Legislative Council.

Tuesday, 18th September, 1945.

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

ADDRESS-IN-REPLY.

Presentation.

The PRESIDENT: In company with officers of this House, I waited on His Excellency the Lieut.-Governor and presented to him the Address-in-reply agreed to by this House. His Excellency replied as follows:—

Mr. President and hon. members of the Legislative Council—I thank you for your expressions of loyalty to His Most Gracious Majesty the King and for your Address-in-reply to the Speech with which I opened Parliament. (Sgd.) James Mitchell, Lieut.-Governor.

BILL—POLICE ACT AMENDMENT ACT, 1902, AMENDMENT.

Read a third time and transmitted to the Assembly.

BILL—MINES REGULATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 13th September.

HON. J. G. HISLOP (Metropolitan) [4.38]: As I view it, this Bill will simply give authority to the Mines Department to make regulations for the prevention of silicosis and other prescribed industrial diseases in the mining industry. I am totally in favour of anything that will prevent disease or accident in any industry, but I am sorry that I do not approve of the method by which this authority is to be given under the Bill. There is one paragraph of just three sentences which gives sweeping powers to a department, and, if adopted, it will mean that Parliament will not be advised in future of any of the steps to be taken as regards the prevention of industrial disease in the mines. They will be introduced on the authority of the Mines Department. Even if they were accepted as proved methods of prevention, I would still dislike a short Bill which gives the general power of imposing regulations to any department. Government by regulation has reached such a stage that I think we should attempt to stop it somewhere. When the method of prevention that is to be introduced is one that is still in a somewhat experimental stage, the measure then meets with my deeper disapproval.

Let me go into some of the difficulties that I foresee in the giving of such wide powers to the department. The aluminium treatment of silicosis or the use of aluminium in the prevention of silicosis, is a scientific matter that has been the subject of deep thought and experiment in Canada. We will therefore accept the dicta laid down by the experimenting firm as applying to us. I understand, from the Chief Secretary, that the intention is to follow the plan of requirements laid down by McIntyre Research Ltd. There are two separate parts in this. One is the question of treatment, which I shall not touch on because it does not appear to me to come under this Bill at all, as it only gives authority to introduce measures for the prevention of silicosis—not for the treatment. I will go into the question involving the prevention of silicosis.

The first thought that comes to one's mind is whether the introduction of further dust to an already dust-laden lung, can be undertaken lightly. Therefore one must ask this question: Is this aluminium completely inert as a dust, or is it at all injurious to the lungs? I will not read at length from the tremendous amount of comment on this matter in the various mining journals of Canada and South Africa, because it has already appeared in the Daily Press of last February. The statement that aluminium dust is harmless to the lungs is based upon the fact that men who have been working for many years in an atmosphere laden with aluminium dust, have shown no evidence of ill-health, but here again there are medical difficulties. Reading the "Lancet" of much

the same date as the reports which appear from Dr. Robson in the South African journals, we find that it says—

> The use of aluminium in prevention seems rational from the experimental work, but there is a natural disinclination to add more dust to a lung already receiving more than its quota. Furthermore, there may be a danger of causing slackening in the development of measures to reduce the silicosis-causing dust at its source.

There is the difficulty, because one realises that silica takes many years to produce ill results in a lung, and that the methods now adopted are such that men can work for upwards of 15 or 20 years in the mines before showing evidence of silicosis. We must therefore look for the long-term use of aluminium before we can say that it is inert. To accept the statement that miners working in aluminium dust show no ill effects is not to say that men working in silica dust, plus aluminium dust, will not show evidence of ill health as the result of the addition of the aluminium to the silica, because the two combined may prove difficult for the human lung to handle. All heavy metals are difficult and produce results which at times are very unexpected.

Another difficulty that one sees in this work is that the method of treatment has been patented. It is extraordinary for a work of medical interest, or for any piece of medical scientific research to be patented. It is almost unheard of. Such a course was followed previously on the discovery of insulin, but the methods adopted there were entirely different. When insulin was patented its discoverers said that any reputable maker of chemicals and drugs could manufacture it, provided that they did not make a profit from their insulin. They may even have been allowed a certain amount of working costs, but insulin was patented in order that the public should receive the benefit of it, without commercial gain on the part of the manufacturers. The result has been that reputable firms have improved insulin considerably over the years, and we now have it in various forms. The work on insulin is not restricted to any one or more firms, and the progress made has been considerable. This aluminium treatment, however, has been patented by one firm and a premium must be paid to that firm for the use of its material and methods.

The Chief Secretary: A fairly heavy premium.

Hon. J. G. HISLOP: In comment on that point the "Lancet" of the 7th April, 1945, says—

> May not the effect of the patent be opposite to what the discoverers of the method wish —namely, that it should be "made available to those suffering from or threatened by silicosis . . . without let or hindrance"? It seems possible, too, that the method will be discredited more by the act of taking out a patent than by allowing investigators in other industries and in other parts of the world to experiment in their own way and not only with aluminium powders approved by McIntyre Research Ltd.

To comment on one point mentioned in that article, the powder that has been used by McIntyre Research Ltd., is one which consists of powdered aluminium. This resembles lamp black in appearance, as each particle consists of a core of metal surrounded by the oxide. It may be that the metallic core is the reason why the oxide coat of powder appears black, rather than white. The "Lancet" has already questioned whether this patenting of the method is wise, because additional powders might be found by other people. That is exactly what has happened. To proceed with the extract—

> While these experiments were being carried out using metallic aluminium powder, Gardner, Dworski and Delahaut at the Saranac Laboratory were working along similar lines, but they were using hydrated alumina. They employed an injection technique with colloidal aluminium hydroxide, and confirmed the principles laid down by Denny, Robson and Irwin from their study based upon inhaled metallic powder . . . . Experience further indicated that the amorphous hydrate may possess certain advantages over the metallic powder. It is stable and therefore need not be freshly ground in a mill at the time of inhalation. It does not flocculate on contact with body fluids and is, therefore, more likely to reach all silicotic foci within the lungs. Its white colour is less objectionable than the coal black metallic powder which stains the mouth and face in the present method of administration.

If I were undergoing treatment, I would much prefer to have a powder that was white than one that would blacken my mouth and nostrils, and I think the worker would also appreciate the difference. Last year, when speaking on the Workers' Compensation Act Amendment Bill, I appealed for the appointment of a body to investigate scientifically the investigation and treatment of disease and accidents in industry. This is the first time that my plea could have been given effect to and where we could have had a body

to investigate this matter in our own mines, report to us at a later date and advise us as to the wisdom of making this treatment, if necessary, compulsory in the mines. But we have no assurance that this new method of prevention, or alleged prevention, of silicosis is going to be in the hands of experts. We are simply asked to give a general power under the Bill for the introduction of regulations for the use of aluminium in the treatment of silicosis, and then we tack on the wide term "or other prescribed industrial disease."

It may be that the aluminium dust does not need to be used in our mines. It has not been actually proved that the silica, which is known to be soluble in the lungs and afterwards blocks the passages, is the cause of silicosis. There are scientists who believe that there is a second factor, a dust known as sericite, and that it is this sericite, which is so minute in its fragments, that causes the real damage. South African mining experts have been making investigations to ascertain whether it is the sericite or silica dust which is responsible because, in some of the mines, silicosis is frequent in its onset, while in others it is not. Therefore it is possible we may find that, in our mines, certain changes in the treatment are necessary. Had my suggestion been adopted, we would have had a body of experts working towards the prevention of all industrial diseases and accidents, and we could have handed this matter to that body for report.

Had that been done, I do not think there would have been any objection on the part of anybody to having this treatment introduced into the mines, because I feel sure that every member is keen to do what he can to prevent silicosis amongst miners; but we do want to ensure that when we put something into the mines, it will be effective and that we shall be wise in adopting it. In the past we have followed the South African mines very closely in what we have done towards the prevention of silicosis, and therefore it would be wise to consider what "The South African Mining and Engineering Journal" thinks of the introduction of the aluminium preventive treatment for silicosis. This is what it says—

> The 40-year fight against the silicosis on the Rand has produced a magnificent record of achievement. The incidence of the disease has been considerably reduced, and the rate has been progressively lowered from 19.41 per 1,000 in 1927-28 to 7.03 per 1,000 in 1937-38. The subsequent rise to 10.05 per 1,000 in 1940-41, the last year for which figures are available, is attributable largely to the fact that so many miners are now on active service. . . . .
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> Even more significant, perhaps, than the reduced incidence of silicosis is the average length of time which a miner can work underground before being warned of the anti-primary stage of silicosis, which is the earliest detectable stage of the disease. In 1922-23 the mean duration of underground service in new cases of silicosis was nine years and five months. In 1940-41 this duration was 19 years 6 months.

This means that a man can now work in those mines for nearly 20 years before developing silicosis. The "Lancet" continued:—

> Scientific research is seldom a matter of brilliant guesswork. It consists of years of steady, painstaking work towards an end, and the men who have been working on the problem of silicosis on the Rand are alive to the value of co-operation in research. Much will have to be done before conclusive results can be attained, but there seems no reason why the Canadian experiments should not be incorporated into South African research work, so that, if possible, Rand mineworkers may be still further benefited and their health safeguarded even more completely than it is today.

Obviously, the Rand authorities are not rushing in to adopt this treatment as we are doing, but are adopting what I have asked for—research into the matter before it is made applicable to the miners. Now I come to the methods by which this treatment can be introduced. If I remember aright, the Chief Secretary said that the treatment was not to be made compulsory. If this is to be effective, the aluminium, irrespective of whether it is the hydrate or the powdered aluminium, must be forced into the air, and it is intended that this shall be done during the time the men are changing before going on shift. It is estimated that the aluminium will have to be introduced into the atmosphere in the change-room for ten minutes before the men undertake their day's work. Therefore, I take it, either the men will have to have two change rooms, if the treatment is not to be compulsory, or some men will have to be allowed to use the change room when the aluminium dust is not being blown into the air. I am wondering how that can be arranged.

The second factor I am thinking of in relation to the Kalgoorlie mines is that a certain concentration of aluminium powder must be maintained in the air. In order to do this all the doors, windows and ventilators have to be locked or closed. In other words it must be a close, confined space into which the aluminium is forced. Unless the room is a large one the heat that is generated may be very considerable. Whether the method can be associated with an air-conditioning plant at the same time is something that I do not know. Experiments along that line may have already taken place. It will be difficult to make this treatment compulsory. We would be very much wiser to hand the whole matter over to a body such as I suggested last year—a suggestion which then met with approval—that would investigate the method as applied to our mines before we made it mandatory for the mine owners to instal the plant, after which we could consider making it compulsory for those miners to accept this method of preventing silicosis.

I am definitely opposed to scientific research of this nature being lightly treated and its being left to the department or a lay body to make regulations. I have given the House from time to time examples—I hope I will be able in the near future to give others—of the need for scientific thinking and wording at times in the regulations for the handling of scientific experiments and treatment. If I have to stick to my principles at all I will have to vote against the second reading of the Bill. I do not think the measure would do any harm, but I feel we should indicate that we believe the correct method for the introduction of treatment would be through the close co-operation of those who are devoting their whole time to seeing that the question is looked at from the point of view of whether it is sound and scientific in its adoption and maintenance. I conclude with these words which I also take from the "Mining Journal," as follows:—

> Aluminium therapy should be administered only under close medical supervision and should not be used to the exclusion of recognised methods of dust control.

If we are to introduce this at all we must have medical and scientific control over these experiments, and we must see that it does not take the place of the already accepted methods in the prevention of silicosis in mines. For the reasons I have given I am going to vote against the second reading of the Bill, hoping that by so doing I shall achieve what I have always tried to accomplish here, namely, the introduction of a scientific body for the prevention of disease and accident.

HON. H. SEDDON (North-East) [5.5]: I wish to say only a few words on this Bill. Dr. Hislop has raised an aspect which apparently has not been considered by any other speaker, so far as I can gather. It is recognised that this process is definitely supplementary, that is to say it is offered as being supplementary in its effect on lungs which have already been affected. The whole process of our legislation in the past has been in the direction of prevention, and the scheme which was laid down was the adoption of efficient systems of ventilation in the mines and also the very strict policing of the dust content of the air in the mines. Where that dust content was found to be above a certain figure, immediately instructions were given by the ventilation officer to the mine management that steps must be taken to reduce the amount of dust in that part of the mine, and he also had power to prevent the men from working there. Consequently, this proposal may be regarded as accessory to these preventive measures which have been productive of so many beneficial results in the industry.

The experience of South Africa and the progress that has been made there since the introduction of modern ventilation and dust prevention have been remarkable. As Dr. Hislop pointed out, the term before the elementary stages of silicosis were entered upon has been extended by 100 per cent. In our own industry the result of the annual examinations has shown that once the mines were cleaned up and the accumulated load of silicotic dust was diminished, the incidence of silicosis fell to a very small fraction, thereby demonstrating that when members of both Houses agreed to the dust prevention methods being applied to the mining industry, they adopted means that had the effect of reducing any further incidence of silicosis and ill effect on the lives of the miners. Another member, speaking on the question,

referred to the results which have been obtained from the use of metallic aluminium dust and aluminium hydrate. The figures he quoted were very small, but seemed to indicate that one method was as effective as the other.

I can imagine that if men were given the choice of treatment, the method which would have the effect of blackening their faces, as Dr. Hislop said, and the treatment which would leave them in normal condition, there would be no doubt as to which they would choose. There seems to be one disturbing feature about the Bill. It is proposed that the adoption of the treatment by the men shall be entirely voluntary. If it is going to be effective there should be no question about its being voluntary. It appears, according to Dr. Hislop, that there is considerable doubt in the minds of medical men whether the treatment has been as successful as has been claimed by the people who have introduced it. I intend to support the Bill on the principle that anything that has possibilities of improving the health conditions in the mines should be given our support. I would like some further information, however. Dr. Hislop has sounded a wise note in his suggestion that the matter should be further investigated. I hope we shall from time to time receive from the Government further information as to the success which has been achieved in Canada, and also regarding the results of the research work that has been instituted in South Africa. Meanwhile, I support the second reading of the Bill.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West—in reply) [5.10]: I hope the Chamber will not be guided entirely by Dr. Hislop on this measure. The Bill is a very simple one. It merely gives authority to the department to provide by regulation for the introduction of methods to be employed in the prevention of silicosis or other prescribed industrial diseases. I cannot see that this amendment to the Act, worded as it is, is at all detrimental in any shape or form to the ideas which Dr. Hislop holds. Before the department would insist on any particular method being applied to the mining industry, or to a particular mine, it can be taken for granted that it would satisfy itself in every way that the method, if introduced into the industry, was satisfactory. I do not think it can be said that the Mines Department would form judgment of that kind without having the advice of the experts referred to by Dr. Hislop from whom the requisite information and assistance, if necessary, could be derived.

This particular amendment of the Act does not necessarily say that the aluminium method shall be introduced into the mining industry. I think I made it clear on the second reading that the Mines Department has been very interested in this method for a number of years, so much so that, having received advice of the success of the method elsewhere, it has made specific inquiries and has reached the stage where it has come to the belief that the method will be of some benefit to the goldmining industry of Australia. We are still going to follow the progress of the method in other parts of the world, and in addition we shall be a party to inviting Dr. Robson, who is really the inventor of the process, to Western Australia, to advise us as to the suitability or otherwise of the method for the conditions as they apply in our goldmining industry. I think we ought to have that right. The department is entitled, provided it has obtained all the advice it is possible for it to secure and that advice being favourable to the introduction of a method of this kind in order to prevent the scourge of silicosis in the goldmining industry, to have the power to introduce by regulations the method or methods that will have that effect.

I think I pointed out when bringing down this Bill that this particular method had been examined by all those who are associated with the goldmining industry, the Chamber of Mines, the Australian Workers' Union, the Mines Department and all who are in any way connected with the industry. It is really because they are satisfied that there are possibilities about this method that the request has been made that the department should have this authority by means of this amending measure. I see nothing wrong with the Bill. Surely the Mines Department can be trusted to be reasonable in a matter of this kind if the mine-owners themselves and the men employed in the industry are prepared to accept the method.

Hon. C. B. Williams: We can always disallow the regulations.

The CHIEF SECRETARY: Yes. If the parties to whom I have just referred are prepared to give this method a trial, the Mines Department should be in a position to bring down regulations to give them that opportunity. There is, of course, the feature that Dr. Hislop has been discussing, which is a bit unusual, and I cannot say that I am particularly enamoured of it, namely, that the process has been patented. I understand that McIntyre Research Ltd., will not be a party to the method being introduced into any mine unless it is under the company's control because it claims, as Dr. Hislop has just said, that a method of this kind should only be applied by experts who have a knowledge of the disease and a knowledge of the way in which the method should be used. That is, perhaps, the main reason why an invitation has been extended to Dr. Robson to come to Western Australia to give advice on this particular method, both in regard to the possibility of success and the methods that would have to be adopted to put it into operation. I do not know that we should ask for more than that. The Mines Department has shown that it has a desire to do everything possible to minimise the effects of silicosis. Apparently all those who are engaged in the industry have stated that they agree with the Mines Department in connection with this particular process. I do not think, therefore, that we should stand in the way of the department getting the power it seeks under this measure.

Again, as pointed out by Mr. Williams, regulations made under this measure will be subject to disallowance by Parliament. In the meantime there is no intention on the part of the department to insist on this particular process being installed, but it is felt that the department should have the right, once it is perfectly satisfied that this or any other method is desirable, to assist in the prevention of silicosis in our gold mines. I feel that the department has taken the right attitude in this matter. It has indicated that it is at all times prepared to give consideration to anything that would be of a remedial nature in so far as this disease is concerned. It has also shown that if it is possible to introduce some method whereby this disease can actually be prevented, it would be only too pleased to be a party to the introduction of whatever might be necessary to do that. There is no suggestion that this particular method—if it is ever introduced—will take the place of any other preventive measures now in operation.

So, with Mr. Seddon, I feel that we will be adopting the right attitude by agreeing to this amendment, and thanking Dr. Hislop for the note of warning he has sounded. The Mines Department is just as keen as he is in regard to the matters he has touched upon, and we should give to the Mines Department the authority it seeks, which I am surprised to find it has not had over all these years. I intend to touch on only one other point and that is whether this method, when it is introduced, should be compulsory or not. There is no intention to introduce this method at present. We have a long way to go before that will be done. The idea at the moment is that it shall not be compulsory for all miners in the industry, or all mines to accept it. When further inquiry has been made, and if and when it is decided to introduce the method, it may be that the department might consider it necessary to make it compulsory for all miners.

Hon. C. B. Williams: Then you will be looking for strife!

The CHIEF SECRETARY: As the result of the discussions that have taken place between the Mines Department and the other people interested in the industry, the idea is that it shall not be compulsory, but that wherever the department provides that the method shall be introduced the people who object to the treatment shall be allowed to refuse to undergo it, but that at the same time the mining companies shall provide the means by which this particular method can be put into operation. I do not propose to say any more. I hope that the House will agree that the Mines Department is entitled to the powers it is asking for under this amendment.

Question put and passed.

Bill read a second time.

In Committee.

Hon. V. Hamersley in the Chair; the Chief Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 65:

HON. H. SEDDON: There is one point I wish to bring to the notice of the Minister. I would like to know if the department has thoroughly investigated the question of dust prevention by the use of carbonate minerals. The idea is that the adoption of what is called an anti-dust bullet in the tamping, consisting of a certain amount of magnasite and limestone in a finely powdered form, which mixes with the silica dust when the explosion occurs, has the effect of precipitating these dusts more quickly out of the air. It has a cleansing effect and the result is that the particles of fine dust are reduced considerably. If there has been any investigation in regard to that, I would like to know what results were obtained.

Hon. J. G. HISLOP: When Dr. Robson visits Western Australia we will have an opportunity to do what has been done elsewhere. One mining company in America sent its representative to McIntyre Research Ltd., and asked for the right to carry on a separate investigation. Because the number of cases that had then been investigated was so few, McIntyre Research, Ltd., granted the company permission to carry on experiments simultaneously. The Mines Department could well consider that point, and see whether it could get authority from the company to carry on an experiment in our mines so as to find out before its introduction if the method is satisfactory rather than to accept the statement, of even an individual such as Dr. Robson, that the method is applicable to our mines.

The CHIEF SECRETARY: I have no personal knowledge of any investigations having been made in the direction indicated by Mr. Seddon, but I shall certainly inquire from the Mines Department and let him know the result. Again, I am afraid that the matter raised by Dr. Hislop is a subject with which I am not at all familiar. I see no reason why his suggestion should not be submitted to the department which may have been thinking along these lines already. I shall see that his suggestion is submitted to the department, and, if necessary, I will let him know the reply.

Clause put and passed.

Clause 3, Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—INSPECTION OF SCAFFOLDING ACT AMENDMENT.

Received from the Assembly and read a first time.

BILL—MINE WORKERS' RELIEF (WAR SERVICE) ACT AMENDMENT.

Second Reading.

Debate resumed from the 13th September.

HON. J. G. HISLOP (Metropolitan) [5.30]: I heartily approve of the principles underlying the introduction of the Bill, but I see certain difficulties in giving effect to some of the clauses, worded as they are at present. I am, for instance, not very fond of the statement that a laboratory has an opinion! I do not think a fixed structure can, in any circumstances, have an opinion. Such a term should not be included in the Bill, and the clause should certainly be amended to make clear what we really mean. In paragraph (e) of the proposed new Section 4 the following words appear:—

> If upon examination by the laboratory . . . . the mine worker is found to be suffering from tuberculosis he shall not be entitled to any benefit under the principal Act unless in the opinion of the laboratory . . . .

Of course, we understand what is meant by the words "upon examination by the laboratory" and "in the opinion of the laboratory;" but if it came to a matter of a legal interpretation, I think someone might have something to say about it.

Hon. C. B. Williams: We could hardly summons the laboratory to give evidence!

Hon. J. G. HISLOP: No. The clauses should be reviewed from the point of view of making perfectly clear what we mean. We can be quite in accord with the intention of the legislation, but the Bill calls for amendment in the wording of some of the clauses. All this lends support to what I mentioned earlier this afternoon when I said expert advice must be availed of in wording medical clauses or, in fact, in the framing of any scientific clause. Some little time ago the Mine Workers' Relief Act was amended, and I stated then that the legislation could never function with the inclusion of the definition of "tuberculosis" as it existed. I was assured that it was perfectly all right, and I was even told that I was making things difficult.

To me it was interesting when some months later I received an invitation to join a committee to advise on the definition of "tuber-

culosis," because the Act would not work with the definition that was embodied in it. A committee consisting of medical experts who have a knowledge of tuberculosis was appointed to deal with the matter, and it made certain suggestions to the Minister regarding the amending of the definition of this disease. In reply, the members of the committee were thanked for the work they had done and for the opinions they had expressed. Following upon that the then Minister for Health, at the opening of the Wooroloo Farm Colony, stated that the Government had been hampered in its work in the past because the definition of "tuberculosis" inserted in the Act was unsatisfactorily framed. In the circumstances I have been anticipating the introduction of amending legisation to rectify the position, but a perusal of the Bill shows that it is only the war-time section of the Act that is being dealt with. I mention this point for the very simple reason that paragraph (e) of the proposed new Section 4 reads—

> Notwithstanding anything to the contrary contained in paragraph (d) hereof, if upon examination by the laboratory as provided for in paragraph (a) of this section, the mineworker is found to be suffering from tuberculosis he shall not be entitled to any benefit under the principal Act unless in the opinion of the laboratory his condition is the natural progression of the disease contracted as a result of his employment as a mineworker in the mining industry of Western Australia.

If the suggestions of the committee to which I referred earlier had been adopted and the definition of "tuberculosis" amended accordingly, not much need for that paragraph would have arisen. Most certainly the paragraph must be altered, for we cannot allow the Bill to pass with the assertion that a laboratory has an opinion and that we are prepared to take it. We must alter it to refer to some person or persons. I am in favour of the use of the plural word for the reason that I do not believe it should be in the power of any one man to deprive an individual of his pension. In the findings of the committee, the members of which were given an opportunity to offer advice regarding the definition of "tuberculosis," the note was generally struck that a tribunal rather than an individual should decide such matters.

Let me give the House an example. Right through the measure it says that a man is said to be suffering from silicosis when the medical officer appointed under the Act, or the official at the laboratory says he is so suffering; or if it is said that he is not, he is not suffering from it. At the present moment I am interested in a case affecting a worker's compensation claim. In respect of that case I have made the statement that I consider the man is suffering from silicosis, which diagnosis has been verified by a radiologist in the city. The claim of that man has been refused because his last report from the laboratory at Kalgoorlie shows that he was not suffering from silicosis. There we have a position in which one medical officer says that the man is so suffering and the other says he is not. Surely such a position as that should not be allowed to arise in the case of a man returning from the war and claiming a pension. It may help the House if I read a few extracts from the report of the findings of the medical committee to which I referred earlier. That committee consisted of Dr. G. A. Murray who is a Commonwealth Officer, Dr. L. I. Henzell, Dr. R. LeP. Mueeke, Dr. C. L. Park, who was at that time Commissioner of Public Health, and myself. We suggested that the definition of "tuberculosis" should be amended to read—

> Tuberculosis means tuberculosis in any portion of the human body, when the cause of such disease may legitimately be attributed to the nature of the employment as a mineworker.

Hon. C. B. Williams: If the man were affected in a gland of his leg, would that be attributable?

Hon. J. G. HISLOP: Yes, provided it could be legitimately attributed to the nature of his employment. If that were the position, it would be accepted. Then we suggested the inclusion of the following in the Act in place of Section 6:—

> A person shall be deemed to be suffering from tuberculosis when—(a) Tubercle bacilli have been isolated by a medical officer or medical practitioner appointed under this Act, or by the laboratory, from any secretion or excretion of any such person.

As members are aware, there are various methods by which the bacilli can be discovered.

> (b) Although tubercle bacilli have not been isolated from any secretion or excretion of such person, such person presents as the result of radiological and/or clinical examination and/or investigation, sufficient evidence of

tuberculosis to render such person in the opinion of a medical officer or medical practitioner appointed under this Act, or the laboratory, unfit for work as a mineworker, or to be in need of medical treatment for tuberculosis.

Hon. C. B. Williams: If a man were suffering from tuberculosis in a gland, would he affect the health of the other men?

Hon. J. G. HISLOP: Not necessarily, but it would be evidence of the presence of tuberculosis. The definition of "tuberculosis" in the principal Act is very different from that which we suggested. Then the members of the committee made recommendations in keeping with what I have already pointed out, namely, that there should be a tribunal rather than one individual to determine these matters. The committee recommended to the Minister as follows:—

This committee considers that all persons diagnosed as suffering from tuberculosis and committed for treatment under paragraph (b) of this definition, should be referred to a tribunal. In the opinion of the committee this is the only way in which this definition can be made effective and provide for the individual. Such cases should be referred to the medical tribunal for confirmation of diagnosis, and necessity for treatment.

In other words the committee made it clear that it was not in favour of leaving such a decision in the hands of one man. The recommendations continue—

The committee recommends that this medical tribunal shall consist of two physicians and one radiologist.

Further, it is recommended . . . that where certificates are supplied they should be supplied by the certifying medical officer on receipt of recommendation from the medical tribunal.

The committee also considered that Section 49 should be altered, and the object of this was set out in the committee's report as follows:—

In the opinion of this committee the medical tribunal should have power to allow a person in the course of treatment to undertake some remunerative work to re-establish himself.

Then the committee went on to deal with several other factors including the various types of treatment that were considered necessary.

Hon. A. Thomson: Who appointed that medical committee?

Hon. J. G. HISLOP: I understand it was appointed at the request of the Commonwealth Government and the then Minister for Health. In all these circumstances, I ask the Chief Secretary whether consideration could not be given to the Bill in the light of the recommendations I have mentioned. Most assuredly we must amend the Bill for we cannot allow it to pass with its present wording, setting out that a man must be "examined by the laboratory" and referring to the "opinions of the laboratory." Of course, a man can be examined only by a person; the examination must be at a laboratory; a laboratory cannot express an opinion. I suggest the Bill needs appreciable amendment, although the principle is sound and I heartily agree with it.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West—in reply) [5.42]: To agree with Dr. Hislop as to the wording of the Bill and the necessity for amendments, would mean that the principal Act would have to be amended as well, and we cannot do that by means of the Bill now before the House. In the principal Act the laboratory referred to means the Commonwealth Health Laboratory at Kalgoorlie. I am not a lawyer, but I feel sure there are many Acts of Parliament that could be quoted where institutions are mentioned as such.

Hon. J. G. Hislop: But surely you will agree that a laboratory cannot have an opinion!

The CHIEF SECRETARY: Acts mention institutions such as the Commonwealth Health Laboratory at Kalgoorlie. There may be a legal point involved, but I would prefer to leave that to someone else to deal with rather than attempt to do so myself. I suggest to Dr. Hislop that if there is any necessity for altering the terms included in the Bill, the same necessity would apply to the principal Act.

Hon. L. Craig: It would be difficult to insert a definition in the place of the one included.

The CHIEF SECRETARY: In view of what Dr. Hislop has said regarding the medical committee and its recommendations, I am quite prepared to find out what happened and perhaps satisfy the hon. member that notice has been taken of the committee's work.

Hon. C. B. Williams: It would be very satisfactory if we could incorporate some of those recommendations in the Act, for it would improve the lot of the worker.

The CHIEF SECRETARY: There may be an intention to do so. Members will appreciate that it is not my department that is concerned, and therefore I have no personal knowledge of the position. I would remind them, too, that the amending legislation has been introduced to meet war-time conditions, and not necessarily to deal with the disease as much as the necessity to bring certain persons within the scope of the Act as it was amended last year or the year before.

Hon. A. Thomson: And in effect to preserve the rights of individuals.

The CHIEF SECRETARY: That is so. The points raised by Dr. Hislop will be looked into and if there is any further necessity to amend the Bill, the Government will be prepared to take the required action.

Question put and passed.

Bill read a second time.

In Committee.

Hon. V. Hamersley in the Chair; the Chief Secretary in charge of the Bill.

Clauses 1 to 4—agreed to.

Clause 5—New section: Special provision to apply in relation to mine workers while on service incidental to war service in time of war:

Hon. H. S. W. PARKER: May I suggest to the Chief Secretary that we report progress at this stage? Quite obviously, a man cannot be examined by the laboratory. The wording might be changed to read that he should be examined at the laboratory, or that he should be examined by the principal officer or an officer of the laboratory.

The CHIEF SECRETARY: I see no reason why the Bill should be held up. The Act was passed in 1932 and has since been twice amended. This question has only arisen now. Why hold up the Bill when I have given an assurance that the point will be referred not only to the Mines Department but also to the Crown Law authorities, and that if there is any necessity to amend the Bill it will also be necessary to amend the principal Act, when the matter could be dealt with?

Hon. C. B. WILLIAMS: The measure is one which everyone can support, but I quite agree that if there is an anomaly it should be cleared up. I have had considerable experience in the handling of claims lodged under various Acts, and in any claim for compensation under this measure we should have the evidence of the officer who controls the laboratory.

Hon. H. S. W. PARKER: May I venture to point out that the Chief Secretary has misunderstood me? I doubt whether under the principal Act the laboratory is called upon to do anything active. In this measure we are asking the laboratory, as an institution, to do something active. The Bill should provide that the action should be taken by the director of the laboratory or some other person connected with it, or that the man should be examined at the laboratory.

The CHIEF SECRETARY: I again point out that there will be an opportunity to discuss the matter at the next sitting of the House. I have an amendment to move, although not to this clause. I wish that amendment to be passed, and then the whole matter can be reconsidered tomorrow.

Clause put and passed.

Clauses 6 and 7—agreed to.

New clause:

The CHIEF SECRETARY: When the Bill was passing through another place, a question was raised as to what was meant by the words "time of war," and an undertaking was given by the Minister in charge of the Bill that he would have those words specifically defined and an amendment introduced in this Chamber which he hoped would meet the objection then raised. I move—

That a new clause be inserted as follows:—"6A. Notwithstanding anything to the contrary contained in the principal Act or in this Act, insofar as the provisions of the principal Act as amended by this Act are applicable during the time of the war in which His Majesty was engaged at the date of the commencement of the principal Act, and notwithstanding that in accordance with the laws of the Commonwealth the Governor-General of the Commonwealth may have declared by proclamation issued before this Act shall have been assented to that the said war has ended, a time of war shall, for all the purposes of the principal Act, as amended by this Act, be deemed still to continue for a period of six months from the date upon which this Act is assented to.

I do not know whether there is necessity to use all those words, but I am assured that such is the case.

Hon. H. S. W. PARKER: Would it not be sufficient to say, "The time of war shall, for the purposes of the principal Act as amended by this Bill, be deemed still to con-

tinue for a period of six months from the date this Act is assented to"? Would the Chief Secretary also make inquiries on that point?

The CHIEF SECRETARY: I am advised in the matter by the Crown Law authorities and am submitting to the Committee the advice given to me.

New clause put and passed.

Title—agreed to.

Bill reported with an amendment.

BILL—RIGHTS IN WATER AND IRRIGATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 13th September.

HON. W. J. MANN (South-West) [6.3]: There is not a great deal in this Bill. There are a couple of amendments that have been deemed advisable as a result of experience, and another dealing with the illicit utilisation of irrigation water. The first amendment deletes a subsection and adds another in lieu, which makes the working of the Irrigation Commission easier. It provides that in cases where a license is issued the method shall be simplified. Hitherto such a license had to be obtained in a round-about way. First there had to be an application to the Minister, and then the license had to be signed by the Governor. The amendment provides that a certificate from the Minister shall be sufficient. I do not think there is anything to fear from that. It will obviate the loss of a considerable amount of time and will enable the Commission to get on with irrigation works, particularly those of an emergency character.

The second of the amendments is the most important; it raises the minimum penalty capable of being imposed on persons convicted of stealing water from £20 to £100. Stealing water is a most serious offence. I suppose that in the annals of crimes committed in and around rural areas, cattle stealing has for many years been looked upon as the most heinous; but I do not think cattle stealing has anything on water stealing, because water stealing inflicts loss not on one person alone but on a whole community of irrigationists. Stolen cattle are frequently traced and recovered, but stolen water is irrecoverable and cannot be replaced.

Hon. G. Fraser: You cannot brand that!

Hon. W. J. MANN: I do not see how water, once it is permitted to spread over land, can be traced in any possible way; so water stealing is a very serious offence. It is serious inasmuch as a farmer may set out a programme for a year's work and put aside a portion of irrigable land which he prepares and fertilises and seeds in the hope that he will be able to secure water from the irrigation mains at a time when Nature is not so generous. Then he wakes up to the fact that some person has been tampering with the supply and that the water which should be available to him and to others has not altogether disappeared but is very much reduced in quantity. In those circumstances, the penalty of £100—and, in certain cases, imprisonment—is not too great. There are not many of these water thieves about, but those that are operating are very cunning and wide-awake. Probably they learned their technique in the foreign countries from which they came; but there is no doubt that they do the job well when they set out to do it. In the past, magistrates have not risen to the occasion.

There was a case not long ago in which a man was fined a couple of pounds and went away smiling because he knew he could pay the fine—and even the maximum penalty—and still make a very good profit out of the stolen water. So it is quite essential to increase the penalty and I do not think there will be any objection to this proposal. If there has been, I have not heard of it. I did hear someone say that the word "fraudulent" should be inserted in the clause, but I do not think that is necessary. The man who is honest has nothing at all to fear; he has no idea of taking what does not belong to him. Stealing is not done on the spur of the moment; it is a crime needing a great deal of preparation in order to be successful.

The third amendment is of a machinery character and deals with another simplification. It proposes to obviate the necessity for a big comprehensive preparatory plan and a whole lot of details that may or may not be relevant being provided before even small jobs can be undertaken. It is proposed that a certificate from the Minister to the effect that a suggested work

is within the scope of the Act shall be sufficient. There is only one point that might be objected to in connection with this matter, and that is that under normal conditions the proposal to undertake irrigation works must be advertised in the "Government Gazette" and a newspaper circulating in the district. The "Government Gazette" is not worth anything from the point of view of publicity, because I do not think one-twentieth of one per cent. of the people of the State ever see the "Gazette" and only a very small proportion of that one-twentieth ever reads it. But it would be fair to the people concerned for proper notice to be given that a work is about to be undertaken, particularly an irrigation project that might mean taking away certain portions of a person's land. Beyond that, I have no objection to the Bill but am in favour of it.

At this point I would like to express regret at the recent demise of the Chairman of the Irrigation Commission, the late Mr. Hodgson. The Irrigation Commission comprises certain gentlemen nominated by the Government, and three local residents. The Commission has done very excellent work in the past. It started without any precedent so far as this State is concerned and met many difficulties; but by reason of hard work and application to its duties, it accomplished a great deal. Irrigation will play a very much greater part in the South-West in the future and there is still much to be learnt about it. The Commission is due for the largest measure of praise that this State can accord. By application to its work, it has enabled the State to produce many hundreds of thousands of pounds worth of primary products that it was not possible to obtain before the irrigation scheme was inaugurated. I support the second reading.

HON. L. CRAIG (South-West) [6.10]: The only amendment to which I shall speak is the one dealing with the increase in the fine for water stealing.

Hon. A. Thomson: I was going to move the adjournment of the debate.

Hon. L. CRAIG: Who is running this show? These amendments are quite necessary, but I would like to point out that the stealing of water has repercussions. I have known cases in which a water officer has turned on the water, but it has not reached the person requiring it. He, in distress, has pulled out one of the stops and let the water through on to his property as a result of which he has been fined £5. I know it is a crime to steal water, but in some circumstances, through the lack of attention by one of the water officers, it is possible for men to be deprived of water.

Hon. W. J. Mann: Those cases are very rare.

Hon. L. CRAIG: I know. I myself have in many instances had to take drastic action to get a proper supply. This amendment applies mainly to the Canning people, who have a limited supply of water, so that if one steals any he deprives somebody else of it. In the bigger areas, however, it is not a question of entire loss of water but of interference with somebody above or below an offending irrigationist. If there is a considerable amount of water going through a channel and serving three points and the man at the top interferes by taking out a stop, it means that more water runs on to his place and that the people below are not getting water to which they have a right. In the circumstances, I support the second reading.

On motion by Hon. A. Thomson, debate adjourned.

House adjourned at 6.15 p.m.

Legislative Assembly.

Tuesday, 18th September, 1945.

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