PETROLEUM BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr. Bovell (Minister for Lands), read a first time.

ADJOURNMENT OF THE HOUSE: SPECIAL

MR. BRAND (Greenough—Premier) [12.22 a.m.]: I move—

That the House at its rising adjourn until 2.15 p.m., today (Wednesday).

Question put and passed.

House adjourned at 12.23 a.m. (Wednesday).

Legislative Council

Wednesday, the 15th November, 1967

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

QUESTIONS (4): ON NOTICE

CALISTA SCHOOL

Additional Classrooms

1. The Hon. F. R. H. LAVERY asked the Minister for Mines:
   (1) In view of the two subdivisions and sale of residential land by the Government at Calista, and as at least 230 to 250 new homes will be completed by Easter, 1968, has the Education Department made any provision for extra classrooms to the Calista Primary School to meet this urgent situation?
   (2) Can he advise what plans are envisaged?

   The Hon. A. F. GRIFFITH replied:
   (1) Two classrooms were recently completed. The department is keeping the situation under close review and extra classrooms will be provided as the need arises.
   (2) Forward planning will be possible when details of the number of school-age children are available. In the meantime, the use of demountable rooms may be necessary.

COUNTRY SEWERAGE SCHEMES

Expenditure and Losses

2. The Hon. S. T. J. THOMPSON asked the Minister for Mines:
   (1) What was the total amount spent by the Public Works Department at the 30th June, 1967, on deep sewerage in each of the following towns:—
   (a) Pingelly;
   (b) Narrogin;
   (c) Wagin; and
   (d) Katanning?
   (2) What was the loss on each of these schemes during the last financial year?

   The Hon. A. F. GRIFFITH replied:
   (1) Capital cost to the 30th June, 1967:

Pingelly	$76,010
Narrogin	$354,476
Wagin	$191,090
Katanning	$285,724

   (2) Net loss for year 1966-67:

Pingelly	$2,655
Narrogin	$13,715
Wagin	$3,706
Katanning	$6,595

MEDINA SCHOOL

Attendance, Teachers, and Classrooms

3. The Hon. F. R. H. LAVERY asked the Minister for Mines:
   (1) How many pupils are attending the Medina Primary State School?
   (2) How many teachers are allocated to this school?
   (3) How many classrooms make up this school?
   (4) (a) What number of other rooms are in use; and
   (b) for what purpose?
   (5) Are there any plans for extension to the school?

   The Hon. A. F. GRIFFITH replied:
   (1) 810.
   (2) Headmaster and 21 assistants.
   (3) 18 permanent classrooms, 1 demountable room.
   (4) (a) 1 small general purpose room in main building.
   (b) classroom teaching.
   (5) Additional permanent classrooms are not necessary as other schools will be established in the area in the future.

APPLECROSS SENIOR HIGH SCHOOL

Hall and Change Rooms: Provision

4. The Hon. F. R. H. LAVERY asked the Minister for Mines:
   (1) Is the Minister aware that the Applecross Senior High School Parents & Citizens' Association has raised and spent over $50,000 on amenities for the school?
   (2) In view of the fact that the provision of a hall to this school has been under departmental review since the 16th May, 1961, and also

that approximately 1,500 pupils now attend the school—

(a) what provision has been made financially to provide the hall and change rooms;

(b) will the Minister give an assurance that this school will have first preference when funds are available; and

(c) when is it anticipated building may commence?

The Hon. A. F. GRIFFITH replied:

(1) Yes.

(2) (a) Provision has been made for an expenditure of $40,000 on change rooms at the Applecross Senior High School. Although finance has been allocated for halls in general, the actual schools have not yet been named.

(b) An order of preference is yet to be determined. Applecross Senior High School will have a high priority.

(c) As teaching classrooms must receive precedence, work will not commence on the change rooms before the first term, 1968. A similar position applies to school halls.

BILLS (2): RECEIPT AND FIRST READING

1. Traffic Act Amendment Bill.

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

2. Main Roads Act Amendment Bill.

Bill received from the Assembly; and, on motion by The Hon. G. C. MacKinnon (Minister for Health), read a first time.

WORKERS' COMPENSATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 14th November.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [4.42 p.m.]: This is a simple amending Bill and increases the sum of $7,000 to $10,000. I mentioned this particular point when introducing a motion to the House recently, and this Bill has since come forward and will rectify the situation about which I spoke.

I was interested to know whether or not retrospectivity would be granted, to bring it into line with previous legislation. I notice the Minister has a new clause on the notice paper to this effect, and under those circumstances there is no point in my holding up the Bill or delaying it by lengthy discussion.

Question put and passed.

Bill read a second time.

In Committee

Clauses 1 and 2 put and passed.

New clause 3—

The Hon. A. F. GRIFFITH: The new clause on the notice paper, in my name, will give effect to retrospectivity to the 5th December, 1966. I did mention this when making my second reading speech. We have found that nobody has suffered as a result of what was done, but to make it quite clear, and so that nobody will suffer, it is proposed to make the retrospectivity statutory. I move—

Page 2—Insert after clause 2 the following new clause to stand as clause 3:—

Retro-activity. 3. This Act is deemed to have had effect, for all purposes, from and including the fifth day of December, nineteen hundred and sixty-six.

New clause put and passed.

Title put and passed.

Report

Bill reported, with an amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and returned to the Assembly with an amendment.

DRIED FRUITS ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Upper-West—Minister for Local Government) [4.47 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to improve the method of conducting elections under the Dried Fruits Act. At present, members of the Dried Fruits Board are elected for a three year term of office. There has not been an election contested since 1957, and the current members' term expires at the end of 1969.

The poll for the election of members is conducted at appointed polling places and electors who live outside a seven mile radius of this area may apply for a postal vote.

The Bill seeks a change in the procedure for holding an election. It is proposed that all elections in future will be conducted solely by post in a manner similar to that applying in conducting polls held to determine the adoption of a compulsory district fruit-fly baiting scheme.

The new proposals have been recommended by the Chief Electoral Officer and agreed to unanimously by the Dried Fruits Board.

The adoption of these proposals would simplify future elections as it would be administratively much easier to conduct an

election through the post rather than set up voting places throughout the districts to which growers wishing to vote need present themselves. It is considered also that interest in the board will be stimulated to the extent, it is thought, that, in future elections, a larger percentage of growers will cast their votes.

The Bill also seeks to simplify the counting procedure in an election where there is more than one vacancy and more candidates than vacancies existing. At present, the procedure is that laid down under the Commonwealth Electoral Act for a Senate election.

This procedure is considered to be much too complicated for use in a small election of this nature. It is therefore proposed to adopt a procedure similar to that laid down in the regulations covering the election of elective members to the Western Australian Egg Marketing Board.

The Act, at present, makes no provision for the filling of casual vacancies in the ranks of the elective members of the board. It is considered desirable that this should be rectified and an appropriate amendment to do just this is contained in this measure.

All proposals in the Bill have the unanimous concurrence of the Dried Fruits Board.

During the debate in another place, one honourable member raised the issue of whether the wording under this Act should not be the same as that in the Egg Marketing Act, and whether this Bill should include the words, "as shall be prescribed by regulation." If members look at section 4 of the Interpretation Act they will find this point is covered, and there is no need for those words to be included in this legislation. Under section 4 of the Interpretation Act the following appears:—

> "Prescribed" means prescribed by the Act wherein the term is used, or by a regulation, rule, or by-law made thereunder;

The Minister in another place promised to get a ruling, or some information on the point, and I have given that information to the House. The situation is that there is no need for the words referred to —"as shall be prescribed by regulation" —to be included in this Bill.

Debate adjourned, on motion by The Hon. N. E. Baxter.

BRANDS ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [4.51 p.m.]: I move—

> That the Bill be now read a second time.

This amendment to the Brands Act seeks to overcome some problems which have been experienced with the parent Act and to remove some anomalies from the Act.

The early clauses in the Bill deal with more minor matters and I shall have some comment to make in their regard later.

I turn now to clause 8. This amendment provides that all sheep over the age of six months, except stud sheep, must be earmarked or bear a registered woolbrand tattooed in the ear.

Sheep under the age of six months must be similarly marked if they are to leave the property, but this does not apply to sucker lambs when accompanied by their mothers or lambs not shorn for slaughter. As there is an apparent omission from the Bill, I wish to inform members of a pending amendment to this Bill to make it explicit that unshorn lambs under six months would not have to be branded before being sent to the slaughteryards.

The breeder of any stud sheep may in lieu tattoo his breed society mark on the ear or firebrand the sheep.

These proposals acknowledge the common practice amongst breeders of identifying their sheep by a society tattoo. Furthermore, if the sheep are not to leave the property, it is not necessary for them to be woolbranded. Woolbranding is only compulsory on sheep when they leave the run as provided for in clause 9. I emphasise that it is not necessary for stud sheep to be woolbranded if carrying a stud breed society mark. These proposals have the approval of all sections of the wool industry.

The Bill also provides for the branding of pigs for the purpose of controlling disease. It is becoming increasingly apparent that the high condemnation rate in Western Australia arises from disease. If the property of origin of a condemned pig can be quickly and easily determined by means of a trace-back procedure, it will be possible to institute control.

I do not have the figures with me, but I do know that the number of diseased pigs has increased considerably year by year over the last five years.

This measure requires that no swine having attained the age of 10 weeks shall be removed from the run for the purpose of sale or slaughter unless tattooed on the forequarter. The actual branding process is a brief and simple operation.

The Farmers' Union and the Pig Society strongly support this move for identifying pigs with a view to disease eradication.

The Bill also includes some other provisions earlier referred to which remove anomalies and clarify certain matters.

For the purpose of consistency, it is required that an owner shall use the one brand registered although the type varies for different stock. Minimum and maximum sizes are specified for all horse and cattle brands and cattle earmarks, thus

ensuring regularity. As to stud Friesian cattle, they may be identified by means of the photograph attached to the society's certificate of registration.

It is further provided that failure to brand or earmark sheep, horses, or cattle, other than those excepted by the Act, is an offence.

Debate adjourned, on motion by The Hon. W. F. Willesee, (Leader of the Opposition).

MARRIED PERSONS AND CHILDREN (SUMMARY RELIEF) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 8th November.

THE HON. J. DOLAN (South-East Metropolitan) [4.55 p.m.]: The parent Act was enacted only two years ago—in 1965—and on that occasion the measure repealed part V of the Child Welfare Act, 1947, and amended the Guardianship of Infants Act, 1926. The purpose of enacting the parent Act was to give the Summary Relief Court the same jurisdiction that used to be exercised by the Children's Court, particularly in the fields of maintenance and the custody of children.

However, during the two years of operation of the Act some omissions have been found and some weaknesses have been disclosed. After close examination it was decided to introduce this Bill to remedy the position and opportunity has been taken to make certain changes in verbiage, where it has been found that certain words were unnecessary or where, on occasions, an alteration was desired. Opportunity has also been taken to introduce new provisions to improve the administration of the Act.

I have chosen a few examples at random from the Bill to illustrate the improved verbiage. In many parts of the Act the term "legal custody" occurs, and it was customary to interpret that as being only a custody order granted by a court. This was never intended and, to rectify the position, the word "legal" is to be taken out of the many places where it occurs in the parent Act. This will make the meaning of "custody" perfectly clear.

A similar state of affairs existed with the word "committed," which has been changed to "granted" to avoid conflict with the use of the word "committal," which in many other Acts is used in relation to committal orders. By changing the word, and its meaning, the position will be tidied up.

In many places in the parent Act the term, "child of the family," occurs. Under this Bill the words "of the family" are to be removed so that the term will apply to the child concerned in any application that is made before the court. Also, as regards payments being made to the court and from the court, the procedures have not been too satisfactory and, in order to simplify the position, amendments have been included in the Bill to vest certain authority with the clerk of the court. He will have the authority to receive moneys and also to pay out moneys in certain circumstances. Also, he is able to guarantee that the records that are kept are really worth while.

The constitution of the Summary Relief Court is to be improved under this Bill. Previously it was necessary for a justice of the peace to sit with the stipendiary magistrate and, frequently, this caused considerable inconvenience. A justice of the peace had to be brought in to sit with the stipendiary magistrate when the court was sitting but the court might sit for only a few minutes. In circumstances like that it was obviously a waste of time—time which probably could have been spent much more profitably elsewhere. Under the amendment, a stipendiary magistrate will be enabled to sit in court without requiring a justice of the peace to be in attendance.

Difficulties have been experienced, too, in regard to payments from orders made affecting wards of the State. There has been no provision in the Act to enable the Director of Child Welfare to receive these, but that position will be covered and in future payments can be made direct to the director or his agent.

Other amendments have been made which relate to a variety of subjects, a number of which would, of course, be more familiar to legal men than to a layman. I refer now to such matters as maintenance as it concerns a divorced wife and her children. The Bill clears up complications that have existed between the States; sometimes there has also been conflict in relation to orders made by supreme courts in other States. The Bill will remedy that aspect. In some cases provision is also made for such things as funeral expenses.

The Bill also provides for a reduction in the number of unnecessary court hearings. There are occasions when it is necessary for the same parties to go to the courts two or three times in order to fix up matters which could have been ironed out at one hearing.

Finally, in the wide field the Bill covers, more adequate protection is given for a justice of the peace to issue warrants in reliance of orders made and affidavits sworn. Protection is provided for them except where their actions can be found to be malicious or without reasonable and probable cause.

Altogether there are at least 26 sections of the Act which the Bill seeks to amend. The Bill contains proposals for repeals, additions, and deletions; so, all in all, it is a pretty comprehensive measure. I have taken the trouble to go through all the amendments and check them with the Act, and I can find nothing objectionable in the Bill; consequently I offer it my support.

THE HON. R. F. HUTCHISON (North-East Metropolitan) [5.2 p.m.]: I cannot quite agree with the remarks made by Mr. Dolan. As one who has had many years experience in the matters contained in the Bill, I am certainly concerned that a justice of the peace might be excused from sitting with a magistrate. I do not agree with that aspect of the Bill at all, because I think it is necessary to have someone sitting with the magistrate—and a justice of the peace is an obvious choice—to ensure that a child is given all the security necessary, and that justice is done in full measure.

I have attended the Children's Court on many occasions over the years, and I have seen prejudice displayed by magistrates. I know it is not very pleasant to say this sort of thing, but I have seen it happen. I have known the background of the people concerned, and I have seen the justice that has been meted out. We should be very careful in these matters and ensure complete protection and justice for the children concerned.

The Hon. A. F. Griffith: You mean when a magistrate is hearing a case?

The Hon. R. F. HUTCHISON: I mean when the case is before the court. Many years ago I used to seek permission to look after children who were brought before the court, and I got to know the magistrates and the people concerned very well indeed.

The Hon. E. M. Heenan: I think this refers only to interim orders.

The Hon. R. F. HUTCHISON: It seeks to do away with a justice of the peace sitting with a magistrate.

The Hon. J. Dolan: Only when no finality has been reached, that is all.

The Hon. A. F. Griffith: It is only where application is made to the magistrate; not in the case of a court hearing.

The Hon. R. F. HUTCHISON: I still feel that two heads are better than one, particularly when the matter relates to the welfare of children. I have had a great deal of experience in this field, and I think I can speak with some knowledge of it. We should do all we can to provide as much protection as possible for the children concerned. Care and caution should be exercised at all times. I do not like the idea of a justice of the peace not sitting with a magistrate.

If it is too much trouble for a justice of the peace to sit with a magistrate; and if it is too much trouble for him to make his time available, he should not be a justice of the peace. That is my attitude. This has worried me a great deal, and I felt I ought to bring the matter forward. I speak with considerable experience of these matters.

The Bill does not contain anything else which is contentious, and Mr. Dolan has covered most of the other aspects, but I feel that a careful overhaul of the Children's Court would be a very good thing. I do not mean that in a derogatory sense, but I feel all care and attention should be given to cases which appear before the court. I know that because of pressures certain things are likely to go through without as much consideration being given to them as possibly the court would like to give.

I agree with the other remarks made by Mr. Dolan, but I do disagree with him on the aspect of a justice of the peace sitting with a magistrate. Every precaution should be taken to protect the children who appear in the courts.

THE HON. J. G. HISLOP (Metropolitan) [5.7 p.m.]: This measure is one that can be gladly accepted by a large number of children who probably have no knowledge that they are being helped so considerably. At the outset I must say that whoever undertook the drafting of the Bill has done the job extremely well. We have often had changes in our legislation as it concerns the handling of children who have been left by a parent, or by parents, and I feel that some of the amendments contained in the Bill will work very well indeed.

I would, however, like to strike a rather different note and say that the opportunity should be taken—possibly not during this session, but it could be taken early next session—to go through the disabilities that face mothers and their children when the husband and father walks out on them.

The Hon. R. F. Hutchison: I could not agree with you more.

The Hon. J. G. HISLOP: A great deal of attention has been given to children, but it is high time that we considered the deserted mothers and the deserted children. I knew of the case of a woman who had two young children. She had a serious illness, and even while that serious illness was being treated there was very little activity by the husband to make the home livable. Matters went from bad to worse in this family and eventually the mother walked out with her two children. Having done that she received little or nothing.

As far as I can see it simply means that a woman must put up with the misbehaviour of the husband, because if she takes the matter into her own hands, and moves out with her family, she will be in dire distress, and the court will do very little to assist her.

One of the most extraordinary things I have heard was when this woman—and a sick woman at that—was asked a question as to whether she and her husband were incompatible and she said, "Yes"; her legal aid said, "If you are incompatible, neither of you is to blame." The claim made by this mother was not accepted, and what she received later by way of assistance was negligible.

An extraordinary aspect was that her daughter desired to go on to higher education, and she received financial aid through the Government, or some other source—I think it was 5s. a week—and this amount was taken out of the money that the father of the girl was supposed to pay.

These things happen so often that I hope next year somebody will have the courage to move for the appointment of a Select Committee to investigate the treatment of our womenfolk when their husbands leave them. I have a great deal of sympathy for the woman referred to in the newspaper this morning. She probably did wrong in not giving the correct answers when she was due to receive her pension, but I wonder how many of us would be truthful if we were struggling and were mothers of four children? The legislation is called the Married Persons and Children (Summary Relief) Act, and I think the time has come when the mother should have her case thoroughly investigated when the man of the house walks out, and the family is left with nothing.

The Hon. R. F. Hutchison: That is why I want a second person sitting with the magistrate.

The Hon. J. G. HISLOP: Now that we have this Bill which deals with the custody of the children, we should also consider the desperate plight that faces the womenfolk in these circumstances.

THE HON. E. M. HEENAN (Lower North) [5.14 p.m.]: Before the present Act came into being the previous legislation was known as the Married Women's Protection Act. The name of the present Act has been altered rather significantly to Married Persons and Children (Summary Relief) Act, 1965.

A few years ago only married women could go to the court for relief. In my opinion, the situation has been greatly improved in the light of experience, and now either the husband or the wife can approach the court, as can the children also.

This Act, like all other Acts of Parliament in my experience, is by no means perfect, but it is a considerable improvement on the situation that existed previously. The Bill now before us, as explained by the Minister, whose speech I have read, and as explained by Mr. Dolan, who has obviously made a good deal of research into this subject, tidies up and improves the existing legislation.

I did not intend speaking, but Dr. Hislop's remarks left me with the feeling that someone is gravely open to criticism. I suppose if anyone is open to criticism it is we members of Parliament who are responsible for improving legislation from time to time. I want to assure members that in my experience the magistrates who comprise the court are doing a very good job; and the officers of the court are also very sympathetic and helpful to all who approach them.

When dealing with married persons who have disputes, troubles, and contentions between themselves, my experience teaches me that one has to be very careful before coming to a conclusion, without hearing both sides.

The Hon. R. F. Hutchison: Would you agree that two people sitting on the bench would be a safeguard against a mistake being made, because I have seen mistakes made?

The Hon. E. M. HEENAN: As I understand the present Bill, justices of the peace are not going to be precluded from sitting with magistrates.

The Hon. R. F. Hutchison: It says so.

The Hon. A. F. Griffith: It does not say so.

The PRESIDENT: Order!

The Hon. E. M. HEENAN: In some interim applications or minor procedural matters—

The Hon. R. F. Hutchison: My contention is that nothing is minor in a children's court.

The Hon. E. M. HEENAN: When a husband and wife have a dispute and one is trying to get a separation order against the other, or maintenance against the other, the case will be heard by a magistrate with a justice of the peace if either party so desires. That is how I read and understand the measure. It is all very well to say we will have a commission, but we are dealing with human beings who have the weaknesses that all of us have. Courts are the only places where both sides are heard and where it can be seen what types of people they are. If a husband clears off and leaves his wife and children, dire penalties can be imposed. The Child Welfare Department, if approached, quickly comes to the aid of the wife and children; and the wife has quick access to the court, which will make an order against the husband in respect of his wife and children.

The Hon. F. R. H. Lavery: That is if they catch up with the husband.

The Hon. E. M. HEENAN: That is so. What does one do if one does not catch up with him? If the husband clears off and leaves the grocer and everyone else lamenting, who is going to do something about it? The State is doing its best with the Child Welfare Department; and if the husband shoots through—as they say—and cannot be found, the Child Welfare Department makes allowances to the neglected wife and children. We complain about these allowances and the old age pension allowances, but why do we not do something about them? It is easy to be critical.

Of course, it is not always the husband who is the one to blame. In these cases

one has to hear both sides of the question. I rose to say that from my experience the courts and the legislation we have are working quite effectively, and the magistrates and all associated with them are doing their best. They cannot recreate the fallible human beings who come before them.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [5.22 p.m.]: It is my desire to reply briefly and, in doing so, to thank members for the remarks that have been made in connection with this Bill. Dr. Hislop paid a compliment to the person whose ideas were behind these amendments. I would like to remind Dr. Hislop that, as Mr. Heenan indicated, this Act was passed about two years ago; and the amendments we now have before us are as a result of experience gained over the past couple of years. They will fill certain gaps that have been discovered. The amendments have been put forward as a result of close collaboration between the Child Welfare Department and my own department.

The only point at issue seems to be that in the mind of Mrs. Hutchison regarding the appearance of a justice of the peace. For her careful study, I would commend section 7 of the Act which points out the constitution of the court. It states—

> (1) Subject to subsection (2) of this section the court is constituted by a Stipendiary Magistrate and one Justice of the Peace.

The Hon. R. F. Hutchison: That is what I want to retain.

The Hon. A. F. GRIFFITH: The honourable member would like all of section 7 retained.

The Hon. R. F. Hutchison: I want the magistrate and the justice of the peace.

The Hon. A. F. GRIFFITH: Let me read the rest of section 7—

> (2) Notwithstanding the provisions of subsection (1) of this section, the court shall be constituted by a Stipendiary Magistrate where—

and then follows (a), (b), (c), and (d).

We are providing that in the case of an interim application, the court may be constituted by a stipendiary magistrate, notwithstanding the provisions of subsection (1) of section 7 of the Act. In these circumstances there will be no need for a court to be constituted by a stipendiary magistrate and a justice of the peace.

The Hon. R. F. Hutchison: That is where we differ.

The Hon. A. F. GRIFFITH: Again I would commend section 7 of the Act for the honourable member's study, so that she will see where she is making a mistake.

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 The Hon. A. F. Griffith (Minister for Justice), and transmitted to the Assembly.

CHIROPODISTS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 14th November.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [5.30 p.m.]: Basically, this Bill has been presented to Parliament as a result of legal action which brought out several matters in the Act which required alteration. The Minister informed us that the legislation was introduced initially in 1957 by a private member. It appears that these are the first amendments to come to Parliament over a period of 10 years. Therefore it can be said that the legislation has been very effective.

The few amendments are not very difficult to follow; in fact, one could say they are very easy to understand. The word "chiropody" is being more clearly and briefly defined as a result of the action taken in court. The privilege of having new rules and regulations submitted to Parliament is being enforced by this legislation, whereas previously it was possible to avoid doing this. In all, the legislation is introduced to provide an insurance factor against any doubt which might have existed in the parent legislation.

If I have any query in regard to the legislation, it is in connection with the information supplied by the Minister when he was speaking on the grandfather clause, as he termed it. Under the existing legislation an unusual set of tests applies in regard to the application of it. Alteration is now proposed for the purpose of enabling people to be registered within the meaning of this section of the parent Act. My first reaction to the amendment was simply that, as the legislation has been in force for some 10 years, I imagined there would be no further use for such a provision. People who were practising when the legislation was introduced would now be operating under the legislation, and there would not be any people who now would be likely to avail themselves of this particular provision. One of the provisions of the amending legislation is that a person must have practised for not less than five years in his own right to be entitled to registration. I should think this would apply to the five-year period prior to the introduction of the Chiropodists Act, but it could not apply now that the legislation has been operating in the State for a period of some 10 years.

As a result of the Minister's advice, I have no doubt that the alteration to the grandfather clause will make it better than it was previously. I should think there would be a better insurance, because a practising man would be admitted on a better basis than previously. When the Minister replies, I hope he will make the advice available, because I would be interested to know how, in future, people will be able to enter the chiropodists' association by means of the grandfather clause. I understand that this provision was basically intended to apply to those people who had been practising chiropody prior to the introduction of the legislation but who did not hold formal qualifications. Those people were given the opportunity to be registered but, if they did not avail themselves of the opportunity, they could not remain outside of the Act and continue to practise legally. Because of the time that has elapsed since the original legislation was passed, I cannot see how anyone would avail himself of this provision now.

This is only a minor query and I realise there is no harm whatever in having the section remain in the Act, even though it may never be used. Without using the expression in any wrong text, it does seem as if we have shut the stable door after the horse has bolted.

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [5.37 p.m.]: I thank the Leader of the Opposition for his remarks about the Bill. In answer to his query, and to be perfectly honest, my reaction was exactly the same as his. I could not see a point in the alteration to the grandfather clause for the very reasons he has enunciated. However, I was informed that, although the legislation was passed in 1957, it was not proclaimed for several years afterwards. I cannot say exactly when it was proclaimed, but I think it was about three years later.

The Hon. W. F. Willesee: I thought there would be a reason.

The Hon. G. C. MacKINNON: In fact, there are still several people who, as a result of this addition, will be able to practise. I understand this applies mainly in country areas, where some people were practising and, in fact, continued to practise—despite the doubtful legality of their action—for a little while after the board was established. This is my understanding of the situation.

I must admit the natural reaction on seeing the date in the Bill is precisely the same as that mentioned by Mr. Willesee; it was my reaction, too. On the best advice available, I am informed that it is worth proceeding with this clause, if only for the sake of one or two people. If it helps even one person, it is worth proceeding with.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. G. C. MacKinnon (Minister for Health) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 10 amended—

The Hon. J. G. HISLOP: I wonder why the word of the board cannot be taken as final. I understood that is how it would be, but under the conditions set out in the Bill the Court of Petty Sessions will be able to say whether a man can act as a chiropodist, although possibly he may not satisfy the requirements of the Chiropodists Registration Board.

It seems to me that we are handing the decision over to lay people, and I consider this is something which should be settled by the board itself. I cannot see the reason for it, even though the person may have been practising for the required number of years. I do not think the Court of Petty Sessions would have a real appreciation of the difficulties. The part of the clause to which I am referring reads as follows:—

> (3) On the hearing of an appeal against a decision of the Board, the Court of Petty Sessions may affirm the decision of the Board or allow the appeal, and the Board shall give effect to the decision of the Court according to its tenor.

That means that if the Court of Petty Sessions thinks fit, it can decide that the man should be registered as a chiropodist. This is going above the authority of the board and I think it is creating a dangerous situation. I think the board should have the ultimate power. In the medical field, naturally we would expect the Medical Board to have the final say, and no-one would expect to go over its head and ask for a confirmation in the Court of Petty Sessions.

The Hon. G. C. MacKINNON: I can sympathise with Dr. Hislop, because, quite honestly, exactly the same thing applies in respect of this as I mentioned when speaking on the previous query raised by Mr. Willesee. My sentiments were almost the same as Dr. Hislop's. However, it was pointed out to me that registration does not only depend upon technical skill in chiropody. The person must be of good character and this is obviously a matter which is determinable before a magistrate; he must be over the age of 21; and a number of other things such as this apply. A chiropodist has the right of appeal where the board refuses to register him. As I say, this refusal could entail more than technical skill. The name of a chiropodist could be removed from the register because of unethical practices. The board could refuse to restore to the register the name of a person whose name has previously been removed, because of the non-payment of fees, and this kind of thing.

The appeal has been taken from the Nurses Registration Act which encompasses a right of appeal under the circumstances set out in this clause. In the case of addition, the right of appeal is given in a number of ancillary medical bodies. It is considered that an appeal ought to be given to these people under the circumstances mentioned. I am sure that in all matters which concern technical expertise the magistrate will ask for the opinion of the board which, I am sure, will be pretty conclusive. In other matters, I should imagine the opinion of the magistrate, or the opinion of the court, will be conclusive.

The Hon. W. F. WILLESEE: I would like to take the opportunity to say that I looked at this clause also. If one reads the parent Act, one finds that the amendment deals entirely with the legal side and there is no question of the court dealing with the efficiency of the candidate. It is merely the machinery to settle the legal matters which have been pointed out by the Minister. The registration has not affected the actual qualifications of the person concerned.

Clause put and passed.

Clauses 5 and 6 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 The Hon. G. C. MacKinnon (Minister for Health), and transmitted to the Assembly.

EDUCATION ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 14th November.

THE HON. J. DOLAN (South-East Metropolitan) [5.47 p.m.]: This Bill seeks to amend the principal Act by providing a tuition subsidy of $10 a year to be paid to independent schools for each primary school pupil. Another provision in the Bill seeks to change the tuition fee subsidy expressed in pounds in the amending Bill of 1965 to the existing currency of dollars.

Before I commence dealing with the details associated with the proposals, I will refer to some aspects of our dual educational system of Government schools and independent schools. Some members have been educated in Government schools and some, I know, have been educated in independent schools, and I start by putting this query to members: Why does any State or country spend money on education? My answer is that the greatest return, in every possible way, is obtained from the investment of State moneys.

Speaking in general terms, history has shown that the progressive and prosperous nations of the world have had good systems of education, while the majority of the backward nations of the world have always had a high degree of illiteracy. The complete workings of any State or nation depend on the know-how of its citizens, which is obtained only when there is an excellent educational system available at all levels. We find that a nation whose people have been given technological, scientific, and educational training of a high standard is able to make the best use of the resources of its country.

There are some countries which have excellent natural wealth, but they have never been able to exploit this wealth to the fullest extent because their people have lacked suitable training. There are other nations, by contrast, which have been deficient in natural wealth, but by virtue of their excellent educational systems, allied, of course, with the great qualities of their people, have made themselves progressive, happy, and prosperous. In this regard I could instance Israel.

Without subscribing in any way to the philosophies of Soviet Russia, I would pass the comment that it has progressed to the point where it is recognised as one of the great nations of the world, no matter from what angle one looks at it. Apart from its philosophy, its progress has been due almost entirely to the emancipation of the common people from their centuries of educational backwardness. The same comment could apply, too, but perhaps to a minor degree, to another country that is emerging because of similar reasons; I refer to China.

Of course, any State that subscribes money to the furtherance of education must always spend it wisely, and at all times it must examine carefully the return from its investment in this particular field. I would again pose a query to members: Has a worth-while return been obtained only from Government schools in which the main investment of funds for education has been made, or have both primary and secondary independent schools made a contribution to the State with a worthwhile achievement which is probably of equal value?

At this stage I would refer to the teaching profession. Quite a large percentage of the teachers in Government schools today receive their training in independent schools and they have made a considerable contribution to the education of students attending Government schools. I would think they have been able to give their pupils the best of both systems. Many of the teachers who were educated at independent schools have reached high administrative positions within the Education Department. For example, I would instance a school mate of mine who was the former Director of Secondary Education in Western Australia, who did a wonderful job in the education field, and who retired

only last year. Many other teachers have become school superintendents and high school principals. I know two of these men personally who have become high school principals and many others, of course, have become heads of technical schools and primary schools.

So those teachers have played their part in setting the very high standard we have in Government schools. In all professions —not listing them in order of importance —whether it is the profession of medicine, law, engineering, agriculture, geology, dentistry, teaching, and the church—and here I refer to all denominations—men educated under both systems have made notable contributions to, and have played a big part in, the progress of the State in their particular spheres.

Independent schools specialise in the particular field of music, in which their teachers have made an outstanding contribution to the culture of the State. To give members some idea of the high level reached by their pupils I would name Eileen Joyce, one of the greatest pianists in the world. She received her initial education at an independent school on the goldfields. Both Government and independent schools have always made a feature of the cultural side of education in the fields of drama, literary appreciation, music, singing, voice production, and so on, and high standards of attainment have been evident in the examinations held at all levels.

I would also pose the query as to how deep the system of education goes in independent schools, and I cite an example I had of this last Saturday. At an independent school I attended what is called a Book of Remembrance dedication ceremony. At this ceremony a book which contains the names of 124 old boys of the school who gave their lives in the Great War, the World War, and the Korean War, was dedicated and it will be retained in the college chapel for all time as a reminder to the future generations of scholars of the former students of the college who gave their lives for their country's freedom.

I have mentioned that to illustrate how the training that is received by those people attending independent schools reaches a high level at all standards. Surely students at these schools should remain always as part of our educational system. There is room for both Government and independent schools and everything must be done to educate the children of the State at all levels, and the best we can give to them is probably the best we can afford.

In the Minister's second reading speech he referred, first of all, to the fact that during the late 1930s the State undertook to train sisters for convent work. His terms, of course, might not be strictly correct. They were trained, of course, to carry out the work of teaching in the convents. To show members that the work of teaching in the convents is at least equal to that in Government schools, I do not wish to make a basis of comparison, because having spent many years in the service of the State educational system I am quite happy with it and with the standard of the pupils it turns out. However the fact was mentioned that the State undertook to train these sisters as teachers.

Ever since, if one cares to go to either of the teachers' colleges at Claremont or Graylands, one will find student teachers of various religious denominations who are enjoying the privilege of being taught modern teaching methods. However, at the same time they make their contribution to these institutions, and I will give members one example. In 1965, two nuns who were attending the Graylands Teachers' College—I have here a newspaper cutting showing a photograph of the two nuns, and one could not meet two happier people if one went around the world looking for them—became the star pupils of that college. In this photograph they are shown to be smiling and they have reason to smile, because one of them carried off the title of dux of the college in open competition with all students. She also carried off the literature prize, and the runner-up was her fellow nun, who won the Traylen prize as well as the psychology prize for remedial teaching.

There is nothing old-fashioned about these two nuns. When they finished their year's work they intended to go on holiday and they hoped to enjoy, in particular, lazing on the beach, taking part in plenty of swimming, and living a normal life which one would expect two young ladies to live.

As I said, there is nothing old-fashioned about these white-robed young ladies. Sister Mary Carmel is a psychological expert who does wonders with difficult children. What an acquisition she is to the State, and to the education of the children of the State at any level. Sister Mary Clare is a bookworm with a thirst for modern literature. She adores the modern poetry of T. S. Eliot and Gerald Manley Hopkins. Her favourite author is James Joyce. These are perfectly natural people.

I have mentioned these young nuns, because I want to link the two systems of education in this State. It would be a tragedy for Australia if one of these systems should go. We must strive at all times to help in every way possible the education of the children of the State, and we should place them on the same standard.

I could give one more example of the type of teachers at independent schools in this State. I know one sister who was the headmistress of a section of a Government high school and who joined the convent

with an arts degree and with the highest qualifications of the Education Department. After doing wonderful work in one branch of education, she is doing similar work in another sector of education. She has made a wonderful contribution in both fields. What a pity it would be if her contribution was in any way to be lessened!

I shall now get down to this Bill, and offer personal opinions. When I first spoke in this House I said that at no time did I ever feel that education should be a subject for any form of politics. I still hold the same view. That is one thing I will never do. I will always defend anything that has been done by members of my party, or by my party itself, in the field of education; but I will also pay tribute to the efforts of this Government for anything it does in this field, irrespective of the system to be assisted.

We support the proposals in the Bill, and if the Government had offered greater amounts we would still have supported them. Had it offered smaller amounts we would also have supported them, because we are a party which believes in the support of education. I feel that eventually—when that time will be I do not know nor can I forecast it—there will have to be an inquiry on a Federal basis, and not on a State basis, into all forms of primary education. That will have to be done, and done on the basis of the equality of all children.

The difficulty that faces the independent schools has to be overcome in some way. I would like it to be overcome without political implications of any kind by the efforts of people who are resolute in their desire to help education, irrespective of what form it may be.

I was a little curious as to how the figure of $10 per child was reached. I know in some States the figure has been fixed at that amount, and in other States at $12 per child. The most important point is that this is a recognition by the States that assistance must be given.

I would suggest that assistance be given in this way: I start at the top with the tuition fee subsidies. At university level, for first degree students the subsidy should be $42 a year. That embraces students who take arts or science courses of three years' duration. Down the scale, and for the last two years of secondary school—that is, for fourth and fifth-year grades—and also for students who take a sixth-year grade as a preliminary to entry to the University, the subsidy drops to $36 a year. Going down further, for children in the first, second, and third years of secondary education, an allowance of $30 per child is made.

Evidently it is thought that as a child grows older he needs more financial assistance, because books, travelling expenses, and clothing, cost more. I suggest that from the first year of secondary education downwards the scale of assistance could be dropped gradually. I throw this thought in as a suggestion, and it is entirely a personal view: For grades six and seven of primary education the amount should be $20 per child per year; for grades five, four, and three, it should be $15; and for grades two and one—which is the infants' grade—it should be $10.

I conclude on this note: In the independent schools we find 25 per cent. of the children of the State. Their parents have always felt that they were contributing not only to the education of their own children but were also paying a share of the expenses for the education of other children, by virtue of the taxation they pay. They have always considered that to be unjust. I do not want to introduce that question to the House. I merely repeat the day must come when there will have to be a full inquiry on a Federal level into all aspects of primary teaching; and arising out of that I feel that all children will be given the education to which they are entitled.

There is nothing to stop this nation from becoming one of the greatest in the world. There should not be a diversion of any kind in regard to and for education. There is plenty of room for the two systems, and that is why, in making mention of one, I do not wish to exclude the other.

I was educated at an independent school, and I taught for over 30 years at a State school. I am satisfied the education which the nation is giving to the children is worthwhile, and I support it at all levels. Those who wish to educate their children at independent schools—which is their right according to the charter of the United Nations—should always be permitted to do so. I am sure their product will make the same contribution to the welfare and progress of the State as the children who come from State schools. I hope in the future—I do not know when or how—that ideal will be reached. I have much pleasure in supporting the Bill, and I commend the Government for recognising the principle that these people must be helped.

Question put and passed.

Bill read a second time.

Sitting suspended from 6.8 to 7.30 p.m.

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 The Hon. L. A. Logan (Minister for Local Government), and passed.

FISHERIES ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by The Hon. G. C. MacKinnon (Minister for Fisheries and Fauna), and read a first time.

Second Reading

THE HON. G. C. MacKINNON (Lower West—Minister for Fisheries and Fauna) [7.36 p.m.]: I move—

That the Bill be now read a second time.

This is just a small Bill which should not take up too much of the time of the House. Its purpose is to amend certain sections inserted in the principal Act by a Bill passed in 1965. That Bill provided for the licensing of fish processors and the creation of a fund to finance fisheries development and extension. Processors were called upon to pay license fees which were to be credited to a special fund in the Treasury for this purpose of development and extension.

The effect of the amendments put through at that time was that the grant of a processor's license was to all intents and purposes automatic, provided the plant was properly equipped and hygienically run. The Director of Fisheries was empowered to refuse a license, but Crown Law Department advice throws doubt on the power of the director to refuse any application for a license if these criteria are met.

The situation has now arisen that people from virtually all around the world are becoming interested in our prawning potential up north. It could well be that many concerns would want to set up processing plants in places where it would not be economically sound to do so and for latecomers to provide undue competition to plants already established. This could easily spell ruination to people who had spent a lot of money in proving the potential of a given area, built a processing outfit, and then found that somebody else, who has spent little or nothing in proving the area had come in and built or established another plant.

It is with a view to stopping undue and uneconomic proliferation of such plants that the first amendment is brought down. It is proposed that the director may refuse an application for a license if he considers it is in the better interests of the fishing industry to do so. This has been accomplished by repealing and reenacting subsection (2) of section 35C. Subparagraph (b) (ii) gives the director the power to take into consideration the fundamental need for the processing establishment. He will be required to give reasons for his decision so that an aggrieved applicant may properly contest his decision if he decides to exercise the right of appeal already existing in section 35K.

Existing section 35L specifies the moneys which are to be paid into the fund. Paragraph (b) of subsection (2) provides that certain funds should be so paid. It reads, "(b) All penalties recovered under this part for offences against this part." Upon maturer consideration this is believed to be undesirable, and it is proposed to replace this provision with another which provides that the proceeds from the sale of any fish, etc., caught during exploratory fishing operations go into the fund.

Members will understand that much of this work—that is, the development work—will be accomplished through the chartering of commercial fishing boats. These boats will be expected, and indeed encouraged, to catch fish in order to determine the future of a given area. It is reasonable that these fish should be sold. It is also reasonable that the proceeds of such sale should be credited to the fund from which payments for the charter will be drawn. The amendments suggested will make this possible.

The third amendment is intended to clear up the wording of the section which indicates the purposes for which moneys in the fund may be expended. The wording of existing subsection (3) of section 35 is somewhat unclear, and the words proposed to be inserted in lieu of the words to be taken out, will leave the intention in no doubt at all. I commend the Bill to the House.

Debate adjourned, on motion by The Hon. R. Thompson.

WORKERS' COMPENSATION ACT

Introduction of Amending Legislation: Motion

Debate resumed, from the 1st November, on the following motion by The Hon. W. F. Willesee (Leader of the Opposition):—

That, in the opinion of this House, the Government should, in this session, introduce legislation to amend the Workers' Compensation Act, with particular reference to the following:—

(a) Section 5—
  (i) Basic wage;
  (ii) Dependency; and
  (iii) Definition of "Worker."

(b) Section 8—Compensation for worker dying from, or affected by certain industrial diseases.

(c) Section 10—Compensation for hernia.

(d) Section 29 — Jurisdiction of Board:—
  (i) Provision for funds to be made available where deemed necessary; and
  (ii) Board to be empowered to impose a penalty for unreasonable delay in settling claims or maintaining weekly payments.

(e) First schedule—

Clauses 1 and 3—To provide for retrospectivity of application;

Clause 1 (c) (iii)—To add "repair and replacement of artificial hearing aids"; and

Clause 11—To insert $10,000 in lieu of $7,000.

(f) Third schedule—To add "Industrial deafness".

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [7.43 p.m.]: When introducing this motion, Mr. Willesee stated that his reason for doing so was to give members an opportunity to discuss suggested amendments to the Workers' Compensation Act. No member of this House, I venture to suggest, would question his motive if, in fact, this was the only reason for the motion's introduction. A discussion on the matter is welcome.

Mr. Willesee's statement that many people believe these amendments should be introduced during this session implies two things: Firstly, that there is some urgency in the matter; and, secondly, that it is recognised that there are some widely divergent opinions on at least some of the suggestions made or to be made.

Mr. Willesee dealt very broadly with the issues and indicated that it was his intention that the detailed aspect of the case would be discussed by his colleagues. Now, however commendable this course of action might be, it can quite understandably leave me at a disadvantage in submitting an opposite point of view where it is warranted, because for the greater part no precise proposals have been made, and it will be appreciated that I therefore do not know what these proposals are and it is quite difficult for me to imagine what they are going to be and answer accordingly.

The motion, of course, calls for the House to express an opinion that certain things should be done during this session of Parliament. To my mind this implies some urgency and I propose, first of all, to deal with this aspect. To refute any implication of urgency, of course, I must rely on information that has been supplied to me by my colleague, the Minister for Labour in another place. I have to give some details of events which led up to the consideration of this motion.

Members will recall that comprehensive amendments were made to this Act in 1966 —just last year. Those amendments met with the general approbation of members in both Houses and I would suggest, also, that the industrial wing of the Labor movement agreed with the amendments which were made. On the 30th May, 1966, my colleague, the Minister for Labour, received a request from the Trades and Labour Council for an opportunity to discuss various matters concerning workers' compensation. Since the Minister had been giving consideration to amendments at that time—and for a considerable time prior to this approach—he agreed to receive the deputation on the 15th June, 1966. The investigations by the Government, and the discussions by all interested parties, resulted in the amending legislation being introduced on the 20th September, 1966. I want to point out that some three months elapsed between the deputation referred to and the introduction of the legislation.

That is not an undue period when one has regard to the many consultations, discussions, and procedures that must ensue prior to the introduction of legislation. It has also to be remembered that in that instance a considerable amount of groundwork had already been undertaken prior to the deputation being received in June, 1966. I am advised that most of the discussions took place prior to the 1966 session of Parliament. However, what is the situation which prevails at the present time? This motion appeared on the notice paper on the 1st November, 1967, following, no doubt, the reply to a question which was asked of the Minister for Labour on the 26th October, 1967.

In that reply the Minister confirmed the point of view expressed to a deputation on the 30th August, 1967, that the matters raised could not be regarded as of sufficient urgency to warrant precipitate action. The Minister advises me that the desirability of making submissions in ample time for consideration in the legislative session was made known to the 1966 deputation, and that he raised this matter when he received the deputation on the same subject as a result of the approach in a letter from the Trades and Labour Council, which was dated the 4th August, 1967. On the 7th August, 1967, the Minister advised the Trades and Labour Council that he would undertake an examination of the matters raised, but until this was done the receiving of the deputation would serve no useful purpose.

Following a request from the Leader of the Opposition in the Legislative Assembly (The Hon. J. T. Tonkin) the Minister did receive a deputation on the 30th August, 1967. This deputation was reminded of the advice given on the previous occasion relative to the making of submissions in ample time to allow consideration. Then followed a lengthy discussion of all the matters which were raised. The deputation members agreed to supply additional information on some of the matters raised. I understand that to date not all of the information volunteered has been supplied.

I must rely upon the advice given to me by my colleague, the Minister for Labour, as to the matters which are covered by the motion, and his opinion in respect

thereto. The projected target date for the end of this session is not a secret, because Mr. Willesee asked me some questions about this at approximately the same time the motion was introduced. So the projected target date for the close of the session was known and I wonder, in all the circumstances, why the matter was left so long.

However, to deal with the matters dealt with by the deputation, I will refer to the Minister's reply. I will not necessarily mention the matters in the order in which they appear according to the motion, but I will deal with them as I have them listed.

First of all, I will deal with the question of dependency. There are some aspects of this submission which may or may not be of significance. I keep referring to the deputation because it is important that I do so. The following is the crux of the negotiations that went on between the T.L.C. and the Minister, prior to the deputation. The Minister had given consideration to a request from the Italian Consul, Dr. Terenzio, to issue an Order-in-Council to grant retrospectivity to Italy to the extent provided for in the Act, and a decision was imminent.

The matter was dealt with in Cabinet and an Order-in-Council was, in fact, published in the *Government Gazette* on the 22nd September, 1967. The consul has expressed his appreciation, and that of his Government, of the decision. It is important to realise that contrary to the implication contained in Mr. Willesee's remarks, non-resident dependants of workers in Western Australia only cease to be regarded as dependants when the worker has been a resident of this State for a period in excess of five years.

A second question on the matter of dependency concerns a *de facto* wife. Whilst the children of such an association are regarded to be dependants, the *de facto* wife is not. The Government is giving sympathetic consideration to this request because it is conceded that in some circumstances there could be technical or even religious reasons which would bar marriage. However, care would be needed in defining a permanent and *bona fide* arrangement to distinguish it from those looser liaisons which could be alleged.

With regard to retrospectivity, no member needs to be reminded of the problems associated with the retrospective application of legislation. This is of special significance in an Act such as this which involves workers' compensation insurance. Businesses, including insurance businesses, budget for known outgoings. The retrospective creation of unbudgeted liability would create some difficulty along the line. I understand that the only submission from the Trades and Labour Council deputation relates to an amendment to the Commonwealth Employees Compensation Act. I am advised that the letter from the T.L.C. was accompanied by a copy of the Commonwealth Bill stating this, and I quote—

> We note that in the last section of the Bill 8(5), effect is given to our request that schedule injuries are given retrospectively.

Assuming that the word "retrospectively" means "retrospectivity" and is intended to convey that compensation in respect of injuries occurring prior to the amendment will be paid in accordance with the rates in the new schedule, it would appear that the Trades and Labour Council has misunderstood the Bill. When I refer to the Bill, I am, of course, referring to the Commonwealth Bill. Section 8(5) reads—

> The amendments made by sections 4 and 7 of this Act apply in relation to an injury sustained on or after the date of commencement of this Act, notwithstanding that the accident or disease that caused the injury occurred after that date.

When I refer to the Bill, I would point out that it is now an Act. The sections referred to what are termed injuries, so section 8(5) does exactly the opposite to what the Trades and Labour Council contends. It, therefore, does nothing whatsoever in supporting the council's assumption.

Referring to rehabilitation, it is conceded that the matter of rehabilitation of injured workers is of vital importance. The Minister for Labour, following a discussion with the Chairman of the Workers' Compensation Board, has already requested the chairman to investigate the practicability of setting up a special fund for the purpose of assisting in this very important matter. However, it is clear that some considerable investigation would be necessary before a concrete scheme could be put forward.

Another matter contained in the motion refers to the basic wage. It is a matter of some surprise that this issue should have been raised. The trade union movement, generally, opposes the total wage concept. The validity of the Federal Conciliation and Arbitration Commission's declaration of a total wage system was contested in the courts. Judgment on the issue is reserved. I am advised that the deputation, which waited upon the Minister, conceded that this matter could well be left in abeyance until the issue of the total wage versus the basic wage and margin was less clouded.

Referring to hernia, it is the Government's opinion that the present provisions are operating quite satisfactorily. Whilst a number of technical requirements must be met for a successful claim of compensation, provision is made whereby all these technicalities may be waived when the board feels that the workers' claim should otherwise be allowed.

The appropriate section highlights the need to give early notice and have a prompt medical examination, and this fact is fairly widely known. The nature

of this injury is such that it warrants the course of action currently adopted.

Dealing with "added penalty" which relates to d(ii) of the motion, provisions are included in some Acts providing for a penalty rate of compensation where there has been unreasonable delays in making payments. Whilst delays do occur from time to time, no evidence has been proffered that the occasions are so frequent as to warrant an amendment to the Act. The deputation was asked to supply further information, but to date this has not been forthcoming.

Paragraph (b) of the motion refers to pneumoconiosis. The difficulties of interpretation of section 8 (13) of the Act were widely discussed in the Assembly during the passage of the 1966 amendments.

One point of view was that the retention of this section would limit the effectiveness of the other amendments then made. It is certain that the repeal of this section would act to the detriment of some workers who would otherwise not be receiving compensation payments. During the debate the Minister for Labour said that if any member could show cause why this provision should be re-examined he would undertake to do so. No representations have been made by members on this matter, and no specific cases have been brought forward to warrant a review of the provision.

As regards industrial deafness, this is another issue that has been raised from time to time and upon which there is, to say the least, a diversity of opinion. It is recognised that loss of hearing, to a greater or lesser degree, can be occasioned by the nature of certain types of employment due to high noise levels. The Workers' Compensation Act provides for compensation for loss of earning capacity due to injury or disease due to a worker's occupation. It is conceded that a loss of hearing to a marked degree is a social disability, but those who press for compensation for this disability are unable to say that industrial deafness causes any loss of earnings or incapacity, as that term is used in workers' compensation.

The Hon. R. F. Hutchison: I did not get that. Could you repeat it?

The Hon. A. F. GRIFFITH: I said it is conceded that a loss of hearing to a marked degree is a social disability, but those who press for compensation for this disability are unable to say that industrial deafness causes any loss of earnings or incapacity, as that term is used in workers' compensation.

It is understood that considerable difficulty has been experienced in New South Wales in administering that part of their Act which deals with the subject. It is clearly a matter requiring a great deal of study.

In connection with artificial hearing aids, the first schedule already provides for the repair or replacement of an artificial limb, artificial teeth, and artificial eyes or spectacles damaged or destroyed by an accident arising out of or in the course of a worker's employment. It also provides for a hearing aid to be supplied where a worker suffers an injury causing loss of hearing and the necessity for the provision of a hearing aid. The request certainly needs a great deal of clarification.

How, for example, does one differentiate between the necessity for repair and renewal due to normal wear and tear and that due to use at work? Does the request apply to all hearing aids or only to those supplied as the result of an injury received at work? This is a matter upon which a great deal more information is needed.

As regards clause 11 of the first schedule, there should be no point of difference. The alteration of the figure from $7,000 to $10,000 was omitted when the Act was amended last year. It was first brought to the notice of the Minister by the Trades and Labour Council in its letter of the 4th August, 1967, and the omission has now been corrected by a Bill which was recently passed by this House.

It is obvious that the matters raised by the deputation received by the Minister—and some of which have been elaborated upon by Mr. Willesee—all require further and mature consideration. There are widely divergent opinions about a number of matters which are not easily resolved, but all of which are being studied.

The motion calls for immediate action by the Government to legislate in the present session of Parliament, despite the fact that I have related to the House the date of the deputation received last year and the time that is required to be taken to give full and due consideration to the matters that were to go into the legislation. Yet we find now this very late approach by way of a motion to the House, although the Minister received a deputation during the last couple of months and he has given an undertaking that the matters mentioned are being attended to.

It is not possible for amendments, along the lines mentioned in the motion moved by Mr. Willesee, if found to be proper to be introduced into legislation, to be introduced during the current session of Parliament. Therefore, on the basis that the motion calls for immediate action, and this cannot be done, I am obliged to oppose it.

THE HON. R. F. HUTCHISON (North-East Metropolitan) [8.6 p.m.]: I suppose if everything were put in its proper perspective workers' compensation legislation would be one of the most important measures to be introduced into a House of Parliament; because its provisions affect so many lives and mean so much to the

hands who make the wealth of this country—the wealth of this country is made by the hands of the workers.

We are all workers in one sense or another, but we have always fought most bitterly to do something for the man on wages. I have vivid recollections of a large number of compensation cases over a great number of years and the fights that we had, year after year, to protect the rights of the workers. As I said, I maintain we are all workers but in this sense I am talking of the workers who are in the lower income bracket, and who give of their best to build up the wealth of this country. That wealth is compiled by the efforts and the work and the sweat from the brow of the workers. Therefore, they should be given the very best in the way of workers' compensation.

There is much wrong with our workers' compensation legislation. It always seems to be whittled down to the lowest possible level by Parliament; it is always the poor relation when it comes to improving conditions. We have to fight bitterly to make any improvements. I have a long memory of workers' compensation legislation as I am one of the older members of the House. From my childhood I can remember the difficulties that were experienced by workers on the mines. They had to march on many occasions to get justice for their injured fellow workers. I have seen men die from tuberculosis—now known as miners' phthisis. They died because no help or consideration was given to them. I have a good memory of what happened on the mines in places like Meekatharra, Cue, and Day Dawn.

Over the years we have fought for better working conditions for the wages man and we are still fighting for improvements. Even in this day and age, when people are receiving a better education and they are no longer uninformed about what is going on, and the workers have avenues in which they can express themselves, the two main components in our society—those who earn the wealth and those who possess it—clash. They cannot seem to get together to ensure that the wages man is treated fairly.

The wages man never seems to receive a fair rate of pay for a fair day's work and to me that is not right.

I happen to be the public relations officer for the Miscellaneous Workers' Union and I am speaking on behalf of my union this evening. During the course of his speech the Minister referred to *de facto* wives. They are not compensable under the law as it now stands. However, these days people like that are accepted in the community and, as the years go by, will probably become even more acceptable. Therefore, we should do something to provide for these people. I am particularly concerned about the young children who are involved, and for their protection. The children cannot help what their parents do, and they should not be penalised for it. Therefore, I will listen to see what transpires from the debate on this motion, and I can only hope we will get some satisfaction on this point.

I understand that the children of a *de facto* couple are protected under the provisions of a trust fund, but that is not the same as providing compensation for *de facto* wives and protection for the children. A *de facto* relationship is recognised in other avenues of the law and it should be recognised under workers' compensation legislation. This is an urgent matter and I hope something will be done about it. I was pleased to hear the Minister refer to it this evening.

The Miscellaneous Workers' Union looks after the interests of many groups of workers—groups of workers with a small membership, and with little effect, individually, on the scheme of things. At the 30th September, 1967, the total membership of the union was 1,868 and, as I said, it is made up of small groups of workers where the groups are not big enough to form a union of their own. Sixteen awards come under the jurisdiction of this union and there are 909 females and 959 males in the union. As far as I know, the only union that has only female members is the Nurses' Union.

Also, this evening the Minister mentioned another matter I intended to bring forward that a worker must be injured by an accident before he is compensable. However, haemorrhoids and similar disabilities are becoming more prevalent these days because of the nature of the work being performed. Therefore, in my view any industrial risk should be compensable and I was glad to hear the Minister mention it this evening because I believe some cover should be provided for anybody who suffers as a result of an industrial risk.

Despite what the Minister said, boilermaker's deafness, as it is called, is not a light matter at all; it is very serious, and it is a penalty which boilermakers suffer because of their calling. This is a disability that should be compensated more freely and generously than it is now. Boilermakers get no compensation for this disability. They might be supplied with hearing aids but that is not sufficient compensation when one has lost one's hearing. We cannot do without boilermakers today and much more consideration should be given to these people for the disabilities they suffer as a result of their occupation than is being given now.

I have been studying the position of the unions and I feel that because of the anomalies and discrepancies in the Workers' Compensation Act the Government should appoint a Royal Commission to inquire into the matter. Royal Commissions are appointed to inquire into

many matters, but it is always very difficult for the unions to get these things done as they want them done.

A Royal Commission would throw a new light on the difficulties and the problems with which these people are faced and against which they have to struggle. Since 1919, the International Labour Organisation has determined 128 conventions in respect of workers' compensation. The Federal Government of Australia has only ratified 28 of these conventions. Yet year after year and term after term we witness the expense of sending people to I.L.O. conferences overseas, and we have to fight every foot of the way. I often feel that the money paid out for this purpose would go a long way towards achieving the result we are seeking.

The result of this failure to ratify conventions of the I.L.O. is that workers' compensation in Australia is inferior to that operating in most of the developed countries of the world. One wonders why that should be so in a young, progressive, rich country like Australia.

In 1948, Australia ranked third among the developed countries in respect of social security—including workers' compensation—but in 1967 it ranks eighteenth and vies with the feudal systems of Spain and Portugal for supremacy. That is certainly not to Australia's credit.

In 1964 a special I.L.O. convention was convened for the purpose of drafting a minimum code in respect of workers' compensation. Australia was represented at this special convention. So far, and despite the inferiority generally of the Commonwealth Workers' Compensation Act, and the various State Acts relating to workers' compensation, there has been no serious attempt by the Federal Minister for Labour and the State Minister for Labour to co-operate with the national or State trade union movement to legislate and provide for the minimum code determined by the special I.L.O. convention.

In Great Britain—which I visited recently, and where I looked into these matters—various European countries and the Soviet Union, have established that a worker shall suffer no monetary loss for an injury he may sustain during the course of his employment. An entirely different situation exists in this State, where intense hardship is thrust upon a family when the breadwinner is incapacitated through work-caused injuries, because of the inadequate weekly payments on which he and his dependants are expected to survive and still meet their general commitments.

I know a good deal about this matter, because I have had a great deal to do with people who have suffered. I am helping these cases week after week. This should not be the position in a country like Australia. While benefits for workers who are injured or maimed in industry continue to be depressed, insurance companies are making substantial profits and paying increased commission and additional bonuses. They also pursue other insurance business in addition to workers' compensation, and the bonuses are obviously an encouragement for employers to insure with the benevolent insurance company.

For the last recorded period the gross insurance premiums paid were $11,000,000. The pay-out for the period amounted to $8,500,000. Insurance companies are notorious for delays and procrastination, and legitimate claims are invariably the subject of unnecessary and unjustifiable delays, when it comes to recognising claims and paying the weekly cheques. In this regard the State Government Insurance Office is as culpable as any other company. This should not be so because it was not founded for that purpose.

The Minister for Labour has a responsibility to censure his officers in the State Government Insurance Office who practice delay and procrastination. I am looking to the Minister to see what his Government will do in the way of providing better compensation for workers. We hear a great deal about democracy, and we are supposed to be living in a democracy; but all I can say is it is a very one-sided democracy, especially when it comes to workers' compensation and meeting the demands of the workers of the world who find and create the wealth of the country with their own hands. It is those hands that should reap the reward of their labours.

I hope the motion will result in a fruitful discussion, because there are very few more important pieces of legislation which come before Parliament than workers' compensation. We fight for these rights bitterly, year after year. As a child I remember listening to the workers from the mines in Meekatharra marching to stop a train at midnight. There were some English migrants on the train—they probably did not know where they were going, or for what purpose—who were being brought in to break a strike which had been organised because of the death of three men. By a great deal of hard fighting through the decades the Labor Party has achieved some measure of success in protecting the rights of the workers; and there is no band of people who need that protection more than the mineworkers.

In spite of the efforts to get the train to which I have referred moving it was compelled to turn back after having reached Lake Austin. The strike was not broken. These are the times through which I have lived. I remember when the first move was made towards securing workers' compensation. The men of the Labor Party fought a losing battle for

years in an endeavour to have a Workers' Compensation Act placed on the Statute book.

These things must be fought for with courage. There are innumerable men who today are suffering because of the disabilities and the conditions under which they work. We must ensure that the worker gets his just dues; that his health is looked after, and that he receives enough by way of wages to support a family. Some time ago, when wages were fixed on the basis of a man, his wife, and three children, the wage was certainly not enough to support one child, let alone three children.

I feel sure that the speakers who follow will be able to express themselves better on this motion than I have done. I know the great struggle that has taken place to get as far as we have in this matter of workers' compensation. It is certainly not good enough to say we have a Workers' Compensation Act of which we can be proud.

THE HON. R. H. C. STUBBS (South-East) [8.25 p.m.]: Coming from a mining community it is natural that I should speak on workers' compensation. Two of the aspects of workers' compensation with which I am very concerned are hospitalisation and medical expenses. These have gone up from year to year, and I still do not think the compensation is sufficient. Somebody once said that every miner carries a ribbon of the George Cross in his crib bag. I feel this is still as true as it ever was.

Mining is a most hazardous occupation, where the men are often faced with death and serious accident. Incidentally, recently there were two deaths in the mines at Kalgoorlie. It is five and a half weeks to Christmas and it is quite possible that there may be another accident.

The bad aspect of mining is the possibility of serious accident and the hospitalisation of men for long periods. It is necessary for them to live on reduced wages, and their hospital bills are generally in excess of what they are allowed for hospitalisation and medical expenses. Having been off work for many months they can ill-afford to pay the hospital bill, because it exceeds the medical and hospital allowance.

I am very worried about this, because while the allowance for medical and hospital expenses have gone up from $800 in 1964 to $1,900 in 1967, nothing has been gained because the specialists' fees have gone up; the doctors' fees have gone up, as have the physiotherapists' fees and the hospital fees. On the 24th October, 1967 I asked the following question: —

> With reference to the Royal Perth Hospital, and hospitals which are subsidised or under boards, or in direct or indirect control of the Medical and Public Health Departments, will the Minister indicate—
>
> (a) increases in medical and hospital charges and fees for each of the previous five years for—
>
> (i) motor vehicle accident cases;
>
> (ii) workers' compensation accident cases;
>
> (iii) ordinary patients; and
>
> (b) what percentage increase is this on 1960 figures?

In 1960, before this was taken into account, the hospital and medical fees had already risen. I received the following reply:—

> Country and metropolitan non-teaching hospitals—
>
> Since the 1st June, 1960, workers' compensation charges have been raised at the gross ward rate applicable to the ward occupied. These are outlined under (iii) below.

Various amounts were then given. The important thing is that the amounts have gone up 84 per cent. In country hospitals, workers' compensation on a single bed basis has gone up 125 per cent.; for a two to four-bed hospital it has gone up 85 per cent., and in others 75 per cent.

That proves that while medical and hospital expenses have gone up, other fees have also risen and, as a result, nothing has been gained. As a matter of fact, a patient who is hospitalised for a long time can be worse off than ever. The case of the man who has exceeded his workers' compensation benefits concerns me very much indeed.

I recently had a case where a Mr. Van Gelderen exceeded his workers' compensation. He is an electrician and had a long period off work. He has eight children and he was summonsed for an amount of hospitalisation that exceeded the amcunt he would receive under the Workers' Compensation Act.

I asked questions in the House about this matter, and though I cannot quite remember the answer that was given me, I think I was told to see whether I could get the amount written off by the Royal Perth Hospital. I did that, and fortunately for Mr. Van Gelderen, the account was wiped off.

It is particularly hard for a man with a family when he is off work for a long time and has exceeded the amount allowable to him under the Workers' Compensation Act. It is the law of the land, but it is not just that this sort of thing should happen.

Another man received a letter from the Trade Protection Association in connection with physiotherapist fees. I can quite understand that the physiotherapist wants his money, but where is the justice in all

this? That same man received another summons in 1965 for an amount of £30 14s. 2d. for professional services rendered at the St. John of God Hospital. Fortunately, I was able to make representations on this man's behalf. The summons was withdrawn and the hospital people wrote off the amount owing. That was a wonderful gesture on their part, because, after all, they depend on hospital fees in order to keep going. In this case they did a good job.

Following this, the same man, who was off work for a long time with a bad arm for which he received compensation, recently received a summons for $200, again, for hospitalisation at Royal Perth Hospital. He had exceeded the amount allowable under the Workers' Compensation Act.

It seems wrong that a man who suffers an injury through no fault of his own should receive a summons. Before that, he received a final notice from the Trade Protection Association. I am currently endeavouring to negotiate with one of the hospital benefit funds in order to get this account paid off. This man does pay into a hospital fund, but not all hospital funds pay out once the amount allowable under the Workers' Compensation Act is exceeded. Some funds do, but the one to which this man belongs does not. If I cannot make suitable arrangements, this man will be liable for $200 because he was involved in a serious accident.

In the main, the average man who has an accident in industry is off work for a short duration and does not use up the allowable amount. Therefore, he does not experience the same amount of worry as those men about whom I have been speaking.

Bad accidents are characteristic of the mining industry. They are happening all the time. It is part of a miner's work, which is dangerous work. That is why someone said they carry the ribbon of the George Cross in their crib bag. In my opinion they are game to go down below.

What worries me most is the Mines Regulation Act. I thought that Act protected the worker, because it deals with the every-day working environment of mining. Miners have to obey the general rules made under that Act; and everyone thought they protected the miner. However, the miners recently received a shock. In 1952 a case was taken to court before Mr. Justice Dwyer under the Mines Regulation Act, and the case was won. In 1953 another case was heard before Mr. Justice Jackson and again the case was won. However, in 1963 a similar case was taken before a justice and the case was lost. It was lost because 160 regulations in the Mines Regulation Act were found to be useless owing to regulation 4. Section 61 of the Act empowers the Governor to make regulations which are general rules. These general rules are followed by about 160 regulations. The general rules, on page 2 of the regulations, are as follows:—

> The provisions of Part IV to X, inclusive, and Part XIII of these regulations are hereby declared, pursuant to subsection (4) of section sixty-one of the Act to be the general rules and shall be observed in all mines wherever and so far as in the opinion of the inspector they are reasonably practicable of application.

That is the meat of it. The application of the words "and so far as in the opinion of the inspector they are reasonably practicable of application" was the reason why the case fell down.

The trial judge held that the plaintiff did not hold that an inspector had declared it practicable to have a cover overhead on a skip; and the regulation says all skips in working shifts must have a cover overhead. The trial judge found that the inspector did not state this was practicable.

There was an appeal to the High Court of Australia against this decision, and the five judges found the regulation was invalid—that it abrogated the Act. I always thought the Act would stand the test of time, but apparently the regulation abrogated the Act. The case was lost on that point. Therefore the miners have no confidence in the Mines Regulation Act in regard to protection against injury.

The PRESIDENT: Order! I would like members to speak to the motion. So far I have been very tolerant and there has been practically no mention of the motion the House is debating. While there are copious comments on workers' compensation generally, the motion is not being dealt with. I would like members to speak to the motion so that the debate can continue.

The Hon. R. H. C. STUBBS: I certainly will, Sir. I thought the protection of the miner was very important; and, after all, he has to have protection. However, I will not follow that line of thought.

I have been endeavouring to bring to the notice of the Government the necessity to recognise loss of hearing as an industrial compensable disease. It seems unfair that a person who becomes deaf on account of working in a noisy industry should be precluded from receiving compensation.

It must be remembered that compensation can be obtained if there is a history of an ear injury, but this is not the case where a worker loses his hearing as a result of his occupation in industry. Compensation for the loss of hearing is paid in all of the other States of Australia; it is paid in seven States of Canada; and it has been the subject of successful court cases in America. So we are one of the few places where compensation is not paid for loss

of hearing. On the 27th August, 1963, I said the following in this Chamber:—

> I am concerned about noise as an industrial hazard to health. Anyone who works in the mining industry will know that most men after a few years get what is called hammer ears and become deaf. It is an injury to the nerve of the ear, and if there is any background noise men who have that complaint cannot hear at all. I was pleased to hear, when the Minister answered a question the other day, that it was proposed to take a survey of the position at Kalgoorlie and Norseman.
>
> Members can imagine the noise in a mine when there are two drills going at once—sometimes four, but not so much now, although it used to be the practice to have four drills going. The noise of the drills and the compressed air machines is terrific. That is why a large number of men who work in a confined space suffer from loss of hearing; and I think it is nearly time we decided to compensate them for that loss.

On the 15th August, 1962, I said this—

> While on the subject of compensation I would like to make some reference to noise which causes deafness. As we all know, there is no compensation payable for deafness where there is no history of an injury. On the other hand, boilermakers' disease has been known for 150 years; and this has been caused simply through noise. Most miners to whom one speaks are hard of hearing, or totally deaf, because of the noise underground, due to the rapid revving of the machines and attendant sounds. These noises affect the nerves of the ear and the miners finish up being deaf. There is no workers' compensation for them, however. I do think that we should look into that matter when we are framing our workers' compensation legislation in the future.

No-one can say that I have not hammered this point for a long time. Also on the 15th August, 1962, I had this to say—

> I would now like to quote a few notes concerning noise from a document I have. These are as follows:—
>
> > Noise can be regarded as an essential part of the industrial environment. As a hazard, boilermaker's deafness over the last 150 years has been well known. Yet it is only within the last 10 years that the magnitude of the impact of noise, on workers in industry, has been truly recognised.
> >
> > Investigation within this period has demonstrated that constant exposure to noise, with an intensity of approximately 90 decibels or more, leads to impairment of hearing. This may progress to an irreversible nerve deafness.
>
> It is evident, therefore, that noise does cause deafness; and it is time some provisions were incorporated in the Act concerning this matter.

On the 22nd August, 1963, I asked the Minister for Mines a question regarding conducting sound level examinations in the mines and the reply was to the effect that examinations would be held. Later on I asked a further question and was told that the examination would be carried out in March, 1964.

In 1965 I was again noisy on the subject of noise. I have made a lot of noise about noise; but the point is that it is something for which compensation should be paid. That is why I rarely miss a session without bringing the matter before the House.

The Hon. F. R. H. Lavery: The Government is deaf and cannot hear you.

The Hon. R. H. C. STUBBS: On the 24th August, 1965, I asked a question of the Minister for Health. It read as follows:—

> Having regard to the tests being conducted by officers of the Public Health Department and the Commonwealth Acoustics Laboratory into hearing loss by goldmine employees:—
>
> (a) Will the Minister name each of the mines where the tests have been conducted, and the number of men in the categories of surface and underground employees, who have been tested?
>
> (b) Is there any pattern emerging from the tests?
>
> (c) If so, in what direction; and
>
> (d) when is it anticipated the tests will be completed?

The Minister replied—

> (a) (i) Great Boulder Gold Mines Ltd.
> Lake View & Star Ltd.
> North Kalgurli (1912) Ltd.
> Gold Mines of Kalgoorlie (Aust.) Ltd.
>
> (ii) Number of employees whose hearing has been tested—(the figures are incomplete).
> Surface employees 190. Underground employees 16.
>
> (b) Yes.
>
> (c) A noise problem is present in certain underground and surface work places.
>
> (d) This is a long term project and is being associated where necessary with a hearing conservation programme. This is time-consuming and progress has been slow. Preliminary work to date has been mainly concerned with sound level surveys, attempts at noise attenuation, and an assessment of the problem.

Members will recall that on the 22nd September, 1965, I moved a motion as follows:—

That a Select Committee be appointed to inquire into and report upon the incidence of industrial noise in primary and secondary industry, to—

(a) ascertain the causes of and objections to such noise;

(b) recommend preventative measures to eliminate excessive noise; and

(c) recommend, if found necessary, methods of compensation where hearing is damaged by noise.

Once again members will see that I tried to convince the Government that something should be done about noise in industry. I am not going to read from that motion, because it is quite long and members have heard it once in any event.

On the 4th August, 1966, I asked the following question, relative to noise, of the Minister for Health:—

(1) In reference to the Occupational Noise and Hearing Loss Survey being conducted at the mines in Kalgoorlie-Boulder, and at Norseman—

(a) how many shafts have been visited; and

(b) how many men at each shaft presented themselves for the test in the categories of—

(i) surface; and

(ii) underground employees?

(2) How many of each of the surface and underground employees who were tested were found to have a hearing impairment due to noise?

(3) What steps in hearing conservation have been taken?

(4) When is it anticipated that the survey will be completed?

The Minister replied—

(1) (a) 16 shafts.

(b) Approximate number of men presenting for examination at each mine is as follows:—

Gold Mines of Kalgoorlie (Aust.) Ltd.:
Surface—32.
Underground—109.

North Kalgurli (1912) Ltd.:
Surface—25.
Underground—36.

Great Boulder Gold Mines Ltd.:
Surface—69.
Underground—59.

Lake View & Star Ltd.:
Surface—85.
Underground—140.

Norseman Gold Mines N.L.:
Surface—12.
Underground—13.

Central Norseman Gold Corp. N.L.:
Surface—21.
Underground—72.

(2) These figures are not available and a great deal of research is still needed. It is hoped that a report will be available soon.

(3) (a) Sound levels at underground and surface workings have been estimated, and recommendations made to attenuate dangerous noise levels, but the nature of the work and the type of machines in use frequently make this impracticable.

(b) All men, where indicated have been fitted with personal ear protectors.

(c) A nursing sister has been engaged part-time to continue the hearing conservation programme in the goldfields supplemented by periodical visits of a team from Perth.

(4) Hearing conservation is a continuous programme requiring follow-up of men already fitted with ear protectors, and the gradual inclusion of other miners exposed to excessive noise, especially entrants to the industry.

On the 8th September, 1966, I again tackled the subject of noise. I asked the Minister for Mines the following question:—

Owing to the nature of the work and type of machines in use underground, and also machinery in use at the workshops at mines, and the impracticability of suppressing noise to safe limits, will the Minister have "hearing loss due to industrial noise" included as a compensable disability claim when the amendments to the Workers' Compensation Act are placed before Parliament?

The Minister replied—

It is proposed to introduce legislation to amend the Workers' Compensation Act during the current session of Parliament.

It is considered inappropriate to indicate by way of answers to questions the detail of legislation yet to be introduced.

It has not been introduced yet. On the 8th August this year, I still pursued the question of noise. I asked the Minister for Health the following questions:—

In reference to the occupational noise and hearing loss survey being conducted on the goldfields—

(a) How many men have had audiometry since the com

mencement of the survey to date?

(b) How many were found to have a hearing loss due to noise?

(c) To what places, and on how many occasions, did the Perth team visit?

(d) How much time is the nursing sister able to devote to the survey?

(e) When is it anticipated that the hearing conservation programme will be complete, involving all the men for the first time?

(f) What figures are available showing decibel exposure on underground and surface employees in their various occupational classifications?

(g) Are the men given the result of their audiogram for their particular information?

The Minister replied—

(a) 889, to the 30th December, 1966.

(b) 505 of 819 men examined have a noise-induced hearing-loss pattern audiogram.

This is a terrific number. It shows that nearly all the men in the industry are deaf. While there is no hearing conservation programme of a serious nature, everyone who enters the industry will become deaf after a certain time. The answer continues—

(c) Kalgoorlie-Boulder and Norseman: 13.

(d) Two half-days per week and is available at all times for consultation.

(e) All men who volunteered have been examined and this phase of the programme is complete.

(f) Noise levels, surface and underground, in the neighbourhood of machines and machinery to which the different occupational groups are exposed are available, together with an appreciation of their day-to-day exposures.

(g) No. Where indicated after examination or on request a report is sent to his own doctor.

On the 10th August this year I continued to follow up the question of hearing, and I asked the Minister for Health the following question:—

In relation to the reply to paragraph (f) of my question dated the 8th August, 1967, referring to the occupational noise and hearing loss survey in the goldfields, and as the information requested is available, will the Minister specifically state the decibel exposure or noise level that is available for the various occupations such as—

(a) machine mining;

(b) mechanical bogger driving;

(c) scraper driving;

(d) underground fans; and

(e) various surface occupations?

The Minister replied—

(a) 115-123 decibels.

That is terrifically high and is getting close to the stage where pain is induced. Noise does induce pain, and it is not desirable to have noise in excess of 85 to 90 decibels. The answer continues—

(b) 99 decibels.

(c) Not available.

(d) 98-102 decibels.

(e) Powerhouse—93-106 decibels.
Primary crusher—85-95 decibels.
Main crusher—94 decibels.
Machine shops—104-110 decibels.
Gold room furnace area—90 decibels.
Bore mills—92 decibels.
Drill grinding and sharpening shop 98 decibels.
Crushing mills general area — 94 decibels.
These are levels from representative areas.

Members will see that except in one specific case these figures are much above the usual level of noise exposure. On the 15th August this year I asked the Minister for Health a question regarding the number of persons who were employed and the different classifications of employment. Although the question and the answer do give a certain amount of information I will not read it to the House because it is not directly relevant to the point I wish to make. On the 31st October this year Mr. Garrigan asked a question on my behalf because I was not present at the time. The question read as follows:—

Due to the hearing loss by miners and other people in industry, caused by excessive noise in connection with their work, will the Minister give urgent and favourable consideration during this session of Parliament—

(a) either by proclamation; or

(b) by amendment to the Workers' Compensation Act to extend—

(i) the third schedule to include industrial deafness as being compensable; and

(ii) the second schedule to provide the amount of compensation payable where this has occurred?

The Hon. G. C. MacKinnon: At this stage both of us should know quite a lot about noise.

The Hon. R. H. C. STUBBS: Yes; we were both making a lot of noise about it. The Minister replied to the question to which I have referred, as follows:—

Compensation for disability due to industrial deafness is one of a number of matters submitted for

consideration by a deputation from the Trades and Labour Council to the Minister for Labour on the 30th August, 1967. The requests are still under review.

If Mr. George Brand were in the House he would say that the Minister said "No," in a very nice way.

The problem of loss of hearing was dealt with in a decision of the Court of Appeals in America in 1948. I would like to quote it, because it makes a point. Up to this time the decisions had always been that loss of hearing was compensable only if there was a disability which involved a wage loss, and then only to the extent of the period of the disability. That was the thinking up to the challenge in the court at Wisconsin, which case eventually went to the High Court of America.

In 1948 the Superior Court of the State of New York reversed the decision of a lower court and affirmed that loss of hearing arising out of occupation was compensable under the State law even though no loss of earning occurred. The old line that the individual had to suffer a loss of earning was ruled out by the Superior Court of America, which ruled for compensation to be paid.

The Hon. G. C. MacKinnon: This was an acceptance of the principle of a social loss as against an earning loss.

The Hon. R. H. C. STUBBS: It is not only the social loss, but the ability to work; because sometimes when men lose their hearing they are demoted to different jobs. They become a danger in some circumstances, and therefore they are taken out of a particular job. Usually compensation was not paid until the man finished in the industry, but the principle involved was that loss of earning did not come into it. The question of loss of hearing being considered is what applies in a number of overseas countries. Seven provinces in Canada pay compensation, not for loss of earning but for loss of hearing.

This leads back to the question I referred to earlier; namely, a yearly check. I think the sooner we have a yearly check on miners and those who work in other industries where noise is involved, the better will be the position. After all, we ask people to have X-rays when they enter industry and, by means of the yearly X-ray, progress of disease can be followed.

That has been the pattern for 30-odd years. I fail to see why a man cannot be warned that his hearing is failing because of his occupation in industry. If employers have to pay additional premiums for workers' compensation payments to cover loss of hearing, and if it is made compulsory that ear muffs are to be provided to workers in industry where noise is an occupational hazard, they will soon take steps to ensure that everything possible is done to reduce the noise volume. Until we take the initial step towards solving this problem we will not get anywhere.

The Hon. G. C. MacKinnon: It is pretty hard to get workers to wear ear muffs.

The Hon. R. H. C. STUBBS: The wearing of ear muffs should be made compulsory. Mine owners were compelled to install venturis and fans to keep down the incidence of dust to protect the health of their workers and to prevent them from contracting silicosis, so I do not see why they should not be compelled to provide ear muffs for workers, and to ensure that they are worn. I can remember the time when one was deemed to be a sissy if one wore a hard hat. However, today we all know that whenever one enters the precincts of an industrial project one is immediately issued with a hard hat.

The Hon. G. C. MacKinnon: But it has been a long hard road, has it not?

The Hon. R. H. C. STUBBS: Of course it has, but why not make a start in this particular field? I have made my point, and it is useless to keep on reiterating it. I have in my possession letters from Canada, New South Wales, Brisbane, Hobart, and one from Wellington, New Zealand. I also have a copy of the Workers' Compensation Act applicable in the State of Ontario, Canada, where compensation is paid to a worker who has his hearing affected as a result of working in industry. I have ample evidence, backed up by decisions of the court, to prove that deafness caused by working in industry should be compensated, and therefore I consider the Government should take steps to amend the Act so that this industrial hazard will be compensable as soon as possible. I commend the motion to the House.

THE HON. F. R. H. LAVERY (South Metropolitan) [9.3 p.m.]: I have only a few brief words to express on the motion. I wish to repeat that insurance companies are notorious for delays and are loath to recognise regular payment of weekly cheques to workers for compensation, and this is of great importance to us all. In days gone by I have often heard Dr. Hislop making the suggestion that the Workers' Compensation Board should set aside a sum of money for research into industrial accidents. I support that suggestion and, at the other end of the scale, there is the question of rehabilitating the incapacitated worker.

When the late Mr. Harry Hearn was a member of this House he opposed, at that time, an increase in workers' compensation payments on the argument that industry could not afford to pay the increased insurance premium. At present there are 107 insurance companies in this State competing in the lucrative field of workers' compensation, and it is compulsory for an employer to insure his employees.

In repeating the figures that were quoted previously this evening, for the last recorded period the gross insurance premiums paid amounted to $11,000,000 and the pay-out by the insurance companies for the same period amounted to $8,500,000. On these figures the companies showed a profit, in workers' compensation insurance business, of $2,500,000.

I believe the motion presented to the House by our leader will bear fruit inasmuch as it will draw attention to the fact that the Government, despite the replies given by the Minister for Mines this evening, should investigate some of these industrial hazards. I am of the opinion that nothing but good can emanate from the motion, but at the same time I draw attention to the fact that it is considered that perhaps the insurance companies themselves could combine to create a fund for the rehabilitation of workers for the purpose of returning them to their occupations much faster than they are returning at the present time. If this were done the large sum of money paid out in medical and hospital payments would be reduced appreciably.

Reasonable facilities are available at the Melville Rehabilitation Centre for the purpose of assisting workers rendered redundant by work-caused accidents, but no serious attempt has been made by the Government to facilitate the rehabilitation of those workers who have been rendered redundant by accident. I am not sure that the rehabilitation of all workers will result in most of them returning to their previous employment, but surely the rehabilitation work would be of great assistance not only to the workers but to industry generally.

I rose to my feet to draw attention to the possibility of rehabilitating men through the rehabilitation centres if funds were made available from the insurance premiums paid by employers to insure their workers. I support the motion and believe that, despite what the Minister for Mines has said tonight relating to the time chosen to present this motion, I believe it is never too late to present something that will be of benefit to workers in industry.

THE HON. R. THOMPSON (South Metropolitan) [9.7 p.m.]: My leader introduced this motion to bring to the notice of the Government the urgency of taking steps to bring our Workers' Compensation Act into line with the legislation that applies in the other States of the Commonwealth. He explained the purpose of the motion in simple terms which could be understood by all members of Parliament. We find, however, that when the Minister for Mines was speaking this evening he more or less stated the motion had been presented in broad terms and that possibly he was at some disadvantage when making his reply.

First of all I would point out to the House that the Minister for Mines was not disadvantaged in any way, and as I proceed I will show conclusively that, to support his remarks, he had obtained advice from the Minister for Labour. In 1965, Mr. Wild, who is now Agent-General for Western Australia in London, was Minister for Labour and these points were brought to his notice. Further, these points were again brought to the notice of the present Minister for Labour by two subsequent deputations. There were further written submissions presented to the Minister suggesting that something should be done

In 1964 amendments were made to the Workers' Compensation Act which, in the main, dealt with to-and-from-work clauses. In 1965 we had the major common law amendment, and last year we had reasonable amendments passed which brought our Act into line with the legislation in some of the States of the Commonwealth in regard to some particular features. However, this led to my reasoning and to reasoning by the Australian Labor Council that 13 other factors should be attended to. Admittedly one of those was a machinery amendment which was rectified in this House this evening. The amendment had relation to section 11 of the first schedule, but as that amendment has been agreed to I will make no further comment on it.

The Minister also said that the motion implied first of all urgency, and, secondly, widely divergent opinions expressed on workers' compensation. This session we have seen three Bills introduced to this House, to say nothing of the numerous Bills that have been introduced in the past, which aimed at uniformity. We have had the petroleum offshore legislation, the petroleum onshore legislation, the weights and measures legislation, and there was also another Bill which aimed at uniformity.

The Hon. A. F. Griffith: All of which took a long time to prepare.

The Hon. R. THOMPSON: Yes, that is so. Some went back as far as 1961. Initial steps were taken to achieve uniformity with the weights and measures legislation in 1961, but it took about three years to get it off the ground. However, in 1964, the legislative process was commenced and the legislation introduced was accepted by all States. The provisions we are requesting in this motion have been operative in legislation of the other States for many years; in some States they have been operative for about 20 years. So there is no reason in the world why we cannot have uniformity in workers' compensation legislation.

Last year there was a Bill before us which sought to tie the State basic wage to the Federal basic wage, because at that time the State basic wage was ahead of the Commonwealth basic wage. The aim

was to suppress the State basic wage in order to have wage uniformity, but this Government now finds itself in a bit of a mess, because there is now no Commonwealth basic wage as such, but a national total wage which is the subject of a challenge. So one cannot have one's cake and eat it, too.

The Hon. A. F. Griffith: Is that a statement from you?

The Hon. R. THOMPSON: Yes, and it is true. If the Government wants a uniform wage throughout the Commonwealth it should also provide for uniform compensation payments to workers. I will deal with the matter in much the same way as it was dealt with by the Minister and, first of all, I will turn to dependency. The Minister told us that, in September, 1967, Dr. Terenzio, the Italian Consul in Western Australia, as a result of representations made to the Government through his good offices, had achieved, by Order-in-Council, reciprocity in workers' compensation with the Italian Government under section 5 of the Act.

In actual fact I would suggest to the Italian Consul that he should have a serious and careful look as to what exactly has been offered to his Government. It has certainly been offered a concession which, I will prove later, is applicable in the other States of the Commonwealth and to a far greater degree than the concession offered to Italian workers who come to this State.

The definition of "dependants" in section 5 of the Act is as follows:—

> "Dependants" means such members of the worker's family as were wholly or in part dependent upon, or wholly or in part supported by, the earnings of the worker at the time of his death, or would, but for the incapacity due to the accident, have been so dependent, and as are resident in the Commonwealth of Australia or in any part of the Dominions of the Crown or any other country, but does not include such members of the worker's family who do not reside permanently in the State at the time the worker dies or is incapacitated if his death or incapacity occurs after a period of five years of his first residing in the State.

I would like members to bear that definition in mind, because section 6 provides as follows:—

> If the Governor is satisfied that by the laws, operating similarly to the provisions of this Act, of any other country, whether part of the Dominions of the Crown or not, compensation for injury by accident to a deceased worker is payable to his dependants who are resident in this State, the Governor may, by Order in Council, declare that when a worker is so injured in this State and dies as a result of the injury, his dependants who are not resident in this State shall have the same rights and remedies under the provisions of this Act, as if they were resident in this State and if satisfied that those laws have ceased wholly or partly so to operate the Governor may in like manner revoke or vary such declaration and effect shall be given thereto.

All that the Italian Consul has been able to obtain from the Minister—I believe this was done through the Premier by Order-in-Council—for dependants of workers who have come to this State from Italy is the payment of compensation when the workers are killed in the course of their work. If a worker is killed then his dependants are entitled to compensation, but if he is totally incapacitated his dependants are not entitled to any payment.

Western Australia is supposed to be a State on the move, and a get-up-and-go State; and some people have claimed that the Eastern States are a long way behind us. In some respects they are a long way behind us, but we are behind them so far as workers' compensation and the welfare of workers are concerned.

Let us assume that an Australian worker and his wife decide to go on a world trip and are out of Australia for six years; that the husband returns by air to Western Australia on a certain day; that he commences employment the following day, but is unfortunately killed in the course of his work; and that his wife returns to Australia on the day subsequent to the husband being killed. In those circumstances she would not be entitled to any compensation under our Act, because she is not regarded as a dependant. This is completely factual. This restrictive provision in section 5 is not applicable in any other State of Australia, or in some countries of the world, as I shall show.

A circular letter was sent out by the Trades and Labour Council of Western Australia to the consuls of certain countries requesting information as to whether or not reciprocal compensation payments to, or coverage of, Australian workers were provided in the event of their being injured, incapacitated, or killed in those countries. Several replies were received, and the first is from the American Consul, Mr. C. T. Mayfield, which is as follows:—

> November, 14th, 1967.
>
> Dear Mr. Cooley:
>
> In answer to your letter of October 16th I will quote below the reply received from the Labor Attache, American Embassy, Canberra:

"Your memo of October 20 on workers compensation arrived while I was absent on leave. You can tell Mr. Cooley that each state and the Federal Government has its own workers compensation system but that, while we have not the details at hand, we are confident that in all jurisdictions beneficiaries receive benefits regardless of their place of domicile or residence. I feel pretty sure that it would be unconstitutional for a state to limit benefit payments to those within its borders."

Another reply which was received by the President of the Trades and Labour Council is as follows:—

Trades Hall,
Melbourne,
1st Nov., 1967.

Further to your letter of the 16th October, 1967 we wish to advise that no such limitation as contained in the Western Australian Act (Section 5) is applicable to the Victorian Act.

In Victoria, providing the question of dependents can be proved, compensation is payable to the family of any non-resident at any time. This applies to dependents both interstate and overseas.

We thank you for drawing this section of the Western Australian Act to our attention and will closely examine the matter. In addition we will notify all Unions as to the anomaly which currently exists.

M. C. C. JORDAN,
Secretary.

A reply was also received from New South Wales. It is as follows:—

20th Oct., 1967.

Dear Mr. Cooley,

May I refer to your letter of the 16th October, 1967, requesting our advice concerning certain dependant payment provisions under the New South Wales Workers' Compensation Act.

I have requested our Compensation Department to examine the queries raised in your letter and I now have pleasure in enclosing a report prepared by Mr. Geoff Cahill on this matter.

I trust that the information supplied will be of some value to your Council. Please contact us should you require any further particulars in this regard.

R. B. MARSH,
Secretary.

The report that was enclosed in the letter from New South Wales states—

It is proposed to deal with this inquiry under the following headings:—

(1) Where injury does not result in death, and

(2) Where injury results in death.

A copy of the relevant sections of the New South Wales Act was also enclosed, in which the following appears:—

(1) Where Injury does not Result in Death

The definition of "Dependant" provided in Section 6 (1) of the N.S.W. Workers' Compensation Act, states, as follows:—

"Dependants" means such of the members of the worker's family as were wholly or in part dependent for support upon the worker at the time of his death, or would but for the incapacity due to the injury have been so dependent, and includes a person so dependent to whom the worker stands in loco parentis or a person so dependent who stands in loco parentis to the worker, and also includes a woman so dependent who for not less than three years immediately before the worker's death, although not legally married to him, lived with him as his wife on a permanent and bona fide domestic basis.

From that paragraph it is clear that with some qualification a *de facto* wife is covered by the New South Wales legislation. The report continues—

Where the worker, being the parent or grandparent of an illegitimate child, leaves a parent or grandparent ent upon him, or being an illegitimate child, leaves a parent or grandparent so dependent upon him, "dependants" shall include such an illegitimate child and parent or grandparent respectively."

It will be seen that the word "dependant", as defined above, is not restricted to dependants resident in the State and it extends in practice to include any person who is in fact a dependant of the worker, regardless of where the dependant actually resides, or the length of residency outside the State. The payments provided in respect of dependants are set out under Section 9 of the Act.

The dependants have no rights, as such, to pursue and receive compensation whilst the worker is still living, but the worker himself is paid compensation calculated in accordance with the number of dependants, as defined in the Act, irrespective of where these dependants may reside.

This means that in circumstances where the worker is deemed totally incapacitated arising from an injury compensatable under the New South Wales Act and where his dependants reside in Western Australia, then he is entitled to be paid the appropriate

compensation rates for these dependants. Also there is no "test' as to the period of residency of the dependants outside the State.

As I said earlier, the legislation of New South Wales and Victoria does not contain the restrictive residential qualifications that we find in section 5 of our Act. The report continues—

> (2) Where Injury Results in Death
> Where injury results in death, the worker's dependants, as defined, have a right to compensation, but this right depends on them fulfilling the conditions set out under Section 71 (2) of the N.S.W. Workers' Compensation Act. This Section states, as follows:—

The section reads as follows:—

> (2) (a) Compensation shall be payable to a worker or his dependants only where such worker or his dependants are resident in New South Wales or in any other part of His Majesty's Dominions, or in a foreign country whose laws make or are deemed by this subsection to make reciprocal provisions for the payment of compensation to the dependants resident in New South Wales, of a worker killed or injured in such foreign country.

It goes on to deal with what the Governor can do. If members desire, I will read it, but it has no bearing on the matter. Then attached to this are three or four cases which have been tested at law. I do not intend to read them out, but members can peruse them if they do not think I am telling the complete and utter truth.

The Hon. G. C. MacKinnon: We would never doubt your veracity.

The Hon. R. THOMPSON: In these cases it was proved without doubt that reciprocity exists with the State of New South Wales, Italy, the Netherlands, Great Britain, Ireland, and America. All have reciprocity, but Western Australia does not.

This has been a practice for years and yet the Minister says that these things take time; we have to proceed slowly; we have to investigate them. They could have been investigated during the past 10 years. This is my ninth session in this House and one of the first speeches I made, nine years ago, dealt with all the major points contained in this motion. I think in every session since, I have discussed most of them. Therefore, they have been brought to the attention of the Government at least each year for the past nine years.

I have made a check of workers' compensation legislation, and I ascertained that on 19 occasions, the Labor Party had to introduce either a Bill or a motion concerning workers' compensation before we were able to wear this Government down to take some action. Only then did it introduce the necessary reforms which, on each occasion, only brought the legislation on a par with—but nothing greater than—the legislation in other States. However, the Government knew that the Commonwealth, Victorian, and South Australian Parliaments were even then dealing with Bills which would make the provisions in those States far superior to those contained in our legislation.

That is a fact. That occurred in 1966. This Government in 1965 introduced legislation to reduce the total amount payable by some $70. Admittedly, in 1966 reasonable amendments were introduced to bring the compensation provisions up to some sort of decent standard.

Dependency and reciprocity are vital and these matters are urgent, particularly when we consider the screening of people migrating to Western Australia, many of whom, for economic reasons, cannot bring their wives with them. No assisted passages are provided from Italy or any of the other countries from which we draw our labour force. At the present time the only assisted passages are those available from England.

Workers from other countries have to pay their fare here and many years elapse before they can save enough money to secure a house—and they are very lucky if they can do this in 10 years because, with the present state of housing in this State, Australians cannot do so in 15 years. While the migrants are here they must still support their families in their homeland and it is usually well in excess of five years before they are able to save enough money to bring their families to this country.

Why should we not have this reciprocity in the event of one of these workers being killed or permanently and totally incapacitated? Under our Act, if the worker had been resident for a period greater than five years, the wife would not be able to claim if she was not resident in Western Australia.

The submission, concerning retrospectivity, made to the Minister by the Trades and Labour Council, was—

> We submit that injustice is being created by the non-retrospective application of the medical and hospital expenses allowance and also the award of the Second Schedule settlements.

This is most important.

The Minister told us that insurance companies levy a charge against the employers and it is necessary for them to run a sound business. What he did not tell us is that under the Act all insurance companies are guaranteed 30 per cent. profit; and some of these companies are operating on a 12 per cent. administrative margin. One organisation which receives a considerable sum of money from the Government to conduct its affairs—and it is a very worth-while cause—was offered a 15 per

cent. rebate from an insurance company for its business. Therefore we can see that workers' compensation insurance is a lucrative business.

I have here doctors' bills, hospital bills, and details of other expenses incurred by a worker who had his hand crushed. I wish I had time to go through them. I have only just received them myself. His total expenses amounted to $4,300, and his compensation payments amounted to $1,585.

The last amendments to our Act became law on the 5th December last year. The premiums on the injured workers' insurance would have been paid before the 5th December. They would have been paid in July of last year, but no retrospectivity applied. If a worker was injured on the 4th December last year, the total amount he could have claimed for total or permanent incapacity was $7,482. I could be subject to correction regarding a dollar or so. If the worker had been injured or killed on the 5th December last year, he or his dependants would have received $10,000. This is absolutely farcical.

I know of one case where a person, through injury, lost parts of his hand. He suffered terrific pain as a consequence and finished up in debt to the tune of $2,000-odd. I have here a letter dated the 3rd June, which was a long time before this motion was mooted. It is an interesting letter and reads as follows:—

> You may remember that in January I asked you for help in dealing with S.G.I.O. as I was having great difficulty in getting a weekly compensation payment regularly. I'd just like you to know that since then the payments have arrived promptly.

He then goes on to thank me for my representations on his behalf.

Another is in regard to a person who suffered partial incapacity. Prior to his injury he was employed by Hardeman-Monier-Hutcherson on the North West Cape project, and his average weekly earnings were about $96. He suffered a back injury and came down for treatment. Eventually the doctors told him he would have to go back to work on light duties. This accident occurred about 18 months ago. Previously, under the Act a person was entitled to go back to work on whatever job he could get and the insurance company would have to make up two-thirds of the difference between the wage he would normally be entitled to receive and the wage he was actually receiving.

I will quote a letter received from the State Government Insurance Office, dated the 20th September, 1967. It reads as follows:—

> I am in receipt of your letter of September 11, 1967 indicating that you have successfully obtained suitable employment with N. B. Love & Co. Ltd. and that your rate of pay is $42.95 per week.
>
> As it has been ascertained from your ex-employers, Hardeman-Monier-Hutcherson, that your contract with that Company would have finished at the very latest in April of this year and that your pre-accident award rate is now $49.60 per week, this entitles you to partial incapacity payments of $4.43 per week being two-thirds the difference between your present wage and the present award rate for an electrical fitter.
>
> Weekly payments on the partial incapacity basis shall continue until such time as you are able to return to your pre-accident occupation as an electrical fitter and all payments made on this basis shall be subject to review from time to time and in the event of your becoming entitled to any settlement, shall also be subject to negotiation.
>
> Yours faithfully,
>
> E. C. HOGG,
>
> General Manager.

Again, I can verify what I am saying. I have in my possession the person's taxation slips, and before he went to the north-west he was earning in the vicinity of $85 to $90 a week at his trade. At the North West Cape he was earning $96, and yet we find that this great State Government Insurance Office will pay him $4.43 per week. I have always been a supporter of the State Government Insurance Office but when I have finished on this occasion I do not think I will support it again.

The Hon. H. K. Watson: You supported it last night.

The Hon. R. THOMPSON: But that was on another matter. The honourable member is trying to pull the wool over my eyes, and I am not falling for that.

The Hon. L. A. Logan: You are trying to do that to him tonight.

The Hon. R. THOMPSON: I am not trying to pull the wool over anybody's eyes. These details are factual and can be proved. This chap is genuine, and the facts are supported by his doctors. His income is now reduced to $49.60 per week and, although under the Act he was justly entitled to two-thirds of the difference between $49.60 and $86—which is the amount I think he claimed instead of the $96 he was earning—instead of receiving $25 a week he is now receiving $4.43.

This brings me to my point. He was injured prior to the last amendments to the Act. Had he been injured on the 4th December last year, that is all he would have been entitled to get. But if he was injured on the 5th December last year, he would have been entitled to the full amount.

The Hon. G. C. MacKinnon: I cannot see your point. It seems that there must always be a day for the change. Even if the amendments which you are seeking were brought in they would have to be proclaimed on a day, and a different rule

would apply between that day and the day previous.

The Hon. R. THOMPSON: I do not think that is quite factual because the Minister has not much knowledge of the Workers' Compensation Act.

The Hon. G. C. MacKinnon: Do not jump to conclusions. I probably know as much about the Act as you do.

The Hon. R. THOMPSON: I hope the Minister does, and I hope he will tell us something about it.

The PRESIDENT: Order!

The Hon. G. C. MacKinnon: If one insures, there must be a day for the commencement of the risk.

The PRESIDENT: Order! Will the honourable member please address the Chair.

The Hon. R. THOMPSON: Just prior to the last amendments to the Act, the insurance companies offered all sorts of settlements in cases which had been stringing on for months and months. That occurred as soon as the companies heard that there were to be amendments to the Act. Where the companies thought they would be liable for higher payments they immediately tried to settle the claims. That is factual because I had many of these cases pending, and I told the people not to accept the settlements. The companies were reluctant to settle previously, but they were anxious to settle when they knew amendments to the Act were pending.

It is useless for the Minister to say there must be a starting day. The Workers' Compensation Board has the authority under the present Act to inquire into and bring up to date the claims which are outstanding. It is the insurance companies which are not anxious to settle at any time, unless there is a change in the legislation or unless the settlement is to their benefit.

I know of the case of a man with three young children and a wife to support. For two months he did not receive a payment from the insurance company. The reasons for this—although he had been on compensation for an injury for several months—was that the doctor had not issued a report. I pointed out to the insurance company that the company, through the employer, pays the compensation, but under the Act it is the employer's responsibility to make the compensation payments. When it was faced with this position, it very smartly paid out, and kept on paying. That is a true and factual statement.

One such case was before the compensation court last week and the person concerned settled for less money than he would have received had he taken a lighter job and stayed on compensation and received the difference between his pre-injury earnings and his present-day earnings. However, he was a genuine chap and accepted a lump sum less than he could have received. The reason, of course, was that he was anxious to rehabilitate himself and become a useful citizen. He did not want to become a vegetable and do some menial job far below his intellectual capacity.

What is the truthful position with regard to workers' compensation and rehabilitation in Western Australia? One of the champions of the rehabilitation centre is Dr. Hislop, and I know that from speaking to people from the centre. Dr. Hislop will be able to tell members if what I say is not the truth. A single worker, under our Act, can receive $24 a week compensation. However, if he wants to enter the rehabilitation centre at Melville he has to pay a minimum of $28 a week. That is $4 more than the compensation payment he is receiving.

The Workers' Compensation Board, the employers, and the insurance companies, should get together, or the Act should be altered so that the board, where it thinks fit and in its wisdom, should be empowered to order a worker to enter the Melville Rehabilitation Centre so that he can become a useful citizen without incurring any cost to himself. How could a married worker with two or three children—who would be receiving in excess of $24 a week—afford to rehabilitate himself? He is not covered sufficiently under the Act. The compensation board is helpless and cannot assist. Earlier tonight the Minister told us that he was at some disadvantage, and that these things were not urgent. To me they are urgent and these matters have been pointed out to the Government since 1965, when Mr. Wild was the Minister for Labour.

Nearly three years have elapsed but nothing has been done. I have previously made reference to the basic wage, and reference was also made to it tonight by the Minister. First of all, we in Western Australia tied our basic wage to the Federal basic wage. Shortly afterwards the Commonwealth Arbitration Court brought in a total wage concept which is being challenged at the present time by the Australian Council of Trade Unions. We now find that Western Australia is in a dilemma, and we say this is urgent. When a 2½ per cent. variation of the basic wage takes place workers' compensation payments are increased proportionately. We have had that 2½ per cent. variation through an increase in the cost of living. The increase would be in the vicinity of 4 per cent., and the injured workers would have received a greater income because the cost of living has risen. However, wages are static and therefore injured workers are not receiving justice under our present legislation.

I might be wrong, but I do not think any forethought was given to this matter.

However, this has been pointed out to the Minister for Labour and if this is not an urgent motion, I would like to know what is. We are wasting time in this House if we cannot mete out justice to the people to whom we look for votes when elections come around. I wonder what some members will say when confronted by workers on this matter—the workers on whom they rely to be returned to Parliament. I wonder what they will say when the workers ask, "Why has not our Workers' Compensation Act been amended to bring it into line with the Acts in South Australia, Victoria, New South Wales, Queensland and Tasmania?" The little State of Tasmania—

The Hon. J. Dolan: Big-hearted us!

The Hon. R. THOMPSON: —has one of the best Workers' Compensation Acts in Australia.

The Hon. R. F. Hutchison: They have a Labor Government there.

The Hon. R. THOMPSON: Another item submitted to the Minister for consideration was in regard to serious or wilful misconduct. It could be said that if a worker commits wilful misconduct he is not entitled to compensation; or, if he dies, his dependents are not entitled to compensation. But had he not died he would still have been employed. In some instances "wilful" is termed "negligent." After a man's death, something he did could be termed as having been "wilfully done," and in Western Australia his dependants would not be entitled to compensation. Yet in every other State in Australia such a person's dependants are entitled to receive compensation.

The Hon. R. H. C. Stubbs: The State on the move!

The Hon. R. THOMPSON: A State on the move all right! The Eastern States are getting a bit far away from us. For many years hernia was compensable and when I sit down I would like Dr. Hislop to get up and tell us something about hernia. I have worked in industry with men who have suffered from hernia, but I am not a complete authority on it. When we were rigging ships and a man had manually to pull out a large derrick he sometimes suffered injury as a result. It is heavy, ardous, and dangerous work, and one has to contend with the wind and the list of the ship. Usually one finds there are rusty and fouling blocks which have to be taken back, at times, for 140 or 150 feet to shackle to the eye-bolts so that the derricks can be pulled out over the ship's side. When the derricks are in a vertical position, it takes a great deal of effort to handle them.

On many occasions I have heard men groan because they have felt a pain in their side, but they believed it was just a pain and did not report it to the boss. They have gone home, possibly had a hot shower, and the pain has gone away; then, a few days later, the pain returns. They go to the doctor and report the accident as having happened at such-and-such a time on such-and-such a ship. However, the doctor cannot accept the report because it was not made to the foreman at the time of the accident. But the person concerned would not know he had a hernia until two or three days afterwards. Yet, because it was not reported to the foreman immediately, that person is not entitled to compensation under our Act—again the only State in Australia with that provision. We stand alone.

The Hon. R. F. Hutchison: That is what I said.

The Hon. R. THOMPSON: It is true that not all cases of hernia are non-compensable. Under certain conditions, if it is reported immediately, it can be compensable. I do not know a great deal about hernia, but in view of what I have seen in the past, I believe some latitude should be given as regards the reporting of hernia cases. Possibly someone with a greater knowledge of the medical profession could tell us whether I am right or wrong in what I am saying.

Another submission was made in regard to piece work. At the present time, piece-workers or subcontractors—that is, labour only subcontractors and piece-workers—are deemed to be workers in the other States, but in Western Australia there is a great deal of confusion. Some employers cover piece-workers and subcontractors, and others do not.

I have in my hand the transcript of case No. 88/67 between E. J. Corbett, applicant, and the Swan Block Co. Pty. Ltd. I do not intend to read the transcript notes, but I would like to give members an outline of the case concerned. The Corbett boys were employed as bricklayers by the Swan Block Co., and whenever there was a shortage of bricks, the company would send these workers away to do other work. The bricklaying work they were doing for the Swan Block Co. was piece-work or subcontracting work.

A special amount was paid to the Corbett boys for each job they did and, as I said, when the company ran short of bricks these workers would be sent away to do other work for which they were paid $12 a day. Then, when the company had sufficient bricks, they would go back and complete the brickworking job and receive the set amount which was fixed for the laying of the bricks for each house.

One of the men received an injury and the case went before the court for settlement. All of these points were brought out in court but the worker lost his case. So, although these men were workers within the meaning of the Act, on some days when they were subcontracting they were deemed by the employer not to be workers under the Act. Only the employer made that condition and, as a

result, the injured worker did not receive any compensation.

We cannot have it both ways. I know many workers like to do this subcontracting type of work; that is their business and not mine. In some cases it is very good and in others it is not so good. However, by the same token, I do not think there should be any confusion about what is meant by a subcontractor. It should be clearly stated in our Act—what is meant by a piece-worker, whose responsibility it is to insure him against injury, and so on. This will obviate any confusion.

I also have references to Commonwealth cases and judgments given by Judge McGrath in the Workers' Compensation Court in New South Wales. I could refer to these at length and they would prove the points I have been trying to make—points that were raised by the Trades and Labour Council when its representatives appeared before the Minister. All the submissions made would be substantiated by Judge McGrath's interpretations and the decisions he reached.

I think it was the Minister for Health who said there must be a starting date for retrospectivity. Let us have a look at the cost of insurance cover for workers in this State as compared with the cost in other States. The average cost to industry in the major States, New South Wales, Victoria, and South Australia, is $3.76 per $100. In Western Australia, where we have the lowest compensation payments, the figure is $2.75 per $100. But the employers in the other States still make money; they give better benefits to the workers, but they still make profits.

Therefore, why should the employers in Western Australia get away with a cheap form of insurance by providing for second-rate workers' compensation? Is this justice? To my mind it is not. I think it is an insult to the workers of Western Australia.

I do not know a great deal about pneumoconiosis, but from my brief experience of it, I find that where a worker has 30 per cent. bronchitis, and pneumoconiosis, he is limited to 30 per cent. of $10,000. However, if a worker has dermatitis and bronchitis he is entitled to the full $10,000. Also, if a worker had another form of injury or disease, recognised under the Act, he could receive the full amount. Does not that state of affairs need some remedy? Of course it does.

I think I have covered all of the points raised, with the exception of industrial deafness, but Mr. Stubbs did an excellent job on that point as he is an expert on the subject. One other point to which I have not referred is that covered by part (d) (ii) of the motion which reads—

> Board to be empowered to impose a penalty for unreasonable delay in settling claims or maintaining weekly payments.

I believe that where an injured worker and his family, through the fault of the insurance company, are not receiving their just dues on time, the compensation board should be empowered to increase the compensation payments payable by the company by at least 10 per cent.; because at the present time in this State we have numerous tariff insurance companies. These insurance companies are hungry to obtain workers' compensation insurance, because it is a very lucrative and profitable form of insurance. In the first instance, the company is guaranteed a 30 per cent. profit, and investigations have been made—not by me—and it has been proved that there are cases where a 45 per cent. profit has been made by some of the companies—I do not say by all of them—and in their balance sheets they transfer the profit from workers' compensation to pay out claims on motor vehicle damage.

So it can be seen that this is a profitable form of insurance. Some of these insurance companies are most difficult to deal with, and it is certainly very hard to secure payments from them. I have dealt with many such companies and I speak from experience when I say this. It is possible that Dr. Hislop has run into companies of this nature from time to time. The companies to which I refer want everything their own way; they are not concerned about the welfare of the worker and his dependants.

I will now summarise what I have said tonight. It is abundantly clear that at no time should it be necessary to investigate a report. All that has been requested has been tested through a period of time in other States. We are not asking for anything unreasonable. We are only asking to be brought up to the standard of our fellow workers in the Eastern States of Australia, and for migrants who come to this country to be given the same coverage as if they were workers in Victoria and New South Wales; we are also asking for reciprocal compensation for our own people who go to America, Italy, Great Britain, the Netherlands, or to some other country and work there.

These facilities have been in operation and have been tested over a number of years; but although they have been brought to the Government's notice over many years the Ministers of the Government will pay no heed to any requests that have been made. It is about time that some unions of this country waged an all-out attack against the Government for not giving justice to the workers.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [10.19 p.m.]: I thank members for the manner in which they have listened to the arguments put forward this evening. I also thank those members who have spoken to the motion, and I am grateful

to the Minister for the speech he made. It was somewhat difficult to present the motion to enable the Minister to reply, and I gave considerable thought to that point. However, I spoke for almost 40 minutes when moving the motion which contains six headings and seven subsidiary supporting issues.

If we take the average of all the Bills introduced this session I feel sure that 40 minutes would not be the average time spent in introducing a piece of legislation into this House. I feel there was sufficient material in the motion for a comprehensive reply based on the Minister's privilege —of which he availed himself—to speak to the motion after I had moved it. The motion was framed on the submissions put forward by the deputation that met the Minister for Labour—a meeting referred to by the Minister for Mines—on the 30th August.

A reasonable amount of time was allowed to elapse before questions were asked in another place as to what the Government intended as a result of the case presented by the deputation.

The Hon. F. J. S. Wise: That argument on the Minister's part is very thin, because there is still a lot of time to introduce a number of large Bills.

The Hon. W. F. WILLESEE: We were of the opinion then that there would be no opportunity to discuss this legislation without a Bill being introduced by the Government, and it not being within the right of a private member to introduce such legislation, the only opportunity available to us was to proceed with the motion before the Chair.

The Hon. A. F. Griffith: What about the points raised at the deputation which were not answered?

The Hon. W. F. WILLESEE: I am coming to that. Surprisingly enough the Minister was only held up on one point at issue. The Minister selected the simplest point in the motion and submitted a piece of legislation based on that submission—legislation which was passed tonight.

I think it could be said that some of the other provisions which are quite old—as mentioned by Mr. Ron Thompson—could have been the basis of further legislation. If my motion were carried I know it would not force the hand of the Government and ensure that it would introduce a series of Bills, or a comprehensive Bill, embodying all the issues contained in the motion. But I do think that the excuse can never again be raised that there is no starting point, particularly when we consider the basic material contained in the motion before the Chair.

The Minister himself said on one occasion that such legislation was essential; that he could see no end to amending legislation being introduced year after year on a variety of Bills. I think the Minister was replying to the surprise I expressed at having a continuity of this sort of thing over the years.

Workers' compensation legislation is most suitable for continued revision and the application of new ideas. If it is seriously suggested that the motion has been brought forward rather late, this only gives strength to the circumstances I have recounted. I have no doubt that between now and the time the House rises next week we will pass in this Chamber upwards of 25 pieces of legislation. In the course of the session we have dealt with something like 50 other pieces of legislation. Is it suggested that all that legislation has been thought out over a long period of time, and that none of it has been considered since the 30th August?

I do not think there is much point in continuing the debate. I hope the House accepts the motion on the basis that because of the debate that has taken place there is now a greater knowledge of the problems that were raised in the motion. There is a better basis for disclosure than was the case when the issue went before the Minister by way of deputation.

The people who read *Hansard* can make up their own minds as to whether or not legislation should have been introduced and, indeed, whether it should be introduced early in the next session of Parliament.

This was the only way in which I could ensure discussion of this issue in a somewhat open forum. I hope the motion will be agreed to on that basis though I realise the Government will have the final say in whatever action might be taken. Even at this late stage the Government could do anything; it could certainly introduce legislation. Being the Government, it holds the reins of office. I hope the motion will be agreed to in the spirit in which it was moved and debated.

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

Ayes—9

Hon. J. Dolan	Hon. R. H. C. Stubbs
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. R. F. Hutchison	Hon. R. Thompson
Hon. F. R. H. Lavery	*(Teller)*

Noes—16

Hon. C. R. Abbey	Hon. N. McNeill
Hon. V. J. Ferry	Hon. H. R. Robinson
Hon. A. F. Griffith	Hon. S. T. J. Thompson
Hon. J. Heitman	Hon. J. M. Thomson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. F. C. House	Hon. F. R. White
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. G. C. MacKinnon	Hon. G. E. D. Brand
	(Teller)

Pair

Aye	No
Hon. H. C. Strickland	Hon. C. E. Griffiths

Question thus negatived.

Motion defeated.

MINING ACT AMENDMENT BILL

Order Discharged

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [10.30 p.m.]: I move—

That order of the day No. 11 be discharged from the notice paper.

Question put and passed.

Order discharged.

TRAFFIC ACT AMENDMENT BILL

Second Reading

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [10.32 p.m.]: I move—

That the Bill be now read a second time.

This Bill to amend the Traffic Act contains amendments that have been suggested or endorsed by those concerned with the administration of the Act with a view to assisting in applying its various intentions and provisions.

There are provisions in this measure to permit the mutually acceptable changeover of traffic control from a local authority to the Commissioner of Police; and the Bill lays down the financial basis of any such changeover. In effect, it provides that the Commissioner of Police shall pay into the Railway Crossing Protection Fund Account, as is the case now, one half of the vehicle transfer fees collected by the local authority, and to the Consolidated Revenue Fund, one fourth of its base year sum. The other three-fourths of the base year sum will be paid to the local authority to be expended on road construction. Any amount in excess of the base year sum will be paid into the Central Road Trust Fund.

As to the metropolitan area, the commissioner will pay into the Metropolitan Traffic Trust Account, all fees received by him. Out of this account, he will pay to any incoming local authority an amount equal to three-quarters of the local authority's base year sum and one-quarter of the base year sum to the Consolidated Revenue Fund.

After allowing for this, he will set aside an amount equal to the aggregate of the base year sum of the metropolitan area and the base year sum of the Armadale-Kelmscott Shire—the latter was fixed before this shire came into the metropolitan area. Half of the shire had been in the metropolitan area for a considerable time and it sought approval to transfer the remainder into the metropolitan area later. The commissioner will then charge that amount with the estimated cost of collection and administration.

The Hon. J. Heitman: What will the cost of collection be?

The Hon. G. C. MacKINNON: Very small. He will then divide the balance into two equal parts, pay one part to the constituent local authorities—excluding any incoming local authorities—and to the King's Park Board, in such amounts as the Minister decides, and an amount equal to one half of the transfer fees collected, to the Railway Crossing Protection Fund. The other part shall be paid into the Main Roads Trust Account. After making these payments, the balance of moneys above the base year sum shall be paid to the Central Road Trust Fund.

In addition, amendments are also necessary to the sections of the Traffic Act dealing with the collection and distribution of vehicle and drivers' license fees, in order to simplify the accounting procedures and complex provisions of these sections and to eliminate unnecessary duplication in the Traffic Act of expenditure procedures, which are more correctly provided for in the Main Roads Act.

Sections 11 to 14A of the Traffic Act deal with the collection of motor vehicle license fees, the payment of a proportion of these funds into the Central Road Trust Fund to meet the matching money requirements of the Commonwealth Aid Roads Act and the allocation of these funds to the Main Roads Department and the local authorities in this State.

Sections 14 and 14A of the Traffic Act provide that, after making the prescribed payments to local authorities, the moneys remaining are to be transferred to the Main Roads Trust Account. However, before these moneys can be allocated for expenditure by the Commissioner of Main Roads, it is necessary to obtain the approval of the Minister for Traffic under the Traffic Act for the expenditure of the funds and the approval of the Minister for Works, under the Main Roads Act, for carrying out the work.

As this is a cumbersome administrative and accounting procedure involving the approval of two Ministers, it is proposed to simplify this unwieldy procedure by transferring the present authorities for the expenditure of those funds derived from sections 14 and 14A of the Traffic Act in the Main Roads Trust Account to the Minister for Works operating under section 32 of the Main Roads Act. Amendments to section 32 of that Act are also to be introduced in a complementary measure to these amendments to the Traffic Act.

The amendments will therefore introduce the consistent procedure of the collection and allocation of traffic fees being administered by the Minister for Traffic under the provisions of the Traffic Act and the expenditure of the moneys accruing to the Main Roads Trust Account from all sources being administered by the Minister for Works under the provisions of the Main Roads Act.

Also, with the upgrading of the principal traffic routes in the metropolitan area, as listed in section 14A, to classified main roads, and the subsequent acceptance by the Commissioner of Main Roads of financial responsibility for these roads, some of the provisions of section 14A of the Traffic Act, relating to the setting aside of moneys for these roads, have become redundant. With the transfer of the authority for expenditure of the current items contained in sections 14 and 14A of the Traffic Act to section 32 of the Main Roads Act, the redundant subsections of 14A are to be repealed. There are other small amendments in the Bill to delete incorrect references and other redundant phrases in the Act.

Section 19 of the Act is also to be amended. This section at present authorises the issue of special plates to dealers and manufacturers for the purpose of moving unlicensed vehicles in the course of their businesses. The amendment is designed to give more flexibility to the issue of these plates, as often other persons, such as agents of dealers and repairers of vehicles, have a need for some means of transferring unlicensed vehicles, which they can only do now by obtaining special permits.

Most of the manufacturers these days arrange the transfer of their vehicles from the place of manufacture to points of distribution by private contract. These contractors, under the present provisions of the section, cannot be issued with these special plates. Repairers of vehicles also often wish for some reason or other to move an unauthorised vehicle and it is desired that the licensing authority should be able to issue these special plates for the convenience of the persons concerned and to avoid the loss of time in obtaining special permits.

The Hon. F. J. S. Wise: In the Bill, I notice they are called tablets.

The Hon. G. C. MacKINNON: I did not notice that, but I will check it up. The amendment fixes the maximum fee to be charged and will permit the Minister some discretion in prescribing to whom these plates may be issued and under what conditions.

Another amendment clarifies the powers of traffic inspectors in requiring the names of offenders. At present, an inspector can only require the name and address of an offending driver. He cannot require the name of an offending passenger or pedestrian. It is desired to amend the Act so as to require any person offending in any manner against the provisions of the Traffic Act to give his name and address to the traffic inspector. The police already have this authority by virtue of the Police Act.

Some doubt has been cast on the Minister's authority to appoint traffic inspectors in the metropolitan area. The present school crossing guards, who are providing an essential service, are required to be appointed traffic inspectors and an amendment has been made to ensure their appointment is legally in order. I think there are about 40 of these special inspectors at present.

The last amendment in the Bill is to rectify what is considered an anomaly as to the fees of motorised caravans. At present these fees are the same as for motor wagons; that is, so much for every 5 cwt. of the tare weight. Generally, a motorised caravan is not used on the road to the same extent as a motor wagon and, in addition, its tare weight, because of the necessary attachments and fittings of the vehicle, is considerably more than the unladen weight of a wagon of the same class. It is desired to amend the Act to provide that the fee for a motorised caravan shall be 50 per cent. of the fee payable for a motor wagon of the same tare weight. This applies particularly to the type of vehicle used by shearers and which are on the roads very seldom. They are only on the roads when being moved from one property to another. I commend the Bill to the House.

Debate adjourned, on motion by The Hon. W. F. Willesee (Leader of the Opposition).

MAIN ROADS ACT AMENDMENT BILL

Second Reading

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [10.42 p.m.]: I move—

> That the Bill be now read a second time.

This Bill is to some degree complementary to the current Traffic Act Amendment Bill which has just been explained. Members will find on examining this Bill that the amendments it proposes are introduced with a view to regularising and simplifying procedures and accounting processes, which, under existing legislation, are necessary because of two Ministers being involved in approving of funds derived and being expended by the Main Roads Department.

When that department requires to use traffic fees, a dual ministerial approach has to be made, firstly to the Minister for Works for authority to carry out the work and then to the Minister for Traffic to finance it. The purpose of the Bill is to streamline these processes and it is proposed to do this by enlarging section 32 of the Main Roads Act, so that, under that Act, there will be legal capacity to expend funds derived from the legislation under the Traffic Act.

The main avenues of expenditure which were contained in the Traffic Act are being transferred to the Main Roads Act. We

shall then have the position of the Minister for Traffic still being the responsible Minister for authorisation of traffic lights and signs and other traffic control devices but the Minister for Works will be responsible for providing the finance.

This Bill, when it is passed into an Act, will come into operation on the 1st January next, the same day on which some appropriate amendments to the Traffic Act are to come into operation.

Clause 3 of the Bill inserts a definition of "road construction." This has been included to match the terms of the legislative draft contained in section 32 of the Main Roads Act.

Clause 4 amends section 16 by enlarging it slightly to give the Commissioner of Main Roads the authority to carry out the work from funds derived under section 31. This is the section which provides for the recording of all revenue accruing to the Commissioner of Main Roads. The official title of the account is the "Main Roads Trust Account." The enlargement of this section is being done to include moneys derived under the Traffic Act.

Clause 5 refers to the amendment proposed to section 31 as just previously referred to. Clause 6 modifies section 32 in the matter of the application of moneys standing to the credit of the Main Roads Trust Account. The whole of existing subsection (1) is to be repealed and re-enacted so that it will provide for the expenditure of funds not only in respect of Commonwealth aid road money, which is the most substantial avenue of Main Roads funds, but also for expenditure of those funds which accrue under the Traffic Act. In effect, the several avenues of expenditure which were formerly included in the Traffic Act will now be transferred to this subsection of section 32 of the Main Roads Act.

As the provisions contained in clause 6 are somewhat lengthy, I shall deal with them in detail for the information of members.

The first paragraph, namely, (a), provides that funds in the Main Roads Trust Account shall be applied in meeting the costs of collection and costs of the administration by the Commissioner of Main Roads. These provisions are contained in the principal Act but the present amendment specifies the legislation by combining two paragraphs contained in that Act.

Paragraph (b) provides under subparagraph (i) for the repayment of loan moneys which have been appropriated from time to time for road construction. This provision was formerly contained in the Traffic Act. Subparagraph (ii) is similar to the legislation now contained in the principal Act. It is intended to supplement, as required by the Treasurer, the administrative costs relating to the collection of the road maintenance charge.

Paragraph (c), which was formerly contained in the Traffic Act, provides that the Commissioner of Main Roads shall subsidise on a dollar-for-dollar basis funds paid to the credit of the Railway Crossing Protection Fund by local authorities and by the Commissioner of Police.

Paragraph (d) sets out the various avenues on which the Commissioner of Main Roads, with the approval of the Minister—this, at the present time, is the Minister for Works, who controls the Main Roads Department—may expend road funds.

Paragraph (e), which was formerly contained under section 14A of the Traffic Act, provides the Minister for Works with authority to expend the funds from the Main Roads Trust Account on matters not covered by the provisions of paragraph (b).

It is important, I think, to mention for the information of members that the Main Roads Department is taking over as "main roads" those roads which were formerly included under the Traffic Act as traffic free roads, in addition to nearly ten miles of other roads in the metropolitan area. Altogether, about 41 miles of metropolitan roads will be included as "declared main roads." This thus eliminates a section of the Traffic Act which now becomes redundant. The facilities at present being financed by the Commissioner of Main Roads will continue under the proposed amended legislation.

Clause 7 adds a new section 32A and provides for the continuation of the Railway Crossing Protection Fund Account established under the Traffic Act to be maintained under the Main Roads Act. The moneys paid to the credit of this fund will enable the Commissioner of Main Roads to improve road-railway crossings, whether these be level crossings, overways, or underpasses and situated either in the metropolitan area or in country districts.

The Minister for Works, when introducing this measure in another place, expressed the view that while there may be some tendency for members to be a little confused because of the complementary nature of the amendments in this Bill to some of those contained in the Traffic Act Amendment Bill, their application will result in smoother administrative procedures and they represent a sensible approach to the problem in that only one Minister will in future be involved in the allocation of funds.

Debate adjourned, on motion by The Hon. W. F. Willesee (Leader of the Opposition).

House adjourned at 10.48 p.m.