of the operation of that legislation certain matters have been found to need adjustment, and that is the reason the Government has submitted this measure.

Question put and passed.

Bill read a second time.

In Committee

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

Clauses 1 to 7 put and passed.

Clause 8: Section 29 amended—

Mr. BRADY: The danger I see in this clause is that a native could have a licensed dog suspected of being savage. When any stranger approaches the camp—including a police officer or an officer from the local authority—the animal clears out, and it cannot be established whether it is licensed or not. In my opinion some of these dogs will be shot because it will be thought they are not licensed and they are suspected of having destroyed sheep in certain areas. This could cause heartbreak to the native and his family and it could even create resentment and bitterness.

I do not think that a local authority, or a policeman, or anyone who may be engaged on their behalf, should be able to shoot a dog without first capturing it. I oppose this clause and hope the Committee will do likewise.

Sir ROSS McLARTY: I do not think the member for Guildford-Midland need have any fear that a policeman would act harshly in a case like this and shoot a native's dog unless he had very good reason for doing so.

The honourable member said that the dog should first be caught. Those who have had experience with stock will know perfectly well that it is extremely hard to catch a dog which is ravaging sheep. My own experience when trying to capture a dog which had ravaged 20 valuable sheep and torn them to pieces was to shoot the dog responsible on the spot.

It is true that natives have a great affection for their dogs; and I think that as far as possible we should allow them to have the animals; but they also have a tendency to breed them like rabbits. The stock owner who has sheep ravaged by a dog belonging to a native has no hope of getting compensation. All he has is dead sheep and a dead loss. From my lifelong experience of natives, I have found that they always have a good big mob of dogs with them, and it is very necessary in the interests of the farming community that there should be some control over the number they are allowed to keep.

Another problem, as the honourable member stated, is that of feeding these dogs. The more dogs the natives have the more difficulty they are going to face in feeding them, particularly the big kangaroo dogs which the natives keep.

I think the honourable member need not have any fear that the police or the local authorities are going to be ruthless about this matter. They have a practical knowledge of what is happening in these country districts, and I am sure they will take a practical outlook with regard to dogs owned by natives.

Mr. BOVELL: I thank the member for Murray for his contribution. He is one who has had a lifelong experience as a farmer and with the native population both in the north-west and in the south-west, and I think his contribution has clarified the situation. I give an assurance that if there are any complaints they will be fully investigated. If such complaints warrant action being taken the Government will be prepared to review the position in the event of natives being penalised unduly.

Mr. W. HEGNEY: I oppose the clause, especially paragraph (b). If a dog were registered by a native the police or the representative of the local authority would not be empowered to shoot it; but if it were unregistered they would have the authority to shoot it out of hand. At least natives should be given the opportunity to obtain registration for their dogs.

Mr. Bovell: A native is given one registration free.

Mr. W. HEGNEY: This is in the nature of a restriction on a section of the community regarding which discussions took place recently in this Chamber. Until such time as that section of the community has the same rights as others who are regarded as citizens, the least we can do is not to place any further restrictions on them.

Mr. BOVELL: Far from penalising the natives this Bill gives them a privilege. It allows them to register one dog each free of cost. That privilege is not extended to other members of the community.

Mr. W. Hegney: They have had that for years.

Mr. BOVELL: Then it is being continued, and it is far from penalising the native. This Bill will help control the large number of dogs that are roaming the country areas. If the legislation is not satisfactory and the native community is being penalised unduly the position will be reviewed by the Government.

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

Ayes—21.

Mr. Bovell	Mr. W. A. Manning
Mr. Brand	Sir Ross McLarty
Mr. Cornell	Mr. Nalder
Mr. Court	Mr. Nimmo
Mr. Craig	Mr. O'Connor
Mr. Crommelin	Mr. O'Neil
Mr. Grayden	Mr. Owen
Mr. Hearman	Mr. Watts
Dr. Henn	Mr. Wild
Mr. Hutchinson	Mr. I. W. Manning
Mr. Lewis	*(Teller.)*

Noes—21.

Mr. Bickerton	Mr. Moir
Mr. Brady	Mr. Norton
Mr. Curran	Mr. Nulsen
Mr. Davies	Mr. Oldfield
Mr. Fletcher	Mr. Rhatigan
Mr. Graham	Mr. Rowberry
Mr. Hawke	Mr. Sewell
Mr. J. Hegney	Mr. Toms
Mr. W. Hegney	Mr. Tonkin
Mr. Jamieson	Mr. May
Mr. Kelly	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. Mann	Mr. Evans
Mr. Burt	Mr. Hall
Mr. Guthrie	Mr. Heal

The CHAIRMAN (Mr. Roberts): The voting being equal, I give my casting vote with the Ayes.

Clause thus passed.

Clauses 9 to 11 put and passed.

Title put and passed.

Report

Bill reported without amendment and the report adopted.

Third Reading

Bill read a third time, on motion by Mr. Bovell (Minister for Lands), and passed.

MENTAL HEALTH BILL

Second Reading

MR. ROSS HUTCHINSON (Cottesloe—Minister for Health) [9.25 p.m.]: I move—

That the Bill be now read a second time.

This Bill, as the title implies, is a Bill for an Act to consolidate the law relating to the treatment of mental disorder. It is an important measure and has to do with a subject matter which is exercising the public mind more and more, and which is exercising the attention of medical experts everywhere. In such circumstances, I think members will appreciate that much thought and consideration has been given to it and every effort has been made to produce suitable and adequate legislation, although no pretence is made that the Bill is in any way perfect.

The measure now presented is in no way related to the original draft which was prepared some years ago by my predecessor, the member for Eyre. At that time he very wisely, and on the advice of the then Inspector-General of Mental Health Services (Dr. Thompson), did not proceed with that measure in the knowledge that a United Kingdom Royal Commission was about to examine all needs in this direction. That commission made a wide investigation into the subject matter of mental health and took some considerable time to submit its report. I am sure the member for Eyre appreciated the good advice Dr. Thompson gave him at that time.

On these original foundations and advice, therefore, I submit a Bill concerning which there has been considerable examination and research. It falls into line with modern thought and medical practice through the advice of the present Inspector-General (Dr. Moynagh), very ably assisted by an interested Assistant Parliamentary Draftsman (Mr. Sander). In addition to the findings of the much publicised United Kingdom Royal Commission, legislation of other States, and of New Zealand and elsewhere, has been reviewed by Dr. Moynagh. Also a special committee of senior departmental medical officers, with Dr. Moynagh and representatives of the Psychiatrists' Association, have examined the propositions in detail.

The State Health Council accepts the Bill in respect of the principles it follows. It should therefore be appreciated that no effort has been spared to bring forward a measure which reflects the most forward-looking ideas in the care and treatment of those suffering from mental disorder. Indeed, it goes further than that because it legislates for a trend which aims at preventing the development or progress of the illness. It gives voice to the concept that "prevention is better than cure"; and as far as has been possible, it seeks to provide for all our State needs.

I want to express my regret that the Bill is submitted so late in the session. Some considerable time has had to be taken in its preparation, and the delay in introduction was unavoidable. However, it is not expected that the Bill should be finally dealt with by the House at this stage; but as I had previously undertaken to prepare and produce a measure to replace our existing laws, I wish to honour that undertaking. My proposal is that in introducing the Bill now, and then allowing it to lapse until next year, the full import of its provisions can be generally examined by members and other interested persons and bodies.

Mr. Graham: The new Government will probably make some big changes.

Mr. O'Connor: We might!

Mr. ROSS HUTCHINSON: Let us say "the next Government," from whatever side it may come. By the means I have described, it can have the additional examination which may be highly desirable and by which a number of imperfections may perhaps be overcome. This is a practice that has been followed on previous occasions with other important Bills.

To continue with the explanation of the Bill, members are no doubt aware that in respect of matters concerning mental health treatment we are today in a stage of transition from the old procedure of custodial care to that of active early treatment and retention of the patient in the community, or his early return to the community under supporting guidance or supervision. This new approach to mental disorder has been assisted by the introduction of new therapies and new drugs.

At the present time all mental health authorities are in the difficult situation of having to provide for the patient habituated to custodial care and, at the same time, to provide accommodation and facilities for the new patient under a vastly different method of treatment. This has been emphasised in reports which I have read, and the advice I have received from medical experts is to plan carefully in any project during this transitional stage. It is possible for Governments to move too hastily in this transitional period, and to spend colossal sums of money without achieving the desired effect. Here I would like to quote from a world health organisation report of this year which reads as follows:—

> The setting up of programmes for mental health promotion, prevention and mental illness, treatment of the mentally disturbed, rehabilitation, and the education and training of personnel for the different services must be adapted to the special needs and to the available and potential resources of each nation or area.
>
> In spite of an incomplete scientific foundation, progress has been made over the past decade. This is largely due to the fact that notwithstanding considerable differences in the extent, quality and emphasis of various programmes, sharing of information and experience is widespread. New programmes adopt appropriate parts of old ones, and nations with well-developed programmes are learning effective methods from countries with incompletely developed services.
>
> As programmes are outlined and followed, some difficult choices have to be made, choices that may involve temporary continuation of ancient neglect and poor treatment of many human beings, while available resources are used in developing adequate services for others.
>
> This is not new to health administrators. The Expert Committee in 1957 stated, "Health administrations were faced with a somewhat similar problem in dealing with tuberculosis many years ago. They had then to decide whether to give inadequate attention to all, or to concentrate their energy and resources on the fresh and relatively hopeful cases. Eventually they took the latter course." In the mental health field, too, the long-term view has to be taken.
>
> Competent and properly trained personnel are essential to operate an effective mental health service.

This is just a brief extract from the world health organisation report. We hope to cater adequately for the two different types outlined in this particular section of the report. Although we have some inadequacies in our own particular service, I think it can be claimed that we have made some progress with our services over the past decade. That is the period referred to in the section of the world health organisation report which I have just read.

We have opened outpatient clinics for adults and children, and a day hospital; and have provided for psychiatric wards in general hospitals, assisted voluntary agencies in their efforts to establish homes for the mentally retarded, and generally improved our services both in respect of buildings, medical attention, social welfare services and the like. We might not have progressed as quickly as we would have wished. Nevertheless it can be claimed that some progress has been made. All this, in a sense, reflects the general attitude of the community to the needs of this important branch of our health services. Members who have made any study of this will appreciate that the public mind is much better attuned and conditioned at this point of time in regard to the modern concepts and treatment of mental illness than it was some years ago.

In our mental hospitals today there is a population of approximately 1,827 inpatients. The figures are as follows:—

- Claremont—1,451 compared with 1,497 in 1958.
- Heathcote—107 compared with 105 in 1958.
- Whitby Falls—65 compared with 71 in 1958.
- Greenplace—34 compared with 23 in 1958.
- Nathaniel Harper Homes—51 compared with 46 in 1958.
- *Lemnos*—119 compared with 122 in 1958.

The significance of these figures is that it is hoped that the peak has been arrived at in admissions to hospitals; that the graph will fall away in regard to admissions to these places; and that the new methods of treatment in hospitals and clinics will cut these admissions a great deal. Dr. Moynagh believes, following a discussion he had with Dr. Maclay, a world expert, that in another 15 years' time the number in mental hospitals in any country which adopts the modern procedure should be cut by upwards of 50 per cent.

Mr. Nulsen: They should be cut by over half. With our modern methods half of the inmates should not be there.

Mr. ROSS HUTCHINSON: Claremont Mental Hospital is overcrowded, but this will be relieved by the removing of mental defectives to a new home at Guildford the plans for which provide for commencement of building next year. It is also planned to remove certain selected aged people. These moves will substantially improve conditions in the hospital and will also mean considerable expenditure of loan funds, towards which the Commonwealth Government will match State expenditure on the basis of £1 for every £2 spent by the State.

I am hopeful of further additional interest being shown by the Commonwealth towards assisting the States in the mental health problem, concerning which the States have been approaching the Commonwealth for some time. State Ministers have approached the Commonwealth on various aspects of this matter, one of which is the setting up of a sub-committee of the National Health and Medical Research Council. Discussion by medical experts at that level would be beneficial, as would also co-ordination of Commonwealth and State activity in the care and treatment of patients. One has only to consider the benefits which have been derived by co-ordination and co-operation of the Commonwealth and States in the fight against tuberculosis to see how beneficial this could be. However, I will not dwell on this aspect any further but will proceed with the Bill.

The Bill is divided into seven parts and includes schedules amending the Public Trustees Act, the Criminal Code, and the Prisons Act. These parts deal with administration, hospitals and services, admission and discharge of patients, powers of intervention, protection of interests of patients, and general provisions as are necessary in legislation of this nature. The most important part is that dealing with the procedure for admission to hospitals, to which procedure I will refer later. The part dealing with hospitals and various services is of interest also. These services comprise day hospitals, outpatient and child guidance clinics, hostels, sheltered workshop units, inpatient units for children, centres for geriatrics, and any other services for the treatment of persons with mental disorder.

By the Bill a single uniform law replaces existing laws, i.e., the Lunacy Act, the Mental Treatment Acts, the Mental Treatment (War Service Patients) Act, and the Inebriates Act, all of which now deal with procedures for admission to hospital, care, treatment and supervision.

The Bill has been drafted with the very important consideration that admission to a mental hospital should be similar to that of a general hospital. In this way will be avoided the dreaded certification of people as being insane. Necessary safeguards are included, however, in respect of those patients whose mental condition is such as to require compulsory admission. In many respects it can be said that the proposals are like those in our own Mental Treatment Act of 1927. This has proved a very good Act indeed and it has been used in great part as a basis for this legislation. It deals successfully with the great majority of admissions—about 1,100 per annum. I emphasise that those willing to have treatment will be dealt with informally like patients suffering from other forms of illness in general hospitals. These, based on existing statistics, will comprise at least three-quarters of all admissions. This will assist to remove the stigma at present associated with mental illness.

Compulsory powers in respect of treatment, special care, or supervision will be used only when they are considered essential in a patient's interest or that of the public, only when he refuses to accept, and only for as long as they are necessary. In a case where compulsion is necessary this will be on the basis of a medical report and the authority of a justice for the conveyance of the patient to, and not admission to, a hospital. The final question of admission will rest with the superintendent of the hospital.

The need for certification will be dispensed with, thus removing one of the main reasons why there is stigma associated with the admission of a patient to a mental hospital. In its place the informal or voluntary admission is emphasised, as I have already said, to follow the lines of admission to a general hospital, with the usual reference by a doctor that a patient requires treatment in a hospital. As in existing Acts, there will be safeguards against improper admission and detention, unduly long detention, and undue compulsory supervision after discharge.

With the decrease in the formalities associated with treatment, particularly for those requesting it, and with new safeguards against unduly long compulsory detention or supervision, it is considered that the new provisions will diminish the dread of treatment and encourage patients or their relatives to seek treatment sooner, thus reducing not only their suffering but also public concern.

Once fully implemented, it will, of course, be a much more economic method of dealing with the matter of mental ill-health. There will be no distinction between hospitals or between classes of mental disorder; namely, mental illness, mental deficiency, inebriacy. Words and phrases which, for some years, have been dropped from usage and have certainly not been used in a closed service although still in existing laws and which now have unpleasant associations with mental disorder are avoided; for example: lunacy, insanity, asylums, mental institutions, inmates, certified patients, boarders, inebriates, criminally insane, arrest, trial leave, on license, escapes. There is no reference to these words in the Bill.

Adequate provision will be made for the transfer of the criminally mentally disordered to hospital from prison and return to prison where necessary. In respect of other patients requiring transfer between hospitals, this will be a matter of clinical judgment without the present formalities and by arrangement between the superintendents of the hospitals concerned.

All reference to diagnostic categories has been avoided—as, for instance, the inebriate or alcoholic—since the aim of the Bill is to provide treatment, special care, or supervision of those suffering from mental disorder, following a medical report that this is essential in the person's or in the public interest when that person refuses. In this it closely follows the Mental Treatment Act of 1927, which now adequately deals with the great majority of alcoholics.

However, in respect of the convicted alcoholic, the Bill will repeal the existing Inebriates Act, with the intent that appropriate provision will be made under the Criminal Code to empower the court to order a person convicted of an offence of which drunkenness is an element or a contributing cause, to be placed in an institution established for the reception of convicted inebriates, for a period of up to 12 months.

I would draw the attention of the House to the fact that the Government has begun the preliminaries of establishing an inebriates' reform centre in the Serpentine region. Appropriate provision is made under the Prisons Act to provide for the reception of such convicted persons. Both these Acts are amended by provisions in the schedules to the Bill.

Provision is being made in a schedule to the Bill for the management of estates of those incapable of dealing with their own affairs. The provisions in this schedule amend the Public Trustee Act, a matter to which I will refer later.

With regard to children under 18, these will be admitted informally. At present, even babies may be certified. In the rare event of a parent or guardian refusing, the necessary powers now exist under the Education Act for those needing special training or care, and the Child Welfare Act for those needing essential treatment. Safeguards will be made to protect the existing situation wherein patients now in hospital by compulsion will remain so during a transitional period after which their condition and future can be assessed.

Provision is made for the possibility of private hospitals being approved for the reception and treatment of patients under the Act. While this is not novel, the Lunacy Act having made provision by licensed houses, a provision is inserted to enable grants or subsidies to be made in the case of private hospitals approved for the purposes of the Act. It may well be that no such hospitals will ever be approved, but provision is made for the possibility of the establishment, maybe in the remote areas of the State, of a hospital other than a departmental hospital, and this provision may prove useful for that reason.

Administrative matters—duties of staff, disciplinary powers, which are provided for in existing laws and take up a considerable portion of those laws—will be omitted from the proposed Bill. These will be dealt with by regulation as would the machinery provisions, as may be deemed necessary. As is the case with existing laws, there will be a board of visitors for each hospital. This will be an independent body appointed by and directly responsible to the Minister. Its members will have wide powers of investigation and, amongst other things, may report on all matters regarding the rights and welfare of all patients in hospital.

It is proposed that the new provisions will come into operation on a date to be fixed by proclamation, thus enabling necessary time to elapse to organise for implementing of regulations, the assessment of compulsory patients as already referred to, and other requirements. There is nothing in the Bill which will in any way alter the arrangement which exists between the Commonwealth and the State for the care and treatment of ex-service or repatriation cases. Members are, no doubt, aware that repatriation cases are accommodated at the Lemnos Hospital, which is managed by the State on behalf of the Commonwealth.

With regard to the schedules to the Bill, which I have already briefly mentioned, these seek to amend the Public Trustee Act, the Criminal Code, and the Prisons Act. In regard to the first-mentioned, I point out that the Lunacy Act makes provision for dealing with the estates of insane and incapable persons. These provisions will now cease to exist as regards the Bill proper, and a place will be found for them, with some considerable amendment, in the Public Trustee Act, 1941. Many of the provisions at present in the Lunacy Act are archaic, they being based on legal situations which no longer exist and which, I have been informed, no longer existed when the Lunacy Act was enacted in 1903.

For this reason, it has been necessary to modify the provisions for the management of estates of persons to give them meaning in the light of our present laws. Power has been given to the Public Trustee, on being notified that a patient is incapable of managing his affairs, to exercise the interim management of the estate of those persons, subject to the intervention of the court. Where the management is to be of some long duration, and where the person is not a patient, the estate will be managed by a manager appointed by the court and given such powers as the court may direct. The Public Trustee can be appointed such a manager.

The most up-to-date legislation in this field so far is to be found in the Victorian and New Zealand statutes which, however, according to the Public Trustee, contain very much greater powers than were contemplated or have been given by this Bill. However, many of the innovations which

appear to commend themselves have been incorporated in part I of the second schedule, but the emphasis has been placed on wide overseeing powers of the court.

The Criminal Code, as I have already mentioned, is amended by part II of the second schedule mainly by making the provisions which applied to insane persons apply to persons suffering from mental disorder. The references to certificates in this regard have been widened to include other documents which had the effect of a person being received into an approved hospital. Finally, the provisions of section 7 of the Inebriates Act, 1912, by which a convicted person may be placed in an institution for the reception of convicted inebriates, is placed in the Criminal Code by the proposed amendment.

The final part of the second schedule relates to the Prisons Act, 1903, and makes provision for proclaiming suitable places to be institutions for the reception of convicted inebriates. In further clarification of what I have already said about this aspect, this part also provides for the substitution of an approved hospital for a hospital for the insane in any case where the Comptroller-General requires a patient suffering from mental disorder to be treated.

That is a general explanation of the main provisions of the Bill. I have not dealt with the provisions referring to administration; but it is the responsibility of the director, who is subject to the Minister, to ensure the proper care and treatment of those subject to the Act. All of these administrative provisions are clearly set out in the appropriate part of the Bill.

I consider the outstanding feature of this Bill to be the ease with which those suffering from mental disorder can obtain the necessary treatment without undue formality or humiliation, and without weakening the safeguards of individual liberty. For instance, a patient may, of his own volition, request admission to a hospital and be treated in the same way as a patient in a general hospital. At the present time, many patients avail themselves of the voluntary or informal provisions of our existing laws, but they still have to complete forms and go through a procedure which is undesirable.

I have already referred to Dr. Maclay. He was in the State last week, and he advised me that as a result of the new mental health legislation in England, which was proclaimed only last November, most of those requiring treatment now are seeking admission through the informal provisions of the law, and that only 20 per cent. of all patients are admitted under what we term "compulsory powers." Dr. Maclay described our approach in this legislation as being outstanding and commendable.

Finally, I would say that this measure could be regarded as one of the most important which I have introduced since I have been a Minister. As I said at the outset, the Bill has been examined in detail by a special departmental committee, together with representatives of the Psychiatrists' Association. It has also been agreed to in principle by the State Health Council.

The Bill has taken some time to produce. The reason for this is that considerable preliminary research was necessary before getting it to the House, despite the fact that we had the advantage of the findings of the United Kingdom Royal Commission. It was necessary to give a good deal of consideration to a great number of documents; and a lot of reading had to be done and a lot of research carried out.

I think it is a matter of interest that some considerable time elapsed before the United Kingdom legislation was introduced, and even then it was not found expedient to proclaim it until last year. To date, the most progressive Australian legislation in this field is the Victorian Act, which was passed two years ago and which has not yet been proclaimed. However, its principles are being followed.

This, to some extent anyway, is quite understandable as the subject matter has to do with a tremendous social as well as a health problem, and I have no doubt that our own requirements will need to be well considered before this legislation is ultimately proclaimed. So at this late stage of the session, I leave this measure for the consideration of members and all those organisations, institutions, medical people, and individuals who might be interested, in the expectation that in this Bill lies the means by which this State next year will have the most progressive legislation of its kind yet produced in the Commonwealth.

MR. TONKIN (Melville—Deputy Leader of the Opposition) [9.48 p.m.]: I listened with profound interest to the Minister's speech in connection with this Bill. However, all the time he has been speaking I have been wondering why a Bill of such importance was not introduced months ago instead of at this period of the session which we have been racing to conclude, by sitting well into the next morning for several days each week.

I am suggesting to the Minister that if this Bill is of the importance he has tried to make out, we should continue the Parliament in session until we have given complete consideration to it. Let us have the earliest possible advantage from this legislation.

Mr. Graham: Is this just window dressing?

Mr. TONKIN: That is it; and the time of Parliament was taken up simply to enable the Minister to get in some pre-election propaganda.

Mr. Ross Hutchinson: You get pretty low sometimes.

Mr. Bovell: That is not kind.

Mr. TONKIN: What is the purpose of introducing a Bill to Parliament when it will not be dealt with for 12 months?

Mr. Ross Hutchinson: In order to have a look at it.

Mr. Graham: What, 12 months to look at it! We have spent 30 seconds on some Bills.

Mr. Roberts: That is not our fault.

Mr. Graham: I am disgusted.

The SPEAKER (Mr. Hearman): Order! If there are any more of these interjections I will take a strong hand about it. We must not have more than one at a time. The Deputy Leader of the Opposition may continue.

Mr. Graham: Fancy the Government doing this sort of thing!

Mr. TONKIN: I resent very much the attitude of the Government in connection with this Bill. The Premier moved a motion some weeks ago, earlier than usual, providing that Government business should take precedence over private members' business. In doing that the Premier gave an assurance to each member who had business on the notice paper that that business would be dealt with; and he further said that a reasonable opportunity would be given for the various motions and bills to be discussed.

I, with others, have business on the notice paper; and it is clear from a very simple calculation that it will be extremely difficult for the Premier to be able to fulfil either one of his assurances, let alone both of them. Under the circumstances, however desirous the Minister might have been introducing this legislation, some consideration should have been shown for the undertakings which had already been given and to the state of the session.

Mr. Graham: This could have been the last business of this session, if at all.

Mr. TONKIN: If the only purpose of this was to float it so that members would have an opportunity of seeing what was proposed and could deal with it next session, it could have been the last business when we were waiting to conclude, instead of being given the priority it is being given now. There is not the slightest justification for the action which has taken place.

Mr. Graham: Hear, hear!

Mr. TONKIN: The legislation is probably very worthy legislation.

Mr. Ross Hutchinson: I did not realise the member for East Perth could be so low.

Mr. TONKIN: I am surprised that the Premier permitted it to be done under the circumstances.

Mr. Graham: Politics, politics, politics!

Mr. Court: The people who talk about politics!

The SPEAKER (Mr. Hearman): If there are any more interruptions, I will take definite action. I will not warn anybody again.

Mr. TONKIN: Surely you will appreciate, Mr. Speaker, that a Bill of this nature is a Bill of tremendous importance, and one which should be introduced in sufficient time to enable it to be presented properly and fully; and also to ensure, as reasonably and as far as possible, that the Minister introducing it would be the Minister to handle it subsequently. But here we are in the last session of Parliament, with a State election to take place very shortly, and with no certainty that this Government will be returned; or, even if it is, that the Minister who introduced this Bill will be the Minister in charge of the Public Health Department under the next Government. It therefore reduces the thing to a farce, and the only purpose of it was that the Minister might get some personal kudos, if that were possible, and that the Government might do so also, irrespective of anything else.

There is no justification for it, and I protest very strongly. If, as a result of it, we are called upon to consider, in the early hours of the morning, business which has been on the notice paper for months and months, then I will have something more to say about it.

Mr. Brand: We are not frightened of your threats.

Mr. TONKIN: In all my years in this Parliament I have never known this to be done before, and I have been here for 28 years.

Mr. Court: Bills have been introduced on this basis before.

Mr. TONKIN: I have never known this sort of thing to be done at this period of the session after members have been kept here to the early hours of the morning in order to finish. It is just too stupid. I have seen Governments change. I have sat under different Governments; but I have never before seen this sort of thing done in this way. I have seen bills introduced and not proceeded with, but not on the very night that it was intended the session should end. Earlier it was proposed that the session might end tonight.

Mr. Bovell: But circumstances beyond our control prevent it ending.

Mr. TONKIN: But that is no reason for wasting more time. I do not mind staying here until one or two o'clock in the morning in order to consider the business on the notice paper, if it is there genuinely for the purpose of reaching a conclusion. But when legislation is introduced with no intention of reaching a conclusion or even discussion, then it cannot be justified under the circumstances.

Suppose we had been told, when we were here at one o'clock in the morning last week, that we were sitting long hours in order that the Minister could get up later and introduce a Bill which was not going to be considered. What would have been thought about it? I say it is pretty scurvy treatment, and I protest against its being done.

Debate adjourned, on motion by Mr. Nulsen.

POLICE ACT AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

WORKERS' COMPENSATION ACT AMENDMENT BILL

In Committee

Resumed from the 8th November. The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Bovell (Minister for Lands) in charge of the Bill.

Clause 2: Section 8 amended—

The CHAIRMAN: Progress was reported on the clause to which the member for Boulder had moved the following amendment:—

> Page 2, line 6—Insert after the word "wages" the words "at the work to the nature of which such diseases are due.'

Mr. BOVELL: In discussing this clause yesterday, I said I would consider the impact of this proposal on the legislation. I indicated to the Committee that, in my opinion, on a cursory glance at the position, it was introducing a completely new principle. I have had a limited opportunity to give further consideration to this matter, and I am more than ever convinced that this amendment should not proceed.

The Government has introduced this measure with a view to correcting an anomaly that occurred in the legislation of last session. It has submitted this legislation because it is in the interests of the workers to have the matter legally clarified. I do not intend to allow any new principle to intrude itself on this legislation, and therefore I cannot agree to the honourable member's amendment.

Mr. MOIR: I must differ with the Minister on this point, because it is not a new principle at all. It is a principle which was contained in the Workers' Compensation Act right up to the time the amendment was introduced last session, and it has been there for many long years. There is nothing new about it. It is submitted only because of the bad wording of the amendment which was introduced last year, and which I for one criticised at that time. The reason for bringing in this amending Bill this year is that a bad mistake was made in the legislation last year. It was not an anomaly; it was a bad omission from the legislation last year.

Something which was contained in the legislation previously is still contained therein; but owing to the way in which the amendment was drafted last session, and the way it was placed in the Bill, the provisions which had already applied to this section did not apply to this particular type of industrial disease. Therefore, this Bill only corrects a mistake which was made last session. I am endeavouring to correct a mistake which was also made in the amending Bill where an entirely new principle was set out, something which is operating absolutely illegally.

As I pointed out the other evening, this provision in its application has certain requirements which are not being met. If they were being met there would be a lot of people who would not be getting compensation, and their just claims would not be met; and the Government knows there would be an uproar about that. It would be all right if the provision were applied impartially to everybody; but it is not. It is applied to only one class of worker. The class of worker who has been outside the three-year period—which the amendment last session was designed to bring in—had the provisions of this Act applied to them originally. So much so that we find that out of the applications which were made under this amended provision last session, over a period of 10 months, there have been 25 applications, only five of which have been successful.

We were told there would be large numbers of people applying, and the Government would not know what the financial commitments would be. We find that it cost the fund £4,984. I have here the Auditor-General's report to show that if my amendment is agreed to it is not going to make very much difference; because in the silicosis fund held at the State Insurance Office for the year ended the 30th June, 1961—according to the Auditor General's 71st report—there is an amount of £1,647,630; and the interest, if that were all invested in the S.E.C. loan, would be £94,737.

According to the answers given to a question which I asked the other day, the total liability last year in this period was £60,339. That does not even amount to the interest on the total amount of money in the fund. In fact, it does not amount to two-thirds of the interest that was earned on the total amount. That is a scandalous state of affairs; but the Government, of which the Minister is spokesman, refuses to bring down an amendment to embrace more workers under the legislation so as to enable them to be paid compensation which an amendment last year was designed to do.

Fourteen applicants were rejected, and there are still six claims being considered. It is reasonable to assume that the 14 claims have been rejected because the wording of this amendment has been applied to them rigidly, in sharp contrast

to the way the Act is applied to the ordinary mine worker who leaves the mine and claims his compensation. Although the Act provides that such a worker cannot earn full wages, many are doing so—quite rightly, in my opinion—but that is not in accordance with the Act. These men, when they leave the mine, do not sit down and wait for their claims to be accepted. They obtain other employment and, after receiving compensation, continue in that employment.

One injured worker, on whose behalf I made a claim for compensation was, at the time of his injury, earning £35 a week. This man had contracted asbestosis in an advanced stage. He left the mine where he was employed and accepted another job at £20 a week. His claim for compensation was granted and he is now receiving £14 10s. a week as a result of that claim. What a difference there is between the treatment meted out to that worker and the one who is outside the three year limit! If a large number of workers were involved I could understand the Government's indifference but only a small number of men are involved.

As a result of these claims being made over the years there is now a backlog. However, we find there is a total of 25 applicants, and of that number five only have been successful, purely as a result of the rigid application of the Act. If it is so applied in the case of one worker, why is it not applied in the same way to another? If it were applied to a mine worker leaving a mine, and he failed to obtain his compensation there would be an uproar in the industry, but because there are only a few workers involved in this instance, the Government does not care.

If the granting of these claims meant that premium rates would be increased one could understand the Government being reluctant to introduce such an amendment. However, since that time the money that has accumulated now totals £1,647,630. There is a footnote at the bottom of this page which states that £222,000 of this amount was paid into Consolidated Revenue. Is the Government using this as a taxing measure? Is it taking for its own use the funds available for payment to silicosis victims to give them a small measure of relief upon receiving that money? I notice that a sum of £22,326 has been loaned from the State Government Insurance Fund to the Zoological Gardens Board.

It is a scandalous thing that of this money which has been paid by the insurers over the years, an amount is withheld which should be paid out in compensation to the paltry few workers, becaus Parliament has agreed that they should receive such compensation. Only the application of the amendment prevents them from obtaining their compensation.

Mr. W. HEGNEY: I support the proposal submitted by the member for Boulder, and I am at a loss to understand why the members of the Government hesitate to agree to it. It must be remembered that, at all times, a mine worker is suffering a serious disability. It does not matter in which industry he may elect to obtain work, he is still suffering from that disability; and at least the Government should agree to the amendment and pay to the affected workers concerned the compensation to which they are entitled. In his introductory remarks, the Minister stated that the amendment in the Bill was only to rectify an anomaly that had been discovered in the amending Act passed last year.

This is the only amendment to the Workers' Compensation Act the Government has introduced this session. So, it is quite competent for the member for Boulder to try to extend a measure of justice to these incapacitated mine workers. I hope, therefore, the Government will, even now, agree to the member for Boulder's proposition, although this Bill is designed merely to rectify an anomaly.

Mr. Bovell: Yes, in the interests of the workers themselves.

Mr. W. HEGNEY: The Bill relates to the Act passed last year; that is, subsection (1a). That Act did not go as far as we would have liked it to go in the interests of the workers concerned.

Mr. Bovell: The amendment by the member for Boulder is introducing a new principle into the Act amended last session.

Mr. W. HEGNEY: No; it is only seeking to extend the scope of the section. Earlier in the evening, the member for Subiaco referred to the payment of compensation under third party insurance, and pointed out that the matter should be brought up to date. However, the Government has made no attempt to amend the Workers' Compensation Act to bring it up to date in accordance with present-day requirements. The amendment by the member for Boulder will remove a gross injustice imposed on these mine workers.

Mr. MOIR: The clause means that at the time the worker receives his injury he shall be at his place of employment. Therefore, silicosis, for the purpose of the Workers' Compensation Act, is related to an accident. When the claim is completed, and the time and date of the accident is requested, it is always found that the accident happened on the last day the man worked in the mine. I have always thought that silicosis is a disease of gradual onset. However, if that is the legal requirement, it is complied with. Nevertheless, the disablement is related to the work at which the man was employed when he was disabled. That is how it applies at present.

When a miner leaves the industry and claims his compensation, that is what happens.

Even if a worker earns his full wages for the shift, no quibble is made. If he is disabled by a certain percentage of silicosis that is classed as an accident; that is the extent of his disability, and he is compensated accordingly. The amendment which was introduced last year, and which is to be repealed by this amendment, does not say that.

Mr. Bovell: Parliament would have included that in the amending Act last session if it had considered it necessary.

Mr. MOIR: I can recall standing here for lengthy periods trying to point out what was wrong with the amending Bill last session, including the provision now introduced; but nobody took any notice of me.

Mr. Bovell: I am bringing this provision in now; and that is the position.

Mr. MOIR: One can put up a red mark whenever the Government accepts an amendment to a Bill submitted by a member of the Opposition. I have seen obvious printer's errors in a Bill, and yet the Government would not permit an amendment to rectify them.

A principle is involved here of applying a restriction to some workers but not to others. A worker has to demonstrate that he cannot earn full wages. If a worker goes out of the mining industry and is waiting for his claim to be dealt with by the proper authorities, and in the meantime takes on a light job where he receives full wages, his claim cannot be paid.

Mr. Guthrie: Who said that is the test—that a person has to take on a job and not earn full wages? What authority says that?

Mr. MOIR: Either the Act or the Bill.

Mr. Guthrie: It does not.

Mr. MOIR: If the honourable member were on this side he would argue to the opposite effect just as convincingly.

Mr. Guthrie: Give us one example where that has happened.

Mr. MOIR: I have made claims on behalf of such workers who had left the mining industry for more than three years and who subsequently found they had contracted silicosis. Their claims were rejected unless they were able to demonstrate that they were unable to earn full wages.

Mr. Guthrie: Who by?

Mr. MOIR: If the honourable member thinks he can win such cases, he can take on many of them and earn a good fee.

Mr. Guthrie: Who rejected the claims?

Mr. MOIR: The State Government Insurance Office.

Mr. Guthrie: Not the Workers' Compensation Board or the Full Court?

Mr. MOIR: That is a point well taken. I do not know if any of these cases have been decided by the board, but I have been informed by a member of that board that such cases cannot succeed. It is a prerequisite for the worker to show that he cannot earn full wages.

In one instance such a worker was employed by his brother when he left the mining industry, and he was paid full wages. His claim was rejected. There was no doubt about that person having contracted silicosis, because the medical evidence was quite definite. Other cases have been taken before the board. One concerned a man who was engaged in business subsequently. He could not show that he was not able to earn full wages and his claim was also rejected.

Once a case is taken before the board, that is the end of it, and it cannot be subsequently revived. I do not want to be placed in that position, of having the cases rejected for all time. I might have been able to prove to the board that the persons concerned were disabled, but not that they were unable to earn full wages.

The CHAIRMAN (Mr. Roberts): The honourable member's time has expired.

Mr. GUTHRIE: It is fairly easy to see the difficulty which the Minister in endeavouring to overcome. If it had not been for the original wording of section 8 (1a) of the Act there probably would not have been an anomaly; but because of a difference in language, that difficulty arose. In section 8 (1) which has been the law for some time, these words are used: "as if the disease were a personal injury by accident, within the meaning of section seven of this Act".

When we examine the amendment that was introduced in this House last year we find that those words were left out. At that time the amendment simply provided as follows:—

> shall be entitled to compensation in accordance with this Act.

Those were the vital words. There would have been no doubt that subsection (1a) extended the right to these people to receive compensation if those words had been included. But when they were included in an Act which already had different language, a doubt arose. It is that doubt which the Minister is seeking to remove.

If one examines subsection (1a) which it is proposed to insert in the Act in substitution for the amendment agreed to last year, one will see that the vital words to be added are—

> as if the disease were a personal injury by accident, within the meaning of section seven of this Act

In other words, to make subsection (1a) read exactly the same and to remove the anomaly, those words should be included.

Now the member for Boulder has suggested that on the authority of the State Insurance Office there is another anomaly in the Act in the use of the words "full wages". He may or may not be right, but I would suggest that that is not the determination of any board or court of authority. The other anomaly is perfectly clear to see.

Further than that, the member for Boulder's amendment goes beyond what was intended in the original section of the Act. He has moved to include the words "full wages at the work to the nature of which such diseases are due". If they are included, then a man earning £5,000 a year in a business, on being able to satisfy the Workers' Compensation Board that he was disabled by his physical condition from earning full wages at the work to the nature of which the disability was due, could receive compensation under the Act.

The member for Boulder might well say that something of that nature is already in section 8. Whether or not it is I cannot say; but I can only say that if it is in that section it has been included wrongly.

Mr. Oldfield: Why do you want to prevent the member for Boulder from going further?

Mr. GUTHRIE: I say it is wrong to give a person who is earning a satisfactory living further compensation on top of his salary.

Mr. Oldfield: Many people drawing pensions from the Repatriation Department are earning big salaries.

Mr. GUTHRIE: That has nothing to do with the conception of the amendment before us. The purpose of the Repatriation Act is to compensate a man for a physical disability.

Mr. Oldfield: So is the Workers' Compensation Act.

Mr. GUTHRIE: If the honourable member were to study the first schedule of the Workers' Compensation Act he would see that compensation is generally based on total or partial incapacity for work resulting from the injury. There is no such conception in the Repatriation Act at all. It is true that in the Workers' Compensation Act certain payments are prescribed for loss of limbs and parts of limbs, but the conception of weekly payments is based on partial incapacity or total incapacity.

Mr. Graham: That applies to many repatriation pensions also.

Mr. Oldfield: You yourself have received one.

Mr. GUTHRIE: If a man loses both legs, under the Repatriation Act he is paid a pension even if he is able to work. Turning to the matter before us, I would not be prepared at such short notice to say there is a need for the insertion of the words proposed by the member for Boulder. Certainly his words are not the appropriate ones. I would not be prepared to agree that there is a need for the amendment, especially when one reads the section in its entire context, which states "Where a worker is disabled from earning full wages . . . " I am quite sure no court would interpret those words to mean a worker being disabled from earning to the full capacity. That is the full construction of the words used in this section; the narrow construction placed on them by the State Insurance Office is incorrect.

The words "is entitled to compensation in accordance with this Act" are associated with and related to incapacity. I have very much doubt, if a man can satisfy with medical support that he is disabled from earning a full income, that he will not succeed in a case before the Workers' Compensation Board. He has the right to ask the board to refer the interpretation of this section of the Act to the Supreme Court, if his case should fail before the board.

When it is established that this section has not been framed on a satisfactory basis, that will be time enough for Parliament to make a further amendment with retrospective application. Certainly the amendment before us will not overcome the difficulty. If agreed to it will enable a man who is in receipt of a sufficient income to receive compensation.

Mr. MOIR: The words which I am endeavouring to insert in this provision are already contained in other provisions of the Act. They apply to other types of industrial diseases than silicosis, pneumoconiosis, and miner's phthisis. There should not be any difference between two sections of injured workers.

The member for Subiaco drew a comparison, and said that if my amendment were passed and the disability were related to the capacity to earn full wages in the industry in which he sustained the injury, it would mean that such a person could claim compensation while he was earning £5,000 a year. There is nothing extraordinary about that because it exists in the Act now as far as other injuries are concerned.

Mr. Guthrie: Limited to a three-year period, of course.

Mr. MOIR: Have a look at the second schedule of the Act! If a man were unfortunate enough to lose his leg he would get the stated amount, irrespective of his ability to earn.

The CHAIRMAN (Mr. Roberts): Order! This amendment deals with section 8 of the Act.

Mr. MOIR: I think I am quite in order because the amendment makes reference to section 7 of the Act, which is directly concerned with the second schedule. My

objection is that previously all injured workers were on the same footing, but now there is a difference.

There is a huge amount in the reserve fund held by the State Insurance Office against this risk; and if it were invested in the State Electricity Commission loan, the interest would more than pay the total liability in 12 months. Therefore one wonders why this is being done. It affects only a small section of the total claim, which fact is revealed in the replies I received to questions I asked the Minister the other day. The total number, including the 25 under this other provision, was 104; and of that number 67 were admitted, 29 were rejected, and eight were still under consideration. When I asked how many of these claims were made in respect of the three-year limit, I was told 25, five having been admitted, 14 rejected, and six still being under consideration. If the Government sees fit to stick to the letter of the Bill why not stick completely to the Act—

Mr. Bovell: That is just what we are doing.

Mr. MOIR: —instead of introducing an amendment whereby the law will be broken in respect of some people receiving their just rights while it will not be broken in respect of others?

Mr. Tonkin: Breaking the law does not worry this Government.

Mr. MOIR: Not at all.

Mr. Bovell: It is to benefit the worker.

Mr. MOIR: Excluding a small section of the injured workers does not mean anything to this Government either. Why should it matter? There are only 25 votes involved.

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

Ayes—22.

Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. Moir
Mr. Curran	Mr. Norton
Mr. Davies	Mr. Nulsen
Mr. Fletcher	Mr. Oldfield
Mr. Graham	Mr. Rhatigan
Mr. Hawke	Mr. Rowberry
Mr. Heal	Mr. Sewell
Mr. J. Hegney	Mr. Toms
Mr. W. Hegney	Mr. Tonkin
Mr. Jamieson	Mr. May
	(Teller.)

Noes—22.

Mr. Bovell	Mr. Lewis
Mr. Brand	Mr. W. A. Manning
Mr. Cornell	Sir Ross McLarty
Mr. Court	Mr. Nalder
Mr. Craig	Mr. Nimmo
Mr. Crommelin	Mr. O'Connor
Mr. Grayden	Mr. O'Neil
Mr. Guthrie	Mr. Owen
Mr. Hearman	Mr. Watts
Dr. Henn	Mr. Wild
Mr. Hutchinson	Mr. I. W. Manning
	(Teller.)

Pairs.

Ayes.	Noes.
Mr. Evans	Mr. Mann
Mr. Hall	Mr. Burt

The CHAIRMAN (Mr. Roberts): The voting being equal, I give my casting vote with the Ayes.

Amendment thus passed.

Progress

Mr. I. W. MANNING: I move—

That you do now report progress and ask leave to sit again.

The CHAIRMAN: The question is that I do now report progress and ask leave to sit again at a later stage of the sitting.

Opposition members: No it's not!

Point of Order

Mr. TONKIN: I heard distinctly the motion the member for Harvey moved, and it was "that you do now report progress and ask leave to sit again."

Mr. Brand: If you want the Bill killed, that is the best way to do it!

Mr. TONKIN: We must vote on the motion that was moved.

Committee Resumed

The CHAIRMAN: The question is that I do now report progress and ask leave to sit again.

Motion passed.

Progress reported and leave given to sit again.

LOCAL GOVERNMENT ACT AMENDMENT BILL

Council's Amendments

Schedule of two amendments made by the Council now considered.

In Committee

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

The CHAIRMAN: The amendments made by the Council are as follows:—

No. 1.

Clause 18, page 6, line 33—Delete the words, "previous building line," and substitute the words, "frontage of the allotment."

No. 2.

Clause 18, page 7, line 16—Add a paragraph as follows:—

(b) by substituting for the words, "old and the new building lines," in line two of paragraph (a) of subsection (4), the words, "frontage of the allotment and the new building line";

Mr. BOVELL: It is considered that the words "previous building line" do not adequately cover the situation because it is the frontage of the allotment which is really meant. That is the sole purpose of these small amendments. I move—

That the amendments made by the Council be agreed to.

Question put and passed; the Council's amendments agreed to.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Council.

STATE TRANSPORT CO-ORDINATION ACT AMENDMENT BILL

Council's Amendments

Schedule of three amendments made by the Council now considered.

In Committee

The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Court (Minister for Industrial Development) in charge of the Bill.

The CHAIRMAN: Amendment No. 1 made by the Council is as follows:—

No. 1.

Clause 6, page 4, line 7—Delete all words after the word "Act" where secondly occurring down to and including the word, "advice" in line 9 and substitute the words, "having regard to the advice given by the Board."

Mr. COURT: I move—

That amendment No. 1 made by the Council be agreed to.

I also propose, at the appropriate time, to agree to the other amendments made by the Legislative Council. A study of these amendments indicates that they improve the drafting of the legislation, and also make certain of the correct relationship between the advisory board, the commissioner, and the Minister.

Mr. GRAHAM: I have no objection to the amendments. The fact that the Government is accepting them is an admission of the weakness of the Bill as it was introduced. I described this proposed transport advisory board as being more or less a name—an authority without any power or responsibility. During the course of the Bill through this Chamber a number of propositions were submitted, including some from the Minister in charge of the Bill; and so the board was given some authority and something to do. Now we find there is a further instalment of the same process. To my mind it indicates the pig-headedness of the Government in being adamant in respect of its viewpoint and adopting an attitude that what is submitted from this side is completely without merit.

This is not the first instance, and it will not be the last this session, of where the Government has been compelled, either by a court decision, public reaction, or a majority of those voting in the Legislative Council, to admit that when its propositions were before us they were without substance, and subsequently the position has been rectified. I am pleased that the Legislative Council has seen fit to clothe the board with further responsibility; and the Bill, as it will finally go through Parliament, will be a much sounder document than it was when we first saw it.

Mr. COURT: I merely want to comment that the amendments made in the Legislative Council were not forced upon the Government; they were made by the Government in that House and not sponsored from outside the Government.

Mr. Graham: You should have given a little thought to it before bringing the Bill to Parliament.

Mr. COURT: The amendments were sponsored and made by the Government.

Question put and passed; the Council's amendment agreed to.

The CHAIRMAN (Mr. Roberts): Amendments Nos. 2 and 3 made by the Council are as follows:—

No. 2.

Clause 10, page 11—Delete subsection (5) of proposed new section ten and substitute the following:—

(5) The Board shall—

(a) advise and assist the commissioner in or in connection with the general administration of this Act;

(b) advise the commissioner on such matters as he may refer to the Board for advice; and

(c) subject to the direction in writing of the Minister, determine the policy of the commissioner in the administration of this Act in relation to any particular matter referred to it by the Minister.

No. 3.

Clause 10, page 11, line 14—Delete all words after the word "to" down to and including the word "thereof" in line 16 and substitute the following:—

"paragraph (c) of subsection (5) of this section."

Mr. COURT: I move—

That amendments Nos. 2 and 3 made by the Council be agreed to.

Question put and passed; the Council's amendments agreed to.

Report

Resolutions reported, the report adopted, and a message accordingly returned to the Council.

ADJOURNMENT OF THE HOUSE: SPECIAL

MR. BRAND (Greenough—Premier): I move—

That the House at its rising adjourn until Tuesday, the 14th November, at 2.15 p.m.

Question put and passed.

House adjourned at 11.7 p.m.