

Legislative Assembly,

Tuesday, 9th June, 1931.

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

QUESTION—RAILWAY EMPLOYEES.

Mr. J. I. MANN asked the Minister for Railways. 1, How many men are employed on wages in the Railway Department? 2, How many on salary? 3, How many members of the administrative staff have been retrenched during the last 18 months?

The MINISTER FOR RAILWAYS replied: 1, 6,256. 2, 1,305 (including administrative staff 477). 3, 68.

QUESTION—UNIVERSITY, LEAVE TO PROFESSOR SHANN.

Mr. SLEEMAN asked the Minister for Lands: 1, In answering a question on the 27th May the Government admitted that they have no information regarding the professors at the University; have they not a representative in connection with the administration of the institution? 2, If so, who is their representative? 3, Does he not report to the Government? 4, Do the Government instruct him to influence the administration of the institution in the direction of economy? 5, If so, will they direct him to ascertain (a) what salary is being paid to Professor Shann, and what travelling expenses, if any; (b) the terms and conditions on which Professor Shann has been relieved by the University to write what appears to be political propaganda for the Bank of New South Wales against the Federal Government; (c) whether Professor Shann is at present drawing any salary or allowance from the University? 6, How many professors have left for extensive trips overseas, and are their salaries continued in their absence? 7, How is the work of these professors carried on in their

absence? 8, If the Government are unable, through their representative, to secure more economical administration of the University, will they consider the advisableness of reducing the subsidy to the institution, so as to compel economy?

The MINISTER FOR LANDS replied: 1 and 2, The Government nominees are:—Mr. Alfred Sandover, Mr. William Somerville, Hon. J. M. Drew, M.L.C., Hon. Sir J. W. Kirwan, M.L.C., Dr. J. S. Battye, Mr. Wallace Clubb. 3, No. 4, This has not been the practice. 5, 6, and 7, Answered by 4. 8, The matter will receive consideration.

LEAVE OF ABSENCE.

On motions by Mr. Panton, leave of absence for two weeks granted to Mr. Coverley (Kimberley) on the ground of urgent public business, and to Miss Holman (Forrest) and Mr. Lutey (Brown Hill-Ivanhoe) on the ground of ill-health.

RETURN—UNEMPLOYMENT.

On motion by Mr. Panton, ordered—

That there be laid upon the Table a return showing (1) the number of unemployed registered in Western Australia; (2) how many of these are receiving sustenance; (3) how many men employed by the Government on part time were on sustenance; (4) the average time worked by the men on part time; (5) whether any of the men on part time work are included in the number of unemployed who are registered.

The MINISTER FOR RAILWAYS laid the return on the Table.

BILL—MORTGAGEES' RIGHTS RESTRICTION.

Introduced by the Minister for Lands, and read a first time.

BILL—WORKERS' COMPENSATION.

In Committee.

Resumed from the 4th June; Mr. Richardson in the Chair, the Minister for Works in charge of the Bill.

Clause 24—Validity of assessments:

The MINISTER FOR WORKS: I move an amendment—

That the words "No assessment shall be valid until confirmed by the Minister, but" be struck out.

I have come to the conclusion that these words are unnecessary. Speaking on trust funds in connection with another clause, the member for South Fremantle expressed the fear that an impecunious Government might make use of trust funds. The only way in which that could be done would be to refuse to agree to the Government Actuary's assessments and ask him to increase them. In order to prevent anything that might savour of political control, I move the amendment.

Amendment put and passed.

On further motion by the Minister for Works, the words "subject to such confirmation as aforesaid" were struck out.

Clause, as amended, agreed to.

Clauses 25 to 35—agreed to.

Clause 36—Liability of employers to workers for injuries:

Mr. KENNEALLY: On this clause I find myself in a difficulty. My wish is that paragraph (a) of Subclause 2 should be entirely deleted. If the Committee voted against such an amendment, apparently the effect would be to prevent me from moving another amendment designed to bring the provision into conformity with what obtains elsewhere. Therefore I shall be compelled to move this amendment straight away. I move an amendment—

That after "employed," in line 5 of paragraph (a) of Subclause 2, all words be struck out down to and including "aforesaid" in line 11.

The paragraph provides for a waiting period of three days after the accident before payment is made. If my amendment be carried, it will bring the measure into conformity with what was in the Queensland Act prior to 1925, when the waiting period was abolished altogether. If the amendment be not carried, the position in Western Australia will be that if the result of an injury does not exceed three days, the injured worker will be paid nothing, and alternatively he will not be paid until after a period of 14 days. There is no such provision in any other Workers' Compensation

Act in the Commonwealth. I should like to see paragraph (a) deleted altogether, but if I were to move that, and the amendment were defeated, I should not be permitted to move the amendment I have now moved. In Victoria and New South Wales, where a seven-day waiting period is provided, there are compensating advantages which make the provision acceptable to the worker. In New South Wales, when the seven-day period is exceeded, compensation is payable from the first day of the accident, whereas in the Bill it is provided there shall be a waiting period of three days; and then the paragraph goes further and prescribes that 14 days shall expire before payment is made from the first day. Again, under the New South Wales Act the injured worker may receive up to £5 per week while suffering from his injury. In Queensland, where there is no waiting period at all, the maximum compensation payable is £1 5s. per week, whereas in the Bill the maximum is £3 10s. There is no justification whatever for the proposal to extend the waiting period to 14 days. I hope my amendment will be carried.

Hon. J. C. WILLCOCK: When the member for East Perth rose I was not quite clear as to exactly what amendment he was going to move. I thought he was going to move for a reduction of the three-day period. May I at this stage move that "three" be deleted and "one" inserted in lieu?

The CHAIRMAN: I will accept your amendment.

Hon. J. C. WILLCOCK: Then I move an amendment—

That in line 4 of paragraph (a) of Subclause 2 "three" be deleted and "one" inserted in lieu.

Like the member for East Perth, I should like to delete the whole of the paragraph, but if I were to move such an amendment, and it were defeated, I should not afterwards be able to move this amendment.

The MINISTER FOR WORKS: I cannot accept the amendment. In some of the Australian Acts a period of three days is provided, but compensation is paid during that time, no matter what the length of the illness. That was my original idea for the Bill. The member for East Perth mentioned the Queensland and New South Wales Acts. I have searched the Queensland debates with a view to discovering the reason for the abolition of the three-day period, and I find that in 1925, when that period was abolished, things in Queensland were

pretty good, the workers' compensation fund had a huge credit balance, and so the three-day period did not matter much. In New South Wales, in 1929, the three-day period was extended to seven days. I do not propose to go that far. The member for South Fremantle the other night remarked that the introduction of the three-day period had practically bankrupted the trade union fund. But the original Act was introduced in 1902, and was amended in 1912 and again in 1924. Up to 1924 there was always a waiting period provided. Originally it was seven days, but in 1912 it was reduced to three days, and in 1924 it was abolished. So I cannot understand the statement that the trade union fund was bankrupted because of the waiting period. I have information that the fund went bankrupt only since the waiting period was abolished, and I learn from the Commissioner of Railways that since the abolition the period of sickness or disability of the worker has substantially increased, and that in consequence the levies on the union fund have had to be increased accordingly.

Hon. A. McCallum: As a matter of fact that has nothing whatever to do with sickness or illness.

The MINISTER FOR WORKS: I have here an extract from a report by the Commissioner of Railways as follows:—

Under the amendment of the Workers' Compensation Act, which came into operation on the 3rd March, 1925, the effect of this Act was particularly noticed in increased duration of sickness and consequently heavy payments.

Hon. A. McCallum: The Workers' Compensation Act has nothing to do with sickness.

The MINISTER FOR WORKS: But there is a provident fund into which the railway men pay, and according to the Commissioner there has been increased duration of sickness since the amendment of the Act. He also said they had to make a levy of 33-1/3 per cent. in order to meet the increased demand. I have received from the Government Actuary a statement showing what it means to the fund to-day. I agree that it is not very much, but basing the calculation on compensation to Government employees, £57,264, the three days compensation for disabilities lasting less than 14 days would represent £9,000 to

£10,000 per annum. An extract from the "Industrial Bulletin," New York, stated—

The amendment to the workers' compensation law by the 1924 legislature, which cut the waiting period for injured employees from 14 to seven days, became effective on the 1st January, 1925. This change in the law, it has been estimated by the Department of Labour, will increase the number of cases each year from 50,000 to 60,000. It is not possible at this time to give an analysis of the effect of the new law, but after a sufficient experience this will be done. Already the claims under this new provision of the law have been filed in rather large numbers, and all of the officers of the department have had their work very much increased as a result of the change. It will be necessary to have additional employees in the department because of the increase in work, and the present legislature has been asked for an extra appropriation for this purpose.

When introducing the Bill, I said the objection was that it would increase the cost of administration. Many small cases that should not come under the compensation law are now compensable. Immediately an accident happens, all the office routine has to be set in motion. Thus the cost of administration is increased by paying for small cases. The member for South Fremantle quoted certain things from Geneva. He said that the latest tabulation he could produce dated back to 1925 and that in only four countries was the period extended to 14 days before the first three days were paid for, but he omitted to mention a statement on the next page to the effect that in the following important countries there were definite uncompensated periods, no matter how lengthy the period of disability:—

Canada (Quebec), seven days; Denmark, three-seven days; Finland, two days; Germany, three days; India, ten days; Italy (agricultural), ten days; Luxemburg, two days; Norway (industry), three days; Switzerland, two days.

One would assume from the hon. member's speech that the countries of the world were getting away from the waiting period. The hon. member mentioned America as being far ahead of the rest of the world. This is the position there—

Practically all the States of America have a waiting period. Three States have ten days uncompensated; nine States have seven days, 26 States have one week, four States two weeks, one State five days, five States three days, and two States no waiting period.

Many States do not compensate for that period, but do compensate according to the duration of the disability. In Alaska the period of incapacity before compensation is paid from the date of injury is eight weeks and in Arizona two weeks. There is a long list.

Mr. Kenneally: What would it be at the South Pole? You have gone far enough abroad.

The MINISTER FOR WORKS: Take Canada, a country like our own. In Alberta the waiting period is three days; British Columbia, three days (none if disability lasts 14 days); Manitoba, three days; New Brunswick, seven days; Nova Scotia and Ontario, six days (none if disability lasts more than six days); Quebec, seven days (none if disability lasts more than six weeks); Yukon, 13 days (none if disability lasts more than 13 days).

Hon. A. McCallum: Where do you get that?

The MINISTER FOR WORKS: From the same authority as the hon. member quoted, bulletin No. 496.

Hon. A. McCallum: I have the tabulation from Geneva and it does not agree with what you have quoted.

The MINISTER FOR WORKS: I am quoting from Bulletin 496 as at the 1st January, 1929. The hon. member said that no country had gone back. New South Wales increased the waiting period from three days to seven in 1929.

Hon. P. Collier: The Government were badly defeated after doing that.

The MINISTER FOR WORKS: But the present Government have made no alteration. Members must agree that trifling cases should not come under the Act. It is not only that men have to be paid for those three days, but that the whole of the administrative expenses are increased. It is fair to provide that the first three days shall not be compensated unless the disability lasts more than 14 days. Undoubtedly there has been a good deal of malingering. Every member knows it. This provision will have a tendency to stop it. The measure provides for medical expenses from the first day.

Hon. A. McCallum: I have a vivid recollection of the operation of the waiting time provision under the old Act. The provision was that, unless the injury incapacitated the worker for seven days, he would

not be paid for the first three days. That encouraged malingering, and bankrupted the union accident funds. The quotation read from the report of the Commissioner of Railways has nothing to do with workers' compensation. That is a sick fund and workers' compensation does not cover sickness. The workers did not advise the three days waiting period; it was suggested by the employers. If an employee was incapacitated for four or five days and was then fit to resume, he had only to hang out for seven days in order to get payment. If he resumed on the sixth day he received nothing, and consequently union funds were mulcted in heavy charges. With an increase to 14 days the position will be doubly worse. If a man were fit to resume work after eight or nine days, he would try to string it out for 14 days because he would then be paid from the day of the accident. Otherwise he would lose the three days. Thus the provision would encourage malingering. The Minister said that a lot of small accidents should not come under the fund. I have a letter from the Deputy Commissioner of the Queensland fund, to whom I wrote for information, and this is how he answers the Minister's statement—

Compensation starts from the time of accident. When the 1916 Act was passed, it contained a provision that no compensation was payable if the worker was not disabled for at least three days. This provision was repealed in 1925. The theories advanced by some critics to the effect that pay straight away from the day of accident for a period of one day or a few days might encourage claims for trifling injury and might anyhow involve unjustifiable expenses in relation to the compensation that would be paid have not been borne out by experience under the Queensland Act since the repeal of the three days provision in 1925.

We have had a bitter experience of the short waiting period. It definitely encouraged malingering, and was of no advantage to anyone. The Minister's figures show that there can be only a trifling saving by his proposal. Indeed, he has gone to extremes. There are only four countries in the world, as will be seen from the Geneva report, which provide for the 14 days waiting period. In Argentina for incapacity lasting seven days, compensation is paid from the first day; in New South Wales for incapacity lasting seven days, compensation is paid from the first day; in Queensland, for incapacity lasting three

days compensation is paid from the first day; in South Australia and Tasmania, it is the same as Queensland; in Victoria, incapacity lasting seven days is compensated from the first day; in Austria, incapacity lasting four days is compensated from first day; in Belgium, incapacity lasting eight days is compensated from the first day; in Bolivia, incapacity lasting seven days is compensated from the first day; in Canada (Alberta), incapacity lasting four days is compensated from the fourth day, and if it lasts 10 days is compensated from first day; in British Columbia, incapacity lasting four days is compensated from first day; in Manitoba, the same; in New Brunswick, incapacity lasting seven days is compensated from the first day; in Nova Scotia and Ontario, the same; in Quebec, incapacity lasting eight days is compensated from the eighth day; in Saskatchewan, incapacity lasting seven days is compensated from the first day; in Yukon, incapacity lasting 14 days is compensated from the first day; in Cuba, incapacity lasting 14 days is compensated from the first day; in Czecho-Slovakia, incapacity lasting four days is compensated from the first day; in Denmark, the length of waiting period depends on the regulations of the sick fund to which the workman belongs, and in no case is allowance paid for incapacity not lasting more than three days; in Finland, incapacity lasting three days is compensated from the third day; in France, incapacity lasting five days is compensated from the fifth day, if it lasts 11 days it is compensated from the first day; in Germany, incapacity lasting for four days is compensated from fourth day; in Great Britain, incapacity lasting four days is compensated from fourth day, and if it lasts four weeks it is compensated from first day; in Greece, incapacity lasting five days is compensated from fifth day, and if it lasts 11 days it is compensated from the first day; in Hungary, incapacity lasting four days is compensated from first day; in India, incapacity lasting 11 days is compensated from 11th day; in the Irish Free State, incapacity lasting eight days is compensated from the eighth day, and if it lasts 14 days it is compensated from first day; in Italy, incapacity lasting six days is compensated from the first day; in Lithuania, incapacity lasting four days is compensated from first day; in Luxembourg, incapacity lasting three days is compen-

sated from the third day; in Netherlands, incapacity lasting three days is compensated from the first day; in Newfoundland, incapacity lasting eight days is compensated from the eighth day, and if it lasts 14 days it is compensated from the first day; in New Zealand, incapacity lasting three days is compensated from the first day; in Norway, incapacity lasting four days is compensated from the fourth day; in Poland, incapacity lasting three days is compensated from the third day; in Roumania, incapacity lasting four days is compensated from the fourth day, and if it lasts eight days it is compensated from the first day; in the Serb-Croat-Slovene Kingdom, incapacity lasting four days is compensated from the first day; in South Africa, incapacity lasting seven days is compensated from the first day; in Sweden, incapacity lasting four days is compensated from the first day; in Switzerland, incapacity lasting three days is compensated from the third day; in Uruguay, incapacity lasting eight days is compensated from the eighth day, and if it lasts 31 days it is compensated from the first day. The Minister has gone to the limit in fixing 14 days.

The Minister for Works: I continued on where you left off.

Hon. A. McCALLUM: I have read the entire list from the Geneva report, which shows that there are only four countries that go as far as he proposes.

The Minister for Works: That is not correct.

Hon. A. McCALLUM: The Minister's tabulation differed from mine.

The Minister for Works: I read from the official document, page 263.

Hon. A. McCALLUM: My tabulation started on page 276, and goes on to page 305.

The Minister for Works: I read from the 1925 book.

Hon. A. McCALLUM: And that was the latest I could get. The Minister cannot make out a case for the three-days period. I know what happened in this State when the shorter period was in force. I have no wish to encourage malingering. Is there any reason why the working man should carry the full result of his accident for the first three days, and that after three days this should be shared with someone else? The worker should be compensated from the moment the accident occurred. Anyhow, he bears on his shoulders half the cost. I can-

not understand what has prompted this alteration. The mere saving of a thousand or two a year is a paltry excuse for making such a provision, seeing that it will create discontent, cause grievances and encourage malingering.

The MINISTER FOR WORKS: I did not want to go very far in explaining the position, but the member for South Fremantle has forced me to go into the matter more fully. The Workers' Compensation Act was passed in 1902 and under its provisions the first two weeks were uncompensated. In 1912 the Act was amended and provision was made that unless the period of incapacity lasted for two weeks, the first seven days would remain uncompensated. The measure was further amended in 1920 when it was provided that unless the period of incapacity lasted for two weeks, the first three days should remain uncompensated. Then, in 1924, the Act was again amended and the provision for three days was cut out. It will thus be seen that until 1924 there was always a waiting period. Now the member for South Fremantle says that the introduction of such a provision has made the union funds bankrupt. That cannot be so because there has always been that provision in the Act until 1924.

Hon. J. C. Willecock: That was when the union's troubles commenced regarding their funds.

The MINISTER FOR WORKS: The member for South Fremantle said the extract I quoted had nothing to do with workers' compensation. Here is what the Commissioner of Railways said in 1926 regarding the provident fund—

The reserve fund on the 30th September, 1925, was £874. Since then, however, this fund became exhausted consequent upon the increased benefits provided under the amendment of the Workers' Compensation Act, which came into operation on the 1st March, 1925. The effect of this Act was particularly noticed in the increased duration of sickness and the heavy payments to members of the fund.

That was after the three days waiting period had been cut out.

Mr. Kenneally: What logic! Cut a few days out and it increases the duration of sickness!

Hon. J. C. Willecock: But the quotation is not apropos.

The MINISTER FOR WORKS: In 1927, the Commissioner of Railways, after refer-

ring to workers' compensation matters, said—

The committee of management was faced with the alternative of amending the rules of the fund to provide that no sick pay would be granted from it to any member in receipt of compensation under the Workers' Compensation Act, or alternatively of increasing the fortnightly levy by 33½ per cent.

The committee agreed to the first alternative, that no one granted workers' compensation should receive money from the fund. I also have a note from the Government Actuary dealing with friendly societies' funds. He points out that one friendly society held an inquiry and ascertained that, from their preliminary investigations, it was evident that sickness benefits had increased by 25 per cent. because of the Workers' Compensation Act. I agree that that is not very definite, but I assume that follows along the same lines as the reports from the Commissioner. I have already informed the Committee regarding the amount involved, £1,198, but I maintain that if we retain the three days, that amount will be increased very considerably. If they were not paid, it is certain that many men would not go on the fund at all. The member for South Fremantle, in the course of his remarks, quoted from the Geneva report of 1925 to show that in four countries only was the period of waiting time extended to 14 days before the first three days were paid for, but he omitted to mention a statement that appears on page 263 of that report to the effect that in a number of important countries there were definite uncompensated periods, irrespective of how lengthy the period of disability might be. The hon. member said that I was wrong.

Hon. A. McCallum: I said your quotation from the report was wrong.

The MINISTER FOR WORKS: It appears on page 263.

Hon. A. McCallum: Here is the statement published in the Geneva report, and the member for Geraldton had it before him, checking your statement.

The MINISTER FOR WORKS: This is what will be found on the page I refer to. It shows the countries and the uncompensated period, there being no dating back as I have indicated—

Canada: Quebec, 7 days; Denmark, 3 to 7 days; Finland, 2 days; Germany, 3 days; India, 10 days; Italy (agricultural), 10 days;

Luxemburg, 2 days; Norway (industrial), 3 days; Switzerland, 2 days.

Notwithstanding what the member for East Perth may say, I think the United States of America and Canada can be compared with Australia rather than that the comparison should be with Switzerland or Luxemburg. It will be admitted that the United States and Canada are ahead of the world regarding workers' compensation legislation, and yet it is found necessary there for annual conferences of boards and other authorities to be held to discuss problems that arise. We have copies of their annual reports, and they show that every State in America, except two, has a definite waiting period. During the course of my speech in moving the second reading of the Bill, I read some extracts to indicate the reason for that. It was indicated that it was for the purpose of preventing malingering. In three States the waiting period is ten days; in nine States, seven days; in 26 States, one week; in four States, two weeks; in one State, five days; in five States, three days; and in two States, there is none. In practically every State in America, the men have to go from one to eight weeks before they are compensated at all. Canada is really ahead of the United States in some respects, and I find that in Alberta the waiting period is three days; in British Columbia, three days, but none if the disability lasts 14 days; Manitoba, three days.

Hon. A. McCallum: Regarding British Columbia, the Geneva report sets out that if incapacity lasts for 14 days, the worker is compensated from the first day.

The MINISTER FOR WORKS: But my information is dated the 1st January, 1929, and I am quoting from Bulletin 496.

Hon. J. C. Willcock: Then they must have slipped.

The MINISTER FOR WORKS: My information is more up to date. In other provinces, the waiting period is as follows:—New Brunswick, seven days; Nova Scotia, six days, but none if the disability lasts more than six days; Ontario, the same as Nova Scotia; Quebec, seven days, but none if disability lasts more than six weeks; Yukon, 13 days, but none if the disability lasts more than 13 days.

Hon. A. McCallum: In New Brunswick, compensation is paid from the first day if the disability lasts seven days.

The MINISTER FOR WORKS: What are you quoting from?

Hon. A. McCallum: From the Geneva report.

The MINISTER FOR WORKS: You are quoting from a document dated 1925, whereas I have quoted from the Canadian Labour Bulletin No. 496 dated the 1st January, 1929!

Hon. A. McCallum: You sound as though you are quoting from "Comic Cuts."

The MINISTER FOR WORKS: That is not quite fair. The member for South Fremantle is out of date. I am quoting a document of 1929, and have shown the countries that have dealt with the waiting period. I admit the position regarding Australia. In New South Wales the three-day waiting period was altered in December, 1929, to seven days. I have read the "Hansard" reports of the debates in the New South Wales Parliament to ascertain the reason for the alteration. Two members spoke against the alteration but no one indicated the reason for the alteration. In 1925, Queensland altered the three-day period and omitted it altogether. There was no debate on that question in the Queensland Parliament. I have read the Queensland "Hansard," and the only explanation for the alteration there that I could find was the amount in the reserve fund which enabled the State to pay the amount involved. That is not the position in Western Australia. In England the period is three days, but if the incapacity lasts more than four weeks, compensation is paid for the whole period. From my reading of the documents it is clear that it is impossible to give everyone what is desired. I agree that some workers should receive the payment for the three days, but viewing the position of industry as a whole, it is in the interests of the State that we should leave the three days in the clause.

Hon. J. C. WILLCOCK: I am sorry the Minister has not shown any disposition to meet the Opposition on this amendment. If he were to read the Geneva report that has been referred to, he would see the experience gained in other countries. In one part the report states—

It is clear there is an inducement to the workman to prolong his incapacity.

Later on there is this statement—

It is asserted, moreover, that the fact of leaving portion of the loss to be borne by the workman will stimulate him to be more careful and to comply with safety regulations.

The information on which those statements are based is not partisan. At Geneva authoritative information is obtained from the different countries represented.

The Minister for Works: They all have a waiting period.

Hon. J. C. WILLCOCK: Some of them have. Here is a statement that it is an inducement to the worker to prolong his incapacity. If he knows that he has to remain off duty for two days and that if he remains away a further day he will secure certain pay, the man will be tempted to remain away, and industry has to pay the amount involved.

The Minister for Works: I have read the report you refer to, and you will see that later on there is reference to a compromise arrived at to deal with malingerers.

Hon. J. C. WILLCOCK: That is so. The point I want to make is that this information is impartial and is not supplied by those representing any particular brand of politics. If an injured person has already suffered a 25 per cent. reduction in his remuneration, he will be ever so much less able to get through unless he is adequately compensated. As has been pointed out, it is only a trivial amount and will not make much difference. It is bad enough in itself to slip back with regard to remuneration, but if we are going to say on top of that, that when a man is injured and is less able to stand the strain, he is to get so much less compensation, it will be a serious matter for him.

The MINISTER FOR WORKS: I have a note from the Government Actuary dealing with this question. It says—

The general practice in the State Insurance Office is to pay compensation for the day of the accident if the accident occurs before noon, and nothing if the accident occurs in the afternoon, it being assumed in this latter case that wages will be paid for the day of the accident. Whilst this is a general practice, it should be added that in some cases firms pay wages up to the precise time of the accident; compensation is then paid for the remainder of the day.

If a man is injured in the morning, compensation starts from that time; if he is injured in the afternoon, it starts in the after-

noon. He would not be paid wages and compensation, too.

Hon. P. COLLIER: Whatever the practice of the department has been in the past, the Bill, if it becomes law, lays it down specifically that compensation shall not be payable in respect of the three days next following the day of the accident. I cannot imagine that the commissioners will be generous enough to do more than what the Act will compel them to do. There is no doubt in the world they will abide by that apart from what has been the practice in the past. Whatever their feelings might be they would argue that they were debarred by the precise wording of the Act. We are starting to go backwards with regard to benefits that workers won after long years of struggle. In moving the second reading of the Bill the Minister stated that it would lessen the burden on industry, and would not deprive any of the workers of the rights they enjoyed now. The Attorney General dared us to vote against the second reading of the Bill; but there are very few clauses, certainly none of the controversial clauses, we could dream of supporting. I do not know what was in the mind of the Attorney General when he said that we would be bound to support them. The statement of the Minister for Works that the Bill would lessen the burden on industry without affecting compensation paid to the workers, formed a prominent part of his speech, and no doubt it would be accepted by many people who would not examine the Bill for themselves. The Government declared that they were entitled to amend the Arbitration Act because of the fall in the prices of commodities, and that whatever reductions were effected they would not be regarded as such because of the reduced cost of commodities. That was their justification for introducing that measure. But the Bill does directly affect the workers and does take away some of the benefits that the Act has conferred upon them in the past.

The Minister for Works: You have not taken into consideration the reduced cost of living.

Hon. P. COLLIER: That has nothing to do with it. The workers of this country know all about the reduced cost of living because wages have been considerably reduced.

Mr. Marshall: One-half have no wages at all.

Hon. P. COLLIER: That is unfortunately true. This is a second attempt by the Government to alter an important industrial Act governing the employment of the workers of the State. First it was the Arbitration Act and now it is the Workers' Compensation Act. It would appear that the House was called together to make this attack on the workers since there is no other Bill of any consequence on the Notice Paper. The Bill will take away some of the rights the workers now enjoy. Those working for wages, and especially those who have had their incomes reduced, and with their families, will suffer. They ought to be the very last to be attacked.

The Minister for Works: They will not suffer under this clause if they are laid up for months.

Hon. P. COLLIER: The Minister knows that a great majority of the accidents are of a minor nature, mostly spread over a few days up to 10 or 12 days. The clause will affect minor accidents. We have not yet faced the problem of making the 20 per cent. cut which the Premiers' Conference has been discussing during the past week or two, but I have no doubt that when it is put into operation the great mass of the workers will find they will be pretty hard hit by it. There is no call whatever to make the alteration suggested in the clause.

Mr. KENNEALLY: In order to get a case in point, the Minister admitted, it is necessary to go beyond the boundaries of Australia. By not a single instance within the Commonwealth can the Minister justify his proposal. The hon. gentleman perambulates about the world in search of a reason for retrogression. New South Wales has a waiting period of seven days, but in that State compensation is payable from the first day if the seven days are exceeded. Moreover, in New South Wales the maximum compensation is £5 per week as against £3 10s. here. The two positions, therefore, are nowise analogous. The Minister puts up a poor case indeed when he introduces the Commissioner of Railways into politics. The provident fund referred to by the Commissioner is one subscribed entirely by the employees themselves. The only way in which the Commissioner enters into the question is that the fund is managed by his officers for the subscribers. The management committee of the fund from time to time make alterations in the rules. One alteration is that benefits are not paid while

a member receives workers' compensation. From time to time the committee have increased contributions and reduced benefits, and similar action may be taken in the future. The Minister says the existing Act has been responsible for increased payments from the fund.

The Minister for Works: For increased duration of sickness.

Mr. KENNEALLY: How can the Act be the cause of increased duration of sickness when there is no waiting period? The tendency of this provision, if enacted, would be in that direction. Even if it is to be accepted that the existing Act has been responsible for increased payments from the provident fund of the Railway Department, the Minister's amendment as to the waiting period does not touch the point. The rules of the provident fund specifically provide that payments shall not be made where workers' compensation is being received. Then how does the Minister's provision relieve the fund? It does not bear on the fund in any way whatever. The argument advanced by the Minister shows little respect for the intelligence of members.

The Minister for Works: I read out the position with regard to the fund.

Mr. KENNEALLY: Notwithstanding the Minister's statement to the contrary, the question of wages is involved here, because an injured man receives 50 per cent. of his wages. If wages come down, payments in respect of injury will be 50 per cent. of the reduced wages.

The Minister for Works: With a maximum of £3 10s.

Mr. Marshall: All injured men do not receive £3 10s. per week.

Mr. KENNEALLY: No; and the Minister knows it. The basic wage here has been reduced from £4 6s. to £3 18s. Therefore, the married worker, without children, on the basic wage would receive £1 19s. weekly. In effect, the Minister says to such a worker, "Whereas previously you received £2 3s. for the first week of your incapacitation, henceforward, because of the alteration in the basic wage, that will be reduced to £1 19s., and I propose to reduce it further from £1 19s. to 19s. 6d." A married couple called upon to live for a week on 19s. 6d. will not fare sumptuously. The man who under the existing law would receive £3 10s., will be cut down to £1 15s. for the first week. Yet the Minister says the Bill gives no con-

sideration to the question of reduced wages. I hope we shall not live to see the day when the Minister introduces a Bill that does give consideration to reduced wages. The period of one day instead of three already obtains in South Australia, and there payment operates after the first day. Under the Commonwealth there is no waiting period.

The Minister for Works: Except as regards the case of seamen, where it is seven days.

Mr. KENNEALLY: In Queensland there is no waiting period, and here there is no waiting period. The Minister has to search all over the world to find a precedent for a waiting period of 14 days.

The Minister for Works: New South Wales and Victoria have seven days.

Mr. KENNEALLY: The Minister cannot find a precedent for this proposal in either Australia or New Zealand.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. S. W. MUNSIE: I do not know the reason why the Minister has inserted this provision. He quoted many figures from other countries, but in my view we need not travel all over the world for experience of workers' compensation. From a payment-for-accident point of view, the most satisfactory working of the existing Act has been since we cut out the waiting period altogether. Yet the Minister proposes to add one week to the working period that was provided in an earlier amendment of the Act.

The Minister for Works: It was three days and two weeks.

Hon. S. W. MUNSIE: No, I think Mr. Justice Draper, when Attorney General, amended that to one week and three days. Then the member for South Fremantle, as Minister for Works, introduced the existing Act eliminating the waiting period altogether. As I say, the most satisfactory working of the Act from a payment-for-accident point of view has been since that waiting period was deleted. Irrespective of whether the time limit be seven days or 14 days, a waiting period will have exactly the same effect. Suppose that under the Bill a doctor was prepared to give a worker who had been off for 11 days a certificate that he was restored to a condition in which he could earn full pay. An immense number of workers, if in that situation, would

make some excuse to remain off for the next three days, until they were eligible for the compensation. Nearly every friendly society in the State would be opposed to the reinstatement of a waiting period, for in the old days the waiting period was crippling the funds of all friendly societies. That is why we wiped it out. I do not know why the Minister is trying to reinstate the waiting period. He has given us no definite information on the point. I have heard no complaints whatever of the elimination of that period. If the Minister will not agree to abolish the waiting period, he would be well advised to make it as short as possible, so as to eliminate the chance of malingering. If he insists on the three days, he will have every friendly society in the State protesting against it. I hope he will agree to reduce the period to one day. As the Leader of the Opposition points out, paragraph (a) really makes it four days instead of three days, for it prescribes that the period shall be three days following the date of the accident, which means four days in all.

Mr. HEGNEY: I will support the amendment. Having had experience of working in industry where men have met with many minor accidents, I know the tendency is for them not to report their accidents. Very few men desire to malingere. Always they are anxious to get back to work, and when sustaining a minor accident they are reluctant to report it at all. The report of the Commissioner of Railways, read out by the Minister, deals with the provident fund of the railways and has no relation to workers' compensation. Indeed, if a man is receiving compensation under the Act, he is not entitled to anything from the provident fund. The object of workers' compensation is to give protection to the workers. Yet under this provision, the Minister because of certain instances of malingering is going to penalise all men entitled to the benefits of the Act. I appeal to the Minister to accept the amendment.

Mr. MARSHALL: I will support the amendment. The Minister in opposing the amendment supplied us with a lot of figures from abroad. But all the figures and conditions obtaining in foreign lands get us nowhere. We know that those conditions prevail in foreign places, but we do not know why, and so we cannot tell whether or not they would satisfactorily apply here. Why should we look to other countries when

we ourselves have had so much experience of workers' compensation? We should be setting an example rather than looking to others for an example. The Minister spoke of malingering. An injured worker cannot mangle for any length of time because he is under strict medical supervision, and it is the doctor's duty to declare when the man is fit to resume work. The Minister has not proved that workers have been guilty of malingering. If the payments for small accidents have been heavy, the Minister shows a desire to place an additional burden on the worker, notwithstanding his declared intention not to reduce the benefits. If the principle of workers' compensation is right, compensation should start from the date of the injury. To impose any waiting period is inconsistent. I deny that workers have been guilty of malingering to any extent. Colds and influenza would keep up charges against the sick fund quoted by the Minister, but that fund has no relation to workers' compensation. Since 1925 the Act has provided for no waiting period, whereas previous to 1925 there was a waiting period. Had the Minister desired to prove the existence of malingering, he could have done it by contrasting the figures during those periods, but apparently the figures did not support his contention. A man is more likely to mangle when some benefit is to be derived from that action. The provision in the clause would be an inducement to mangle and the Minister would be wise to accept the amendment.

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

Ayes	16
Noes	17

Majority against	1
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AYES.

Mr. Corboy
Mr. Cunningham
Mr. Hegney
Mr. Johnson
Mr. Kenneally
Mr. Marshall
Mr. McCallum
Mr. Millington

Mr. Munsie
Mr. Panton
Mr. Sleeman
Mr. Troy
Mr. Wansbrough
Mr. Willcock
Mr. Withers
Mr. Wilson

(Teller.)

NOES.

Mr. Angelo
Mr. Barnard
Mr. Brown
Mr. Doney
Mr. Latham
Mr. Lindsay
Mr. H. W. Mann
Mr. J. I. Mann
Mr. McLarty

Mr. Parker
Mr. Patrick
Mr. Piesse
Mr. Scaddan
Mr. J. M. Smith
Mr. Thorn
Mr. Wells
Mr. North

(Teller.)

PAIRS.

AYES.

Mr. Collier
Mr. Lamond
Miss Holman
Mr. Walker
Mr. Coverley
Mr. Lutey
Mr. Raphael

NOES.

Sir James Mitchell
Mr. Davy
Mr. Keenan
Mr. Ferguson
Mr. Sampson
Mr. Teesdale
Mr. Griffiths

Amendment thus negatived.

Mr. KENNEALLY: I move an amendment—

That in lines 13 to 15 the words "and in any case in which the injury does not so disable the worker for at least" be struck out. The clause provides for a waiting period of three days, and before any time in the waiting period shall be paid for, the worker must have been incapacitated for 14 days. The amendment will not make sense, but if I strike out additional words it will prevent any amendment being moved to alter the word "fourteen."

The Minister for Works: Is your amendment on the Notice Paper?

Mr. KENNEALLY: Actually no, but in effect it is.

Hon. P. Collier: There is no obligation to put it on the Notice Paper.

Hon. A. McCallum: The Minister has enough on the Notice Paper surely.

The CHAIRMAN: Order!

Mr. KENNEALLY: Every amendment the Minister has moved has not been on the Notice Paper.

The Minister for Works: It has been.

Mr. KENNEALLY: I desire to bring the Bill into line with the Tasmanian and New Zealand Acts, and with the Queensland Act before it was amended in 1925. The amending law in Queensland has done away with the waiting period there. In Tasmania there is a waiting period of three days, but if the person remains injured for more than three days, he receives payment from the date of the accident. The same thing applies in New Zealand. In South Australia the waiting time is one day. I am proposing to make the waiting time equivalent to four days. The least the Minister can do is to agree to the amendment. If he insists upon retaining the provision as printed, he will cast a further load upon industry. If there is a waiting time of three days, there will be a tendency for a man who is away two days to remain off another day, and the same argument operates with regard to the longer period. If my amendment is accepted, it will mean that, whilst we have approved of the waiting period of three days, after the three

days have passed payment for the injury will commence from the time the accident occurred.

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

Ayes	..	..	..	17
Noes	..	..	..	17
				—
A tie	..	..	..	0
				—

AYES.

Mr. Corboy	Mr. Panton
Mr. Cunningham	Mr. Raphael
Mr. Hegney	Mr. Sleeman
Mr. Johnson	Mr. Troy
Mr. Kenneally	Mr. Wansbrough
Mr. Marshall	Mr. Willcock
Mr. McCallum	Mr. Withers
Mr. Millington	Mr. Wilson
Mr. Munsie	(Teller.)

NOES.

Mr. Angelo	Mr. Parker
Mr. Barnard	Mr. Patrick
Mr. Brown	Mr. Piesse
Mr. Doney	Mr. Scaddan
Mr. Latham	Mr. J. M. Smith
Mr. Lindsay	Mr. Thorn
Mr. H. W. Mann	Mr. Wells
Mr. J. I. Mann	Mr. North
Mr. McLarty	(Teller.)

PAIRS.

AYES.	NOES.
Mr. Collier	Sir James Mitchell
Mr. Lamond	Mr. Davy
Miss Holman	Mr. Keenan
Mr. Walker	Mr. Ferguson
Mr. Coverley	Mr. Sampson
Mr. Lutey	Mr. Teesdale

The CHAIRMAN: I give my casting vote with the Noes.

Amendment thus negatived.

Mr. KENNEALLY: I move an amendment—

That in line 15 the word "fourteen" be struck out and "seven" be inserted in lieu. Nowhere in Australia or in New Zealand is a worker asked to wait longer than seven days before receiving compensation for injury. The Minister's proposal, therefore, is to ask the worker in this State to wait double that length of time. I should like to ask members who have acted like driven cattle in their voting upon these amendments if they desire to remain in that category on this particular amendment. The Minister has declared that he will take nothing from the injured worker. Are members going to support him in a provision that deals so unfairly with the workers as this does? The Minister says he adopted this 14-day period from something he took from outside the borders of the Commonwealth. If we are not to retain the present conditions governing the workers, which the Minister said he would not take away but would merely seek to relieve industry of unwar-

ranted burdens, we should at least see to it that we do not exceed the maximum provision operating in Australia.

The MINISTER FOR WORKS: One would think from what the member for East Perth has said that I am striving to make the position worse than that obtaining under any similar Act in Australia. That is not correct, and no one knows it better than the hon. member. He overlooked the fact that in New South Wales unless a man is incapacitated for more than seven days, he receives no compensation. In the Bill the respective periods are three days and 14 days, so the propositions are entirely different. Victoria has a waiting period of seven days and there is provision for a similar period in the Federal Seamen's Act. As to malingering, a period of seven days will provide a greater inducement because while a man may mangle for seven days, no doctor will permit him to mangle for 14 days. It will be the doctors who will decide in future, and there will be a certain amount of control by the chairman of the board. If doctors will not play the game, I cannot say what will happen.

Hon. A. McCallum: Where do you get your authority for stating that the chairman will have that control?

The MINISTER FOR WORKS: We will deal with that phase when we come to the medical board.

Hon. A. McCALLUM: Surely the Minister will realise that this clause takes away from the workers conditions they now enjoy, and will place this State among the backward nations of the earth! These proposals do not even inspire enthusiasm among his own followers. The last division was the second occasion on which the equality of voting forced the Government to rely upon the vote of the Chairman of Committees to save the situation. In face of such lack of enthusiasm among their own supporters, no other Government would press on with the Bill. The measure will make workers' compensation legislation in this State hark back to the dark ages. It will bring Western Australia into line with the four other backward nations of the earth.

The Minister for Works: There are 40 others, and you know it.

Hon. A. McCALLUM: Mostly comprising niggers. The Minister desires to place our workers on the level of coolies. Instead of being a leading nation, we are to be back with the laggards. This is how the Go-

ernment carry out their pledges on the hustings. When we said that they would attack the conditions of the workers, those who now comprise the Government declared our statements were purely political propaganda, as there was no intention to interfere with the workers' conditions. The Minister's Bill is a nice advertisement for the present Government. I can predict what will happen when they go before the people again and ask for endorsement. The Minister has not told us what prompted these amendments. He cannot produce figures and facts to justify the alterations he proposes. The only comparisons he can draw are with the backward nations of the earth. He asks us to join the rearguard instead of remaining with the vanguard. The whole of these proposals are designed to make the position of the injured workers more harsh. In addition, the clause will have the effect of increasing the cost to industry. If the Minister were to obtain a report from the Government Actuary regarding the position of friendly societies before we amended the Act in 1926, he would find that under the conditions that existed then, there was an inducement to malingering. That is what the Minister seeks to introduce again. There is nothing in the Bill regarding the control of a worker's period of incapacity that is not contained in the existing law. It is the doctor who has to decide whether a man is fit to go back to work, and that has always been so. If the clause remains as it stands, a kindly doctor may tell a man to stop away from work for another day or two and thus enable that man to secure his pay, whereas that man may be fit, without any hardship, to return to work earlier. By that means, industry will have to shoulder added costs. After we amended the Act in 1924 and abolished the waiting time, it was certified to by those in control of friendly societies and trade union benefit funds, that their position improved immediately. The Bill will re-introduce the ill feeling and bickering apparent before that alteration in the law was agreed to. No vigorous protest was voiced in Parliament when we abolished the waiting period in 1924.

The Minister for Works: Your Bill took 15 hours to pass then, and you took up three hours of that period with your second reading speech. You have been 30 hours on this Bill already.

Hon. P. Collier: Everyone agreed with the provisions of our Bill.

Hon. A. McCALLUM: There was no opposition. No one could break down the case we made out in favour of our amending Bill. The Minister has not attempted to put up a case in favour of the Bill now before the Committee. The fact is that even the Government supporters have twice had to rely on you, Sir, to save them.

Mr. Marshall: And he is not too reliable either.

The CHAIRMAN: Order! The hon. member must not reflect on the Chair.

Hon. A. McCALLUM: On two occasions the casting vote of the Chairman has saved the Government. Had it happened in the Federal Parliament, all the newspapers would have come out with scare headlines declaring the Government were not justified in remaining in office, that they were hanging on when they had only a majority of three.

Hon. P. Collier: And that the Government should resign.

Hon. A. McCALLUM: It is time the Government here considered their position. They cannot get support for their Bill. Even their own supporters are not enthusiastic about it. Surely it is up to members opposite to do justice to the workers suffering from the effects of accidents, instead of robbing them of half pay for three or four days. That is playing the game pretty low. Some substantial argument should be advanced to warrant Parliament making that alteration.

Mr. MILLINGTON: On several occasions the Minister, when reciting the history of workers' compensation in this State, referred to the advancement made since 1902. He said that in 1912 there was an amendment which represented a distinct advance, after which came the Act of 1924. I thought he was taking pride in the fact that this State had not only advanced in line with the rest of Australia, but had moved up to the leading position. Now, however, the Minister has taken upon himself to father a measure which represents the turning point where Western Australia, industrially, begins to move backwards. In future we shall be known as the most backward State of the Commonwealth.

The Minister for Works: I do not agree.

Mr. Kennelly: Naturally you would not.

Mr. MILLINGTON: Rightly or wrongly, when first I came to this State Western Aus-

tralia was regarded as the most backward State. But if the Bill be passed as printed, we shall have to admit that we are behind all the other States, whereas a little while ago we were able to claim that we were in front with our industrial legislation. Whenever the present Minister for Works has introduced legislation, it has been of a retrograde character. The existing Workers' Compensation Act represents a compromise between the two sides of the House. Although we had a large majority, we accepted compromises, whereas the present Minister ignores the public opinion represented on this side of the House. With the voting equal, he should recognise that there is on this side a body of opinion not to be ignored. So the Minister should accept the amendment, which is not a vital one, after all. How is it that no Government supporter considers this of sufficient importance to warrant his getting up and stating a case?

The Minister for Lands: The Minister states it so well that it is quite unnecessary for anybody else to add to it.

Mr. MILLINGTON: The Minister relies on his majority of one, as represented by the Chairman. If this retrogressive legislation passes, the name of Western Australia will be a by-word throughout the Commonwealth. The Minister should realise where this measure is leading us. Any employer in Western Australia would compromise on this provision in the Bill, but the Minister refuses to do so. The difference is that the employer, whoever he might be, would understand that this is not something vital. In days to come, probably the Minister will hold up this measure as the best Workers' Compensation Act in the world.

The Minister for Works: I will.

Mr. MILLINGTON: Then why not permit us to help you to perfect it? How can the Minister think to save the State by penalising those crippled in industry?

The Minister for Works: The insurance companies are very sore about it.

Mr. MILLINGTON: They having fallen down on the job, you have decided to take their authority and responsibility from them. It would not make the board's task impossible if we fixed the period at seven days instead of 14 days. It has taken years to build up this principle, and the Minister will prove himself a wrecker instead of a tactician if he does not accept the compromise.

Mr. SLEEMAN: The Minister should be well satisfied to obtain 50 per cent. of his proposal. So far he has given away very little. The amendment is reasonable. The member for Nelson, who represents what is largely a working-class constituency, ought to support the amendment.

Hon. J. C. WILLCOCK: Members on the Government side should give the amendment earnest consideration. I cannot imagine all of them sticking out for the whole Bill and nothing but the Bill. No principle is involved. It is merely a detail as to the number of days considered reasonable. Members are elected to consider reasonably the proposals submitted to them and exhibit a spirit of compromise. Otherwise the value of Parliament would be nullified. As between a waiting time of 14 days and no waiting time at all, seven days is a fair compromise. It could not be a burden on industry to any extent. Glancing through the Geneva conference report, I find that three parts of the workers' compensation legislation of the world provides nothing in excess of seven days. There is no reason for the Minister's retrograde step. We have not pressed for many amendments to the Bill.

The Minister for Works: Not many?

Hon. J. C. WILLCOCK: The Minister has given notice of a good many.

The Minister for Works: They are all working amendments.

Hon. J. C. WILLCOCK: If the Minister could tell us where he got the amendment—

Hon. P. Collier: This one came from Alaska.

Hon. J. C. WILLCOCK: Uruguay, Paraguay, Luxemburg and other small countries have adopted seven days as reasonable waiting time, and it should be sufficient here.

The Minister for Works: There has been a large increase in the premiums.

Hon. J. C. WILLCOCK: It is hoped that this measure will bring about a reduction of premiums. The Minister should at least obtain actuarial information as to the difference in cost. Then, if the difference was only slight, he should accept the amendment.

The Minister for Works: I gave some actuarial information.

Hon. J. C. WILLCOCK: Not on this point. I think there would be little difference in the cost. We should not deprive

the workers of conditions which have proved eminently satisfactory.

Hon. J. CUNNINGHAM: When introducing the Bill, the Minister said it was a non-party measure.

The Minister for Works: I said that of another Bill, and got the cane for so doing.

Hon. J. CUNNINGHAM: He led us to believe that this particular clause had not been sought by his own party but by some other people. Who were they?

The Minister for Works: I did not say that.

Hon. J. CUNNINGHAM: Apparently someone has asked for this alteration to the law.

The Minister for Works: I do not know of any request for it from outside.

Hon. J. CUNNINGHAM: Then the Minister has drafted this without being asked to do so by anybody.

The Minister for Works: That is so.

Hon. J. CUNNINGHAM: So he wants to make this alteration on his own account. That is an extraordinary position.

The Minister for Works: I do not think so.

Hon. J. CUNNINGHAM: It is not customary for Governments to bring down legislation of this nature unless it is asked for by some particular organisation, or by the persons immediately concerned. This has not been asked for by anyone. If his own party have not asked for it, why are we wasting the time of Parliament in dealing with it?

The Minister for Works: Governments must think of these things themselves, without waiting for outsiders to think for them.

Hon. J. CUNNINGHAM: There are many important matters which could well have given place to this. There has been no general request for this alteration, and I am therefore supporting the amendment.

Hon. P. COLLIER: When some of the private individual-minded members on the Government side of the House give consideration to this amendment, I am sure they will support it. I should like the member for Pingelly to give some reason why it should not be carried.

Mr. Brown: That looks like "Will you come into my parlour said the spider to the fly."

Hon. P. COLLIER: I am sure the hon. member would be able to shed some light upon this clause. I know members opposite have had a good deal to say upon the burden

on industry, but I am certain this particular clause was never in their minds. The member for Katanning, on a certain memorable Sunday, gave an undertaking to a large meeting of railway employees not to support any legislation that would deprive them of benefits they were receiving under existing Acts. He could not have had in mind that he would follow a Government that would bring down a Bill of this kind. He has always been consistent in his attitude, and I am sure he would not have given that undertaking if he had meant to support this kind of thing.

Mr. Kenneally: He has already broken down on his undertakings many times.

Hon. P. COLLIER: Last week the member for Sussex was very much concerned about getting compensation for land owners and herd owners in the South-West. Surely he will not oppose this amendment. When the last division took place, some scouting was done, and we have seen at least three new faces in the Chamber during the last hour. Even the member for Avon (Mr. Griffiths) has been rushed in from tripping the light fantastic toe, possibly in the arms of some sweet charmer. He arrived here in his overcoat so that the Government might be saved from an equality of votes upon this amendment. If I had been the hon. member, in the words of the old song, I should have waited until "after the ball was over," before I attended the House. The member for Nelson was also missing at the last division. I know of no body of workers who will be more adversely affected by this clause than those in the hon. member's electorate. They follow a most dangerous calling. It has been said that the Workers' Compensation Act has been mainly responsible for the slump in the timber industry. If he votes against the amendment, will the hon. member send out a leaflet at the next elections explaining to the workers why he did so? The amendment is not a vital matter to the Government. Surely private members can vote against the Minister without incurring the displeasure of the Government.

The Minister for Works: They like me too well to do that.

Hon. P. COLLIER: Their obligation to the workers who will be affected should override any personal regard they may have for the Minister. Amongst the two or three countries where this period of 14 days operates, we find Yukon, a cold place where there can be but few workers. With very few

exceptions seven days is the maximum period elsewhere. If a worker is suffering from an accident for 12 days, why should he be deprived of three days' pay? Where is the logic, or the consistency, or the justice of the Government's proposal? Why should an injured man be deprived of three days' pay, or rather half pay? The Bill represents a reduction of wages. Yet nearly every member opposite declared himself opposed to reduction of wages. Moreover, money is to be taken from the worker at a time when he needs it most, when he is injured and is on half pay. What occasion is there for this State to impose any longer waiting period than all the countries of the world except four? Many of those countries, again, are much less advanced industrially than Western Australia is. In debating this Bill we are not doing any useful work for the country. People are starving in thousands everywhere. Tens of thousands of workers are employed only week on and week off, and the Bill proposes to push them further down. If they meet with accident they are to be deprived of some of their compensation. I invite cross bench members to state reasons for opposing the amendment. Seven days would be a fair compromise, putting Western Australia in step with nearly all the countries of the world.

Mr. PANTON: What is the Minister's interpretation of 14 days? Does it mean 14 working days, or 14 days as usually understood?

The Minister for Works: When a worker is injured he is in a state of injury on Sunday as well as on week days.

Mr. PANTON: But he is not paid for Sundays. If a man were hurt on Saturday morning he would have to be away from work for 17 days, including three Sundays, before he was entitled to any payment under this provision. To the average worker 14 days means 12 working days. To ask a man with a wife and possibly a large family to stand off for 17 days after he is injured is to ask altogether too much. Even seven days, if a man were injured on a Saturday, would mean his standing off for nine days before he got any pay. I am sure the courts would interpret the provision as 14 working days. I ask members to vote for the amendment from a feeling of humanity, irre-

spective of any question of following the Minister.

Mr. RAPHAEL: I am greatly surprised that the Minister has not agreed to an amendment which means so little to the Government and so much to the workers. The member for Katanning should call to mind the large promises he made to the workers of his electorate, promises which caused Mr. Hartigan, a prominent Labourite, to support him. I hope those broken promises will be remembered.

Mr. Piesse: Which broken promises?

Mr. RAPHAEL: Members of the present Government, when speaking in my electorate, invariably declared that on no account would the conditions of the workers be attacked if the then Opposition were returned to power, but that at every possible opportunity men would be put to work. The member for Pingelly could give a lead to the Chamber and ensure the carrying of this humanitarian amendment if only he would do so. Why should love for a Minister preclude members opposite from voicing their opinion on a proposal to hound the workers to degradation? As the Bill stands, a doctor knowing the circumstances of an injured man and his family, may be prevented from adopting a humane attitude. Should he err on the side of humanity, he may be hounded down with the workers themselves.

The CHAIRMAN: Order! I would draw the hon. members' attention to the fact that we are not dealing with the medical board, and I must ask him to confine his remarks to the amendment before the Chair.

Mr. RAPHAEL: The Government should not quote what is done in other countries, but should legislate with a mind of their own.

The MINISTER FOR WORKS: I have been surprised at some of the statements made. It is sought to create the impression that the Bill represents the worst legislation dealing with workers' compensation to be found anywhere. The Bill provides for a three-day waiting period, whereas there are three Acts in other States that provide for seven days.

Hon. P. Collier: But the Bill is worse in this particular respect.

The MINISTER FOR WORKS: I have quoted the position elsewhere, and surely the United States and Canada cannot be classed as uncivilised countries. The clause

in the Bill is better than in 48 States in America.

Hon. P. Collier: You are talking about the point we have already dealt with; we are dealing with the 14 days.

The MINISTER FOR WORKS: I have indicated that the Bill is far better than Acts elsewhere, but I am prepared to compromise and will accept the amendment for seven days.

Amendment put and passed.

Mr. KENNEALLY: I move an amendment—

That in line 10 of paragraph (a) the words "next following the day when" be struck out.

If the amendment be agreed to, I shall subsequently move to strike out the word "becomes," in lines 10 and 11, with a view to inserting "was." During the debate, the question has arisen as to whether the clause, as it stands, would be taken to mean that the exemption applied really to four days and not three days. On the Minister's explanation of what attitude the State Insurance Office would adopt, it would almost appear that the period, in effect, would be 3½ days. The commission to be set up will have to grant payments in accordance with the provisions of the legislation, and the amendment will place the position beyond doubt and fix the exemption at three days.

Hon. P. Collier: The expressed intention of the Minister was to make it three clear days, but the clause practically means four days.

The Minister for Works. I think we had better pass the clause and subsequently recommit it.

Mr. KENNEALLY: If the Minister undertakes to limit the period to three days, I will withdraw the amendment.

The MINISTER FOR WORKS: It is not intended that the worker should have more than three days unpaid. He might be injured in the morning and have his pay stopped. That is not intended. On the other hand, he might be injured at 3 o'clock in the afternoon; that is a different thing. I will have the clause recommitted, and in the meantime will get an amendment drafted so as to make it quite clear.

Mr. KENNEALLY: In the circumstances I will withdraw the amendment.

Amendment, by leave, withdrawn.

The MINISTER FOR WORKS: I move an amendment—

That after "shall" in line 19 of paragraph (b) of Subclause 2 the words "subject to any limitation prescribed by the regulations" be inserted.

This deals with compensation at Common Law. There is no limit under Common Law. But there might be a big disaster, and it is necessary to provide for anything of the sort. It is usual with all insurance companies to make a limit. The amendment will provide for the drafting of regulations to limit the amount under Common Law.

Hon. A. McCALLUM: This is asking for very extensive powers. Why should a limitation be fixed by regulation? The insurance policy provides that the employer shall be indemnified against any claim at Common Law, under workers' compensation, or under employers' liability. The employer can be indemnified by the commission for liability either at Common Law or under employers' liability. The amendment would give the Government power to issue regulations contracting them out of any liability whatever.

The Minister for Works: Under Common Law the responsibility might amount to £20,000. We do not want that. Every insurance policy has a limit to it.

Hon. A. McCALLUM: There is no limit to the liability under the Employers' Liability Act, if negligence on the part of the employer can be proved. Under the amendment the Government could frame a regulation prescribing that no matter what the court might award, the liability was only up to a given amount. We should have more information before we pass a provision like this.

Mr. Kenneally: The amendment proposes to take authority to prescribe regulations fixing the amount of the liability. The regulation might fix it at £200.

The Minister for Lands: That would not deal with workers' compensation.

Hon. A. McCALLUM: No, but with a claim under the Employers' Liability Act. It would place the employer in an invidious position. There might be some big mining catastrophe, or one of the oil tanks at Fremantle might blow up every workman on the place. If the catastrophe could be proved to have been due to negligence on the part of the oil company or the mining

company, the workers could take the company to court and get a judgment running into tens of thousands of pounds, perhaps even £100,000.

The Minister for Works: That is what this is for, a case of wholesale injury.

Hon. A. McCALLUM: What is to be the position of the employer? Is he to pay contributions to the fund, and not to know where he is, to find that he is protected only to a limited amount? If so, that amount should be stated in the Bill.

The Minister for Lands: It is very difficult to state a specific amount in a Bill.

Hon. P. Collier: But the amounts would have to be stated in the regulation.

Hon. A. McCALLUM: Can we not get information as to what obtains now?

The Minister for Works: There is always a limit.

Hon. A. McCALLUM: But how is the limit fixed? Is it according to the number of employees in an industry, or according to the risk involved?

Hon. P. Collier: It is a tremendous power to give to any Government.

Hon. A. McCALLUM: A company will pay its contribution and then not know whether or not it is covered. The Government might bring in a regulation limiting their responsibility to a couple of hundred pounds. If a catastrophe were to happen involving a hundred men, the compensation might involve an enormous amount. Why then should we give power to the Government to limit their liability? It would undermine the whole of the security any employer might have.

The Minister for Lands: When you were the Minister administering the Workers' Compensation Act, you limited the liability of the State Insurance Office to £5,000, I think; you didn't issue a policy for an unlimited amount.

Hon. A. McCALLUM: Can we not get further information on this point? We should be given details as to the existing practice throughout the State. Our employers are insured now. What is the limitation to which the Minister has referred?

The Minister for Works: I understand the limit is £2,000.

Hon. A. McCALLUM: Is that in respect of each worker employed in an industry? I certainly think we should have more information.

The MINISTER FOR WORKS: I have a report dated 1928 from Great Britain, dealing with workers' compensation, employers' liability and Common Law. In that year there were in Great Britain 42 cases under employers' liability and Common Law. Only 22 of those cases got damages, the total amount paid being £4,000 odd. The insurance companies place a limit on their policies. Otherwise there would be a danger of their becoming bankrupt. The member for South Fremantle, when Minister, adopted a limit of £5,000 for the State Insurance Office. A regulation must be submitted to Parliament and it is not too much to ask for this power. It is merely to ensure that the fund shall not be rendered bankrupt in the event of a disaster. Negligence has to be proved.

Hon. P. Collier: It is very hard to prove.

The MINISTER FOR WORKS: That is so.

[Mr. Angelo took the Chair.]

Mr. KENNEALLY: If the fund guaranteed only a limited amount and an action was successful, would the employer be called upon to pay the difference?

The Minister for Works: The fund would insure up to a certain amount.

Mr. KENNEALLY: If the liability were fixed at £1,500, and a verdict were obtained for £2,000, the employer would have to pay the additional £500. What provision is there for the employer to cover himself other than by a special accident policy? If such a policy were necessary, the burden would not be lifted from industry. The regulation, to be effective, would inflict injustice on employers and would be a departure from the principle of having all industrial insurance transacted through the commission. The proposal requires further consideration. It would be useless to accept the amendment if the regulation were likely to prove inoperative.

The MINISTER FOR LANDS: There must be a limit to the liability of any insurance company, and there would be a limit when a policy was issued by the commission to an employer. To meet any liability outside that cover, he would have to duplicate his insurance or carry the risk himself. To-day third-party insurance for a motorist is limited to £1,000, but that does not prevent a plaintiff who can prove negligence from claiming a larger sum. It merely

limits the liability of the insurance company. Members would not agree to the State's carrying an unlimited liability.

Hon. A. McCallum: It should be stated in the measure.

The MINISTER FOR LANDS: It is impossible to include it in the measure, as the hon. member himself found when he was Minister.

Mr. Kenneally: The last few words of the clause specially exclude the wilful act of the employer.

The MINISTER FOR LANDS: We are not speaking of a wilful act; we are dealing with negligence, which is most difficult to prove. The policy would show the amount for which the State was accepting liability, as does any policy issued by a company at present, and the policy issued would be sufficient to protect the worker and the employer. The possibility of negligence might be greater in some industries than in others, for instance, where there was unprotected machinery. The member for South Fremantle mentioned the number of cases in which actions had been taken in this State, and how few were successful.

Hon. A. McCallum: Very few were taken.

The MINISTER FOR LANDS: No; it is difficult to prove negligence. I cannot see how the provision could be set out in the measure.

Hon. A. McCallum: The regulations must be brought down here.

The MINISTER FOR LANDS: They will be seen from time to time. If there is insufficient cover, they can be amended.

Amendment put and passed.

Hon. A. McCALLUM: I move an amendment—

That the following words be added to paragraph (a) in Subclause 3:—"The word 'at' in the said table used in reference to any joint shall (except where a contrary intention appears) be deemed to include 'just above or just below' "

Because the subclause is worded in this way, it may be argued that the figures set opposite to an injury such as this in the schedule do not apply. My amendment will provide that if the accident occurs just above or below a joint, except where the contrary intention appears, compensation will be paid as if the injury were at the joint. This will prevent any evasion of the Act in this regard.

The MINISTER FOR WORKS: I have laid on the Table a diagram showing what is meant by the second schedule.

Hon. A. McCallum: That does not help us very much in this respect.

The MINISTER FOR WORKS: The amendment will throw out the whole of the second schedule which has been prepared on a scientific basis by an experienced doctor. The intention is to include an amputation just above or below a joint. If a man is left with his knee joint, the leg is of more value to him than if that joint had been removed. Compensation will be paid according to the nature of the disability. I shall oppose the amendment.

Hon. A. McCALLUM: My amendment does not relate to arms and legs which are expressed in thirds, but to toes and fingers which are expressed in joints. What will happen if the amputation is just above the distal joint? The word "at" does not mean above or below the joint, but at the joint itself. In the case of fingers and toes, the expression used is "at the joint." The operation would not always be at the joint. If the index finger is cut off in between two joints, where is the provision for that injury? Compensation is not expressed except for amputations "at" the joint. This matter was discussed with the Parliamentary Draftsman, who advised that the amendment should be made. Unless there is to be endless litigation, something of this kind is essential.

The Minister for Works: The word should be "with" instead of "at."

Hon. A. McCALLUM: Most operations probably will be at the joint, but in some instances it might be advantageous to leave a little stump.

The Minister for Works: I maintain that the difficulty can be overcome by substituting "with" for "at" in the Second Schedule.

Hon. A. McCALLUM: I do not think that would meet the case. Amputation "at" the joint should include just above or just below the joint. That was the suggestion of the Parliamentary Draftsman as soon as the matter was put to him. The Minister might have the clause re-examined by the official, and if he agrees that the amendment should be made, it could be done on recommendation.

The MINISTER FOR WORKS: My personal view is that this clause has nothing particular to do with any question of above or below the joint. If the clause is passed

I will have the matter made clear in the Second Schedule.

Mr. Kenneally: Amputation may not be always "with" the joint.

The MINISTER FOR WORKS: If the joint is taken off, the amputation must be "at" the joint. If the joint is not taken off, the amputation is not "at" the joint.

Hon. A. McCallum: What would be the position in the case of amputation just above the joint?

The MINISTER FOR WORKS: Under the Bill, the man would get nothing except his wages. The whole question is whether the word should be "at" or "with." The proper place to make any amendment required is in the Second Schedule.

Hon. A. McCALLUM: I want the Minister to understand that I cannot accept his point of view. I claim that if the finger is taken off just above or just below the joint, the worker should receive compensation as if the finger had been taken off at the joint. I assure the Minister that I have spoken to a number of people regarding this point, and they have been emphatic that it should be cleared up.

The MINISTER FOR WORKS: I will accept the amendment.

Amendment put and passed.

The MINISTER FOR WORKS: I move an amendment—

That the following proviso be added to paragraph (a):—"Provided that, in any case in which the injury consists in the loss of a limb or part of the body, and the worker immediately before the accident had not the enjoyment of the full normal efficient use thereof owing to some prior injury, disease, or defect, such deduction shall be made from the amount which he shall be entitled to claim under the second schedule as shall, in the opinion of the Medical Board, be equal to the percentage of the prior diminution in the full normal efficient use of the limb or part of the body due to such injury, disease or defect as aforesaid, and nothing shall be payable under the second schedule for the loss of a limb or part of the body of which the worker had been completely and permanently debarrd from making any efficient use owing to any such prior injury, disease or defect."

At present the Second Schedule assumes that the injured worker has had the full and efficient use of his limbs. The amendment will make the position clear in the event of a worker not having had the full and efficient use of the injured limb prior to the accident, and that question will, of course, be decided by the Medical Board.

Amendment put and passed.

Hon. A. McCALLUM: I move an amendment—

That in line 4 of paragraph (b) "but any" be struck out and the words "and no" inserted in lieu.

The amendment is important and far-reaching, but just. It will remedy a most unfair provision in the present Act. It represents the last of the amendments we had to drop in order to save our measure when we conferred with the managers of the Legislative Council. It seeks to provide that the half wages the injured worker now draws when he is sick or an invalid, shall not be deducted from the lump sum compensation provided in the Second Schedule. If a man loses an arm or a leg, he suffers two losses. The first arises from shock, the loss of blood, nerve and energy, his illness, and his recuperation prior to becoming fit to return to work. His second loss is really apparent only when he returns to work. The loss of a limb is a handicap in the struggle for existence. When the settlement is arrived at, the weekly wages he has received are deducted from the lump sum. The schedule provides compensation for the loss of a leg amounting to £600. But the man does not get £600. The worst feature of it is that the more severe the accident, the longer the man is convalescing, the less he gets in his lump sum; for the greater the deduction on the score of half-pay received during the time he was laid aside, perhaps six or eight months. It is a most unfair proposal. If the amount set out in the Second Schedule is the correct one, the amount of compensation a man deserves for the loss of a limb, it should be paid without any deduction. I have previously quoted the remarks of Mr. G. R. Kingston, a member of the Ontario Workmen's Compensation Board. On this very subject Mr. Kingston says—

Another feature of the committee's report, in which I heartily concur, is that relating to payment of compensation during the healing period. A number of States have in recent years amended their laws to provide for payment of compensation during the healing period, in addition to, not concurrent with, the specific period allowed for specific injuries. One can readily conceive of many cases where, by reason of the severity of conditions during the healing period, due possibly to infection delaying recovery, an unusually long time has so frequently happened, there must be a tremendous inroad into the specific period. The true idea, it

seems to me, should be that a man suffering the loss of an arm has suffered two distinct losses, and they are really not concurrent. There is the loss caused by the shock of the accident, which is a loss as everyone knows affecting the whole system, loss of blood, loss of nerve, vitality, etc. While the workman is recovering from this initial loss, the loss of the arm is really of no consequence except as it may affect his nervous system, but as soon as he has recovered his lost vitality and is otherwise fit, then it is that he realises the real loss of the arm as an economic factor in his future career. If the report of the committee (Industrial Committee on Statistics and Compensation Insurance) bears no other proof than to repair this wrong, the effort will have been well worth while.

That is the viewpoint to which we subscribed when our Bill was framed, and it was only in the conference with another place that we had to sacrifice that provision or, alternatively, lose the Bill. I want to see it in this Bill if it be at all possible. It has been said that the employer pays the whole of workers' compensation. That is not so, for as soon as a man meets with an accident half his wages are taken from him, and that continues until he returns to his work; whereas all that the employer pays in insurance per man is £6 or £7 per annum. As I have said, irrespective of the half-pay drawn during his period of incapacity, the worker should be paid in full the amount prescribed in the schedule for the loss of a limb or an eye.

The MINISTER FOR WORKS: I agree with much of what the member for South Fremantle has said. Notwithstanding the statements of Mr. Kingston and all that was said at the conference, only 17 States there represented have carried the proposal into effect.

Hon. A. McCallum: That is pretty good.

The MINISTER FOR WORKS: Many things could be done if conditions were better, but this is not the time to add to the burden on industry. The Act has been in operation for six years and the member for South Fremantle made no attempt to get it altered. The position is not as bad as the hon. member indicated. The Government Actuary has prepared a statement showing that of the total amount set down in the second schedule 14 per cent. has been paid in weekly payments. I am hoping that, when this measure becomes law, men who meet with accidents will recover more quickly.

Hon. A. McCallum: How can it have that effect?

The MINISTER FOR WORKS: By ensuring the right medical attention. I shall deal with that later. As the Act has been in operation for six years, I cannot agree to interfering with it now.

Mr. Pantou: We agree that this is not the time to interfere with the Act.

The MINISTER FOR WORKS: Members have quoted the other States of Australia, but none of them has yet adopted the provision.

Mr. KENNEALLY: The Minister proposes to reduce certain payments, not by 20 per cent., but by 33 1/3rd per cent. The reduction in the schedule will be more manifest from the fact that the half-pay received will be deducted from the amount for total incapacity. A worker who loses his right hand will be reduced from £600 to £400, and then there will be the further reduction of half-pay, so that little will be left for him to collect.

The Minister for Works: I have told you the half-pay represents 14 per cent.

Mr. KENNEALLY: That is the average. A man on one of the groups had his right hand blown off. He received the £600 payable under the existing Act, but to-day he is penniless and cannot obtain any employment. A man who was similarly injured would receive, under this measure, not £600, but £400. In addition, from the £400 would have to be deducted the half-pay he would have received up to the time when he was able to work. The fate of the man who has lost his right hand, and that of his family, can be left to members to imagine.

Hon. A. McCALLUM: Let me instance Item 43 in the Schedule. Doctors have told me that if no complications ensue, the man who has lost the top joint of his finger will be able to return to work in from four to six weeks. The average tradesman receives about £6 a week in wages. If he loses the top of his finger and is away for six weeks, and is mulet to the extent now proposed, at the end of the period he will be £7 10s. out of pocket. The men are making the sacrifice all the while. The Bill is supposed to do away with inequities, but it is piling injustices upon the workers. If the lump sum is decreased, and the weekly payments are to be deducted, in numberless cases the worker will show a financial as well as a physical loss. No one could put up a case in favour of

the present system, as a perusal of the reports on the subject in different parts of the world will show. Apparently the Minister wishes Western Australia to be dragged at the tail of all other nations. The present system has always struck me as more unfair than any other feature of workers' compensation.

[*Mr. Panton took the Chair.*]

Mr. SLEEMAN: I agree it is far more important now than previously that weekly payments should not be deducted from lump sum compensation, which has been reduced. The compensation now allowed gives the worker very little indeed when he returns to work. Under this proposal he will be in debt.

Hon. S. W. MUNSIE: This was one of the chief amendments proposed in 1925. Reference was made to it by two hon. members then sitting in Opposition, but there was no serious objection raised, and certainly there was no division taken. For the sake of the Bill as a whole, the amendment was sacrificed to another place. We are now only asking for what we believed to be the fair thing in 1925. Even if the amendment is carried, workers will lose 25 per cent., because of the reduction of amounts in the Second Schedule. If the Bill goes through, it will relieve industry to a fair extent, but will also relieve the workers of a large proportion of the compensation to which they are entitled and which at present they receive.

Hon. J. CUNNINGHAM: I hope the Minister will accept the amendment, even if it does not find a place in the legislation of other States. The fact of our being behind many countries in some respects is no reason why we should not give them a lead in others.

The Minister for Works: Not in times like these.

Hon. J. CUNNINGHAM: Other Australian Acts are much in advance of ours. Surely the Government do not wish Western Australia always to lag behind. Let them visualise the possibilities of the future and not keep harping "We must not do such things in times like these." Seeing that the Minister has accepted the responsibility of introducing legislation of this description at such a time as the present, should it not be pos-

sible for him to accept the amendment? I realise his difficulty, but I believe that if he were to give the matter further consideration he would accept it. In the consideration of legislation of this description there is altogether too much party influence apparent. If the Minister will but think of the object of such legislation, he will agree to make the Bill presentable and accept the amendment.

Mr. HEGNEY: I move—

That progress be reported.

Motion put, and a division taken with the following result:—

Ayes	..	..	..	14
Noes	..	..	..	16
Majority against				2

AYES.

Mr. Corboy
Mr. Cunningham
Mr. Hegney
Mr. Kennelly
Mr. Marshall
Mr. McCallum
Mr. Millington

Mr. Munsie
Mr. Raphael
Mr. Sleeman
Mr. Wansbrough
Mr. Willcock
Mr. Withers
Mr. Wilson

(Teller.)

NOES.

Mr. Barnard
Mr. Brown
Mr. Doney
Mr. Latham
Mr. Lindsay
Mr. H. W. Mann
Mr. J. I. Mann
Mr. McLarty

Mr. Parker
Mr. Patrick
Mr. Piesse
Mr. Scaddan
Mr. J. H. Smith
Mr. Thorn
Mr. Wells
Mr. North

(Teller.)

PAIRS.

AYES.
Mr. Collier
Mr. Lamond
Miss Holman
Mr. Walker
Mr. Coverley
Mr. Lutey
Mr. Johnson
Mr. Troy

NOES.
Sir James Mitchell
Mr. Davy
Mr. Keenan
Mr. Ferguson
Mr. Sampson
Mr. Teesdale
Mr. J. M. Smith
Mr. Angelo

Motion thus negatived.

Hon. A. McCALLUM: I have been working out the position under the Bill of a man who has lost an arm. I will read an extract from the report of the Industrial Association of Industrial Accident Boards and Commissions, as follows:—

The permanent disability schedule is supposed to represent the probable average loss of earning capacity resulting from the effect of the permanent disability and should not include the temporary incapacity during the healing period.—

That is what I desire to remedy in the Bill—

. Compensation for temporary total disablement should be paid in addition to the amount

provided for in the schedule. The principal reasons in favour of allowing additional compensation for temporary disability are: (1), In some cases the healing period, notably in infectious cases, approaches, or even exceeds, the compensation period in the schedule allowed for permanent disability. Consequently, in these cases the injured worker receives no compensation whatever for his permanent disability. (2) There are great variations in the healing periods for the same type of injury, ranging in Ohio, for example, from 32 to 888 days in case of an arm.

I shall take the basis of 888 days for an arm, and show how the position will work out under the provisions of the Bill. The amount provided under the Bill for the loss of an arm is £475. Suppose the man is away from work in all 126 weeks. If his wage is £6 per week, he will be drawing, while laid aside, £3 10s. per week as half pay. So in all he would draw £441, which would leave him a balance when he returned to work of £34. For the period that he has been on half pay he would have lost £315. If we deduct from that the £34 out of the lump sum it would leave him when it comes to a settlement under the Bill, that man would have to go back to work minus his arm and sacrificing £281.

Mr. Marshall: And what about the medical expenses?

Hon. A. McCALLUM: He would have to pay those, too, if he exceeded the limit of 50 guineas. It is outrageous to call this a Workers' Compensation Bill when that is what it means to a man. He not only loses his arm, but he loses also his money; and if any medical complications set in, probably he will exceed the 50 guineas medical expenses and will have to pay the excess himself. Yet the Minister says this is a workers' Bill, not an employers' Bill. Is there any reason why under the Bill a man should be placed in a worse position through meeting with an accident in industry than he was before? If he had not met with that accident he would have had two arms instead of one, and would have been nearly £300 better off.

Mr. Kenneally called attention to the state of the Committee.

Quorum formed.

Hon. A. McCALLUM: The only argument the Minister has advanced against the amendment is that the time is not opportune for it. Yet he conceives that the time is

ripe for the taking away of privileges and the cutting down of the benefits the workers have enjoyed for many years. Is this likely to create good feeling or to induce the community to work together?

The Minister for Works: One would think I was doing something drastic. No Act in Australia has this provision in it.

Hon. A. McCALLUM: But no other State in Australia is cutting down workers' compensation as you are doing. It is to be all cutting, with no remedying of outstanding grievances and faults. Consider this case I have put up, the possibility of a man losing his arm and being nearly £300 out of pocket in consequence! And this under a measure that purports to give him due compensation for his accident. Are we expected to accept that kind of thing and let the workers suffer because the time is not opportune, forsooth?

Mr. Kenneally: And because they have not got it in Siam.

Hon. A. McCALLUM: I for one am not going to allow such things to pass without a protest. Because times are bad the Minister seeks to lower industrial standards, although the Government undertook at the election that nothing of the kind would be attempted. Under the existing Act an injured worker had a chance to get a few pounds, but with the decreases proposed, what hope is there? Talk about a workers' compensation law! It is a farce to give it such a title. I intend to expose the position, particularly as the Minister claimed that the measure was designed to relieve industry without taking benefits from the workers. Was ever such camouflage attempted? If the lump sums were retained it would not be so bad, but to reduce them and insist upon money received as weekly payments being deducted is unfair and unreasonable. True, no other State of the Commonwealth has adopted this principle, but some State must take the lead. Various States in America have adopted it.

The Minister for Works: Seventeen out of 50.

Hon. A. McCALLUM: That is a pretty substantial proportion. It is only a little over 30 years since workers' compensation was recognised as a fair charge on industry. An injured worker, consulting the measure, would consider he was entitled to the lump sum mentioned in the schedule. He would not understand that a deduction was pro-

vided elsewhere. The Government have a majority, small, but sufficient to pass the measure. Items will be cut and, in addition, this deduction will be made. How would the Minister feel if he came under the Act and were injured?

The Minister for Works: The Act has been in operation for five years.

Hon. A. McCALLUM: When that measure was passed, it was the best we could get. We fought for 12 hours in conference with the managers of another place to secure that measure. It was not for want of trying that we did not get more liberal conditions. A widow, compelled to work in a factory to support her children, might lose her arm. It would take a woman much longer than a healthy man to recover from the shock, and when she went out to face the world again, she would have far less compensation to draw. I defy anyone to justify the proposal. The workers have made a tremendous sacrifice by the loss of wages. The Minister's arbitration measure has meant a loss of wages from the 1st January to the 30th June of £400,000. That is what he has taken out of the pockets of the workers.

Mr. Kenneally: And the Government are not yet satisfied.

12 o'clock midnight.

Hon. A. McCALLUM: Not satisfied with taking their wages, the Government want them to make this additional sacrifice. There was no part of my Bill I felt the loss of more keenly than this part. At the conference the only alternative to losing the Bill was to lose this portion of it. What was fair and equitable to this Chamber then should still be fair and equitable to members.

Mr. KENNEALLY: We should hear from the Minister what his attitude is on this amendment.

The Minister for Works: I have already spoken.

Mr. KENNEALLY: The Minister may speak, but he does not always enlighten us.

The Minister for Works: I would not expect to enlighten the hon. member.

Mr. KENNEALLY: If the amendment is not carried there will be a tremendous difference in the compensation that will be paid to workers. Has the Minister no conception of what is due to those who are injured in industry? Although some of

them are never able to return to work of any kind he proposes to cut them down in the matter of compensation by 33½ per cent. That will be a serious position for the industrialists of this country. The Chamber has previously expressed itself as favourable to the amendment, which was only sacrificed to another place. Many countries which formerly opposed workers' compensation have since accepted it, including the principle of the amendment. Are we to be the last country to fall into line? If there is to be opposition to the amendment, let it come from the place where antagonism to legislation beneficial to the community usually originates. Seeing the enormous cuts proposed in compensation which is already too small, deduction of the weekly payments should not be tolerated.

Mr. MILLINGTON: The clause contains an anomaly which the amendment seeks to remove. The principle of compensation should be applied fully to a man permanently injured. If it is fair to compensate the lesser injury, lost time, to the full extent, why cannot that principle be observed in the case of a permanent injury? Such an injury is assessed at a value, though not its real value, since no man would elect to suffer an injury of the kind described in the schedule. If he does suffer such an injury, he should be compensated for the period of his incapacitation, and that compensation should not be deducted from the amount fixed for the injury. The Chamber has previously accepted that principle. We should maintain a position equal to that which obtained in the past.

Mr. Hegney called attention to the state of the Committee.

Quorum formed.

Mr. MILLINGTON: The two features of workmen's compensation are compensation for time lost and compensation for injury. It is logically indefensible to deduct from compensation for injury the compensation for lost time. The injury may be for life, and in that event the worker is at a most serious disadvantage, and in these times in an impossible position. A man who is permanently injured should be our special concern because the keen competition of these days makes it impossible for him to earn a living. The amendment is fair and in keeping with the principle of workers' compensation and that principle should be maintained.

The Minister for Works: A section similar to the clause appears in our Act.

Mr. MILLINGTON: Even so, I can say from memory that in the earlier days of workers' compensation legislation, the full amount was paid even though the worker had received half wages. Eventually a case was contested, and subsequent to that time, deductions from the sum specified in the schedule were made of the amounts paid as wages. At the outset, it was provided that the injured worker should be paid the full amount specified in the schedule, and that principle should be maintained.

The Minister for Works: And it has been in the Act and its amendments.

Mr. MILLINGTON: A man who is even partially incapacitated has the utmost difficulty in securing work, and it cannot be argued that the paltry amount he is eligible to receive will compensate him for his injury. A worker should receive compensation for loss of time when absent from work owing to his injury, plus the amount he should receive if he is permanently affected. There is no justice in whittling down the amount of compensation a man should receive. I hope the Minister will accept the amendment and send the Bill to the Legislative Council in the altered form. If the clause is mutilated in another place, it will not be the responsibility of this Chamber.

Mr. HEGNEY: I support the amendment and desire to add my protest. Some time ago a man employed by the Bayswater Road Board suffered from an injury to his foot. He has been treated by four or five different doctors but they are unable yet to tell him whether he will lose his limb. There is a lump sum available for him, but naturally he will not take it because he does not know whether or not he will lose his leg. Should that man lose his limb in the end the clause will mean, unless it is amended, that the amount he will be entitled to will be considerably lessened because of the period he has been under treatment during which he has been receiving certain amounts. Those will be deducted from the total, and that is most unfair. Workers' compensation legislation is designed primarily to protect the worker, but the provisions of the Bill will whittle away many of the provisions embodied in the Act. We should amend the Act in a way to provide for the worker getting the best possible deal. The Minister says he wants to lessen the cost of production. But he should not try to make the workers bear all the

reduction in that cost which he is aiming at. I protest against that. The Government have no mandate to whittle away the benefits the workers have enjoyed under the Workers' Compensation Act. I will support the amendment.

[Mr. Richardson took the Chair.]

Mr. MARSHALL: I do not know why the Minister hesitates to accept the amendment since he admits its virtue. He said the time was not opportune for the amendment. I disagree with that. The Minister proposes to make a big reduction in the administrative costs of the Bill. He will save thousands of pounds, because previously it took 37 per cent. of the amount paid in premiums to administer the Act. Then the Minister contemplates huge reductions in compensation and medical expenses, and so there again the cost will be reduced. Then there will be further economies as the result of reduced wages, for the employers pay insurance only on the wages sheets. Again, the Minister has said that only 14 per cent. of the known cases will benefit by the amendment. So the Minister is going to effect huge savings, and consequently he could well afford to accept the amendment. It would be only consistent with the attitude of the House six years ago in passing this very provision. It was an accepted principle at that time, notwithstanding that nobody then thought there was going to be a State insurance office to initiate reductions in the cost of administration. In view of the reduction in the administrative costs and the other big savings in sight, surely it is just as opportune now for the acceptance of this principle as it was six years ago. The obligation imposed by the amendment is a mere 14 per cent. of the known cases, and it would not total any large sum. We have come to a pretty pass if we cannot expect to get even this small concession. Without it, it is quite possible for a married man with a family to find himself finishing up after an accident hundreds of pounds in debt. The amendment would overcome the difficulty, and the Minister, by refusing to accept it, is not exhibiting a very humane spirit. Industry should pay for its victims. The Minister might well reconsider his decision and grant this small concession. The financial obligation would not be heavy.

Mr. RAPHAEL: I support the amendment. A similar proposal was passed years

ago, but was rejected by another place. Some of the benefits for injuries have been cut so much that the worker, suffering a protracted illness, might sustain actual monetary loss. If the Minister allowed the amendment to pass he might receive the support of the Opposition in further legislation that he introduces. The Minister indicates his doubt. Some members on the Government side must realise what loss a worker may suffer unless the amendment be adopted. Everyone should have a kindly thought for workers injured in industry.

Hon. J. C. WILLCOCK: I protest against the provision in the Bill. If an injured man recovered quickly he would receive the full compensation set out in the schedule, but if the injury resulted in a long and serious illness, the man would receive little money. A certain amount is to be paid for a particular injury, and the fact of a man having drawn some money during his incapacitation should not affect the compensation to be paid to him for that injury. We should make the law apply so that everyone will be treated equally. I cannot see any justice in the Minister's proposal. A man might lose the sight of an eye, return to work in three or four weeks, and receive the compensation stipulated in the schedule. On the other hand a man may get something in his eye, suffer a lot of pain, and ultimately lose the eye, but he will not receive anything for the time during which he is away from work. The Committee would be ill-advised to set up a principle whereby two similar sets of persons are treated on a totally different basis.

Mr. WANSBROUGH: I support the amendment. Two men in my electorate broke their collar bones. One has been back at work after a few weeks absence, and the other is still receiving medical attention, and may yet lose one arm. Under the Bill the latter would not receive as much compensation as the other, who can now earn his own living.

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

Ayes	..	..	..	15
Noes	..	..	..	17
				—
Majority against	..			2
				—

AYES.		NOES.	
Mr. Corboy		Mr. Pantou	
Mr. Cunningham		Mr. Raphael	
Mr. Hegney		Mr. Sleeman	
Mr. Kenneally		Mr. Wansbrough	
Mr. Marshall		Mr. Withers	
Mr. McCallum		Mr. Willcock	
Mr. Millington		Mr. Wilson	
Mr. Munle			(Teller.)

AYES.		NOES.	
Mr. Barnard		Mr. Parker	
Mr. Brown		Mr. Patrick	
Mr. Doney		Mr. Piessie	
Mr. Griffiths		Mr. Scaddan	
Mr. Latham		Mr. J. H. Smith	
Mr. Lindsay		Mr. Thorn	
Mr. H. W. Mann		Mr. Wells	
Mr. J. I. Mann		Mr. North	
Mr. McLarty			(Teller.)

AYES.		PAIRS.		NOES.	
Mr. Collier				Sir James Mitchell	
Mr. Lamond				Mr. Davy	
Miss Holman				Mr. Keenan	
Mr. Walker				Mr. Ferguson	
Mr. Coverley				Mr. Sampson	
Mr. Lutey				Mr. J. M. Smith	
Mr. Johnson				Mr. Angelo	
Mr. Troy				Mr. Teesdale	

Amendment thus negatived.

Mr. KENNEALLY: I move an amendment—

That paragraph (e) be struck out and the following inserted in lieu:—The worker may exercise the right of election given by this section at any time before proceedings have been commenced to have the question as to the Commission's liability to pay compensation under this Act, and/or the amount thereof brought before a local court for determination, and if not so exercised, then the court shall have power to decide whether the compensation shall be payable in accordance with the special provisions of this subsection or with the first schedule.

Under the paragraph as it stands the injured worker has no right to make a free selection of the means by which his injuries shall be assessed for compensation. He may not know for months what his injuries are, as has been shown in the case cited by the member for Albany. If the amendment is carried, the matter will be provided for.

The Minister for Works: We do not want duplication.

Mr. KENNEALLY: The decision should be subject to review by a court of law. The commission will not necessarily be one in which members opposite will have full faith that it will do only the right thing. The worker is to decide which schedule he will claim under, within seven days of notification by the commission. There is no provision as to when the man injured is to be notified. The commission might notify him immediately upon the occurrence of the

accident. Nothing is provided as to the condition the man is to be in when the notification is made. If the man mentioned by the member for Albany was notified and did not make his election within seven days, the commission would make it for him and he would have to abide by it "unless it be proved that the worker was not in a fit condition to make his election at the time the requisition was made on him." The Minister says the worker is protected; but where is the protection? What necessity is there to require the injured man to make his election within seven days of receipt of notification? He should have the right of election up to the time when he makes his claim, when he knows what the extent of the injury is or will be. The injury may not make itself apparent to the man in its worst form at the time he is called upon to make his election.

One o'clock a.m.

The Minister for Works: That is not the purpose of this provision.

Mr. KENNEALLY: The Minister has not made that manifest up to the present. No doubt the hon. gentleman will claim that the man may satisfy the medical board that he was not in a condition to make his election. But why should that onus be thrown on him? The longer time the man is allowed to make his election, the better will be his opportunity of knowing the exact nature of his injury. If the Minister claims that an injured worker may make it awkward through not deciding under which schedule he will come, the amendment will overcome that difficulty, because if he does not notify which schedule he will avail himself of, the court will determine the matter for him.

The MINISTER FOR WORKS: The paragraph is to deal with special circumstances. The member for South Fremantle referred to the pianist who, if he lost a finger, would lose his position. In ordinary circumstances a man would avail himself of the Second Schedule, but in a case indicating special disabilities such as that referred to by the hon. member, the man would have the right to come under the First Schedule, and secure an amount greater than that provided for in the Second Schedule. If a labourer were to lose his finger, he would not suffer the special disability that a pianist

would who was injured similarly. There is no trap; the purpose of the paragraph is to increase the benefits available to a person suffering from a special disability.

Hon. P. Collier: But the man is given seven days only unless he can show that he is not in a fit condition to arrive at a decision.

The MINISTER FOR WORKS: That is so, but we cannot embody everything in the Bill. We must assume that the commission will exercise common sense and deal with cases uniformly. I do not want the local court to deal with such matters because there are over 40 such courts and they may arrive at decisions on different bases. I have had the whole clause examined and I am advised it will achieve what is intended.

Hon. A. McCALLUM: The Minister has misread the amendment. The commission will have two points of view. They will have in view justice and equity; they will keep in mind the administration of the fund with a view to seeing that it is not too heavily involved. The commission will probably see responsibilities heaping up and towards the end of the year, when they desire to close the accounts and strike a rate for the next year, they may have a case before them of a man who cannot possibly, at that stage, ascertain the full extent of his injuries. The member for Albany has cited one such case. The commission may want to know what the liabilities of the fund will be, and they may send a notice to an injured man giving him seven days within which to intimate under which schedule he will come, failing which the commission themselves will determine the matter. Subsequently that man's arm may have to be amputated. In that event the man will have no redress. There should be no objection to the amendment because it merely leads up to the final stages when the worker should be left free to make his decision.

The Minister for Lands: Would not the worker's representative on the commission see to that?

Hon. A. McCALLUM: But he will be only one member of the commission.

The Minister for Lands: Workers' representatives are not easily sat down.

Hon. A. McCALLUM: But the fact remains that there will be two to one against him on the commission.

The Minister for Lands: Still I think he would draw attention to the fact that the worker was being unfairly dealt with.

Hon. A. McCALLUM: Yes, but if the majority decided to call on the worker to make a choice he would have to make that choice.

The Minister for Lands: Only if he was in a fit condition to do so.

Hon. A. McCALLUM: The only point the Minister for Works has made is that he does not want the case to go to the local court. But if there is a dispute between the injured worker and the commission, who is to decide it?

Hon. P. Collier: The commission will determine it without the worker having a say.

Hon. A. McCALLUM: If there is a disagreement as to the settlement, the commission will make the worker an offer of so much money. But if the worker will not accept that, and there is a dispute, who is going to decide that?

The Minister for Works: It will have to go to the court.

Hon. A. McCALLUM: Then if there has been no election as to the schedule, it is proposed the court shall make the election. What is wrong with that? We pointed this out to Dr. Stow, and he agreed with it. Surely the Minister is not proposing that the commission shall decide it.

The Minister for Works: Only as to which schedule the worker is to come under.

Hon. A. McCALLUM: In the Bill, the Minister is not even suggesting that; it is only when the worker fails to make a choice that the commission is to make it for him. All we are asking is that it shall be left open until the stage of settlement is reached. By that time the worker will know what his permanent injury is. That is all the amendment asks. The Minister has entirely misunderstood it. Without this provision there will be nothing but chaos. We cannot pass laws based on the assumption that this proposed commission is going to be a model commission, doing everything right. We have to protect an injured man from imposition by an unscrupulous commission. Is there anything unfair in the amendment?

The Minister for Works: It is not workable.

Hon. A. McCALLUM: Dr. Stow will tell the Minister that without the amendment the provision is not workable.

The Minister for Works: At what stage does the amendment come in?

Hon. A. McCALLUM: Only when the settlement is being discussed. If the right of choice between the two schedules is not then exercised, the court will decide. Would the Minister leave it to the commission to decide? The Minister under his Bill is not asking that, except the worker refuses to exercise his choice. All we are asking is that if the worker neglects to make his election right up to the time the case goes into court, the court shall make it for him.

The Minister for Works: I do not think the magistrate would be in a better position than the board to decide.

Hon. A. McCALLUM: But the magistrate will be impartial, a free agent. He will have nothing either to lose or to gain by it.

Hon. P. Collier: Whereas with the commission you have the employer's representative trying to keep down expenditure, and a chairman who also wants to show good financial results at the end of the year.

Hon. A. McCALLUM: There is nothing in the amendment to give any advantage to the worker. It only asks that he should be left free to make his choice until in a condition to talk lump sum settlement, final payment. I think the Minister has misinterpreted the object of the amendment. When a dispute occurs, a third party must be called in to settle it and, if it is not to be the court, who shall it be? It could happen that the commission would step in the day after and accident occurred. Why the hurry?

The Minister for Works: There would be no hurry.

Mr. Kenneally: Seven days not a hurry!

The Minister for Works: That is only notice.

Hon. A. McCALLUM: What advantage will it be for the commission to have this early decision?

Mr. Kenneally: The worker has to make a decision within seven days.

Hon. A. McCALLUM: Can the Minister show that the position of the commission would be jeopardised if the choice were left open for the period suggested in the amendment?

The Minister for Works: It might be three or six months.

Hon. A. McCALLUM: It might be three or five years.

The Minister for Works: Oh, no.

Hon. A. McCALLUM: An injured man might be lying on his back for years. Why require a choice to be made until the position is known? It is brutal to compel a man to make a choice so early. The members for East Perth and Hannans and I have talked this matter over with Dr. Stow and he considered that the point had been missed.

The Minister for Works: It is a wonder he did not notice it when drafting the Bill.

Hon. A. McCALLUM: Men with experience of the operation of the Act are required to understand such points.

Hon. P. Collier: It is a difficult measure to draft. The draftsman might easily make a mistake.

Hon. A. McCALLUM: I have never known a case to be settled without argument, and sometimes the negotiations have extended over weeks. I hope the Minister will give the matter more careful consideration.

The MINISTER FOR WORKS: I do not want the Bill to be unworkable, but I do not want the courts to come into the matter at all if it can be avoided. In England, in 1929, 33,653 compensation cases were tried before the courts. Under the New South Wales Act the commission do everything. "Local court" means any local court in the State, and different magistrates give different decisions. We want uniform decisions.

Hon. P. Collier: You cannot wipe out law because magistrates differ. Judges differ.

Hon. J. C. Willecock: Different accidents involve different conditions and complications.

The MINISTER FOR WORKS: The commission will be permanent men doing this work every day in the week. A magistrate might hear only one case a year. My officials have considered the amendments and have consulted Dr. Stow and have not suggested the necessity for adopting this amendment. According to my notes portion of the amendment appears to be foreign to the purpose of the Bill; the commission will be preferable to the court; the commission will be trained to the work and surely can be trusted as well as the court. The commission will have the files and records and, after an injured worker's illness, they will ask which schedule he wishes to come under. If he comes under the Second Schedule he will get the amount stipulated. If he desires to come under the First Schedule because of special disabilities, the case will be dealt with.

Hon. A. McCallum: What if there is a dispute?

The MINISTER FOR WORKS: That will be referred to the local court as provided later in the Bill.

Hon. A. McCallum: Up to that stage, the worker has the right to select the schedule under which he shall come.

The MINISTER FOR WORKS: I promise that if this amendment is found to be necessary when I recommit the Bill, I will put it up again. I do not want to do anything without consulting the Crown Law authorities?

Hon. A. McCallum: Then why bring in the local court?

The MINISTER FOR WORKS: Most of these cases will never get to the local court. There is no intention to restrict a man to seven days in which to declare the schedule under which he will come.

The MINISTER FOR LANDS: The clause is not mandatory; it merely gives the commission power to do certain things. I agree that the clause should not be made mandatory. As it reads, it is more of a guide to the commission and the worker than anything else.

Mr. KENNEALLY: This commission will be a semi-judicial body whose decisions will be sacrosanct.

The Minister for Works: No. The commission will not issue notices once in a thousand times.

Mr. KENNEALLY: Then why the objection to the amendment?

The Minister for Works: I do not want it. I have offered to recommit the Bill, and that should be enough.

Mr. KENNEALLY: It appears to me that the rights of the individual are being curtailed.

The Minister for Lands: The whole thing is under the control of Parliament through the Minister. The system would soon be altered if it did not give satisfaction.

Mr. KENNEALLY: Some workers would have to suffer before Parliament was asked to alter the law.

Hon. A. McCALLUM: I wish the Minister to understand clearly the argument of the Opposition. The doctors will certify that they have done as much as they can to get the injured worker fit for work again, and that he must now settle with the commission. The commission will ask the worker, "Do you go under the First Schedule, or under the second? Make your choice."

The worker will obtain advice. He may choose to go under the First Schedule. Then there will be an argument as to the amount of money to be paid. Possibly the worker may not be able to make up his mind at all. Proceedings will then be taken in a local court. There may be a claim for a lump sum under the First Schedule or for compensation under the Second Schedule. Even up to that stage the choice may not have been made. We say that if the worker has not made his selection at that stage, the court should decide.

The Minister for Works: No.

Hon. A. McCALLUM: We are only asking that the court shall decide that issue. We want the workers' choice left open up to that stage. If the worker has not made a choice, then, under the Bill, seven days' notice will be given him, and the commission will make the choice if he does not. Thereupon he may say, "I do not agree to that; I want to go under the other schedule." After seven days, if he does not make his election, the commission will make it, and there is no appeal for him. I do not suppose that would be the case once in a thousand times; but we ask that when it is the case, the court shall decide. That is the way we put the matter to Dr. Stow, and he said this amendment would be necessary.

The Minister for Works: The worker should be able to make up his mind without going to the court.

Hon. A. McCALLUM: I think the Minister has a good grip of the argument now, and I wish him to put the position to Dr. Stow.

Mr. KENNEALLY: I ask leave to withdraw my amendment, on the Minister's assurance that the Bill will be recommitted and that in the meantime he will consult Dr. Stow.

Amendment by leave withdrawn.

Mr. KENNEALLY: I move an amendment—

That the following paragraph be added to Subclause 4:—"Any order made by the commission under this subsection may, on the application of any person interested, be reversed or varied by a local court."

In effect, Subclause 4 means that the commission shall be empowered, instead of paying over amounts of compensation in full, to withhold them and pay them in portions, or invest them, or appoint trustees for the purpose. The existing method is the one

mainly followed, particularly in Government departments. The amount of compensation is paid into a local court, and the local magistrate has the right to say whether it shall be paid over in a lump sum, or invested, or paid in weekly amounts. From considerable experience of these matters I say it would be difficult to better the present system. I do not consider, however, that we should insist upon the matter being referred directly to the magistrate. Under the amendment it will be possible for the commission to function in the manner indicated in the Bill; but the amendment makes the necessary provision that the commission's decisions shall, if necessary, be subject to review by the local court.

The Minister for Works: Local courts again!

Mr. KENNEALLY: Not one case in a thousand may go to the local court; but if the commission, believing that they are doing the right thing, do that which the injured person thinks wrong, he should have the right to seek redress. I do not think the power will be exercised frequently, perhaps not once in a thousand times. At the same time provision should be made whereby persons who consider they have a grievance shall have the right to go to court to secure a determination. I believe the commission will become expert in time, not only regarding the administration of the Act but in investments as well.

The MINISTER FOR WORKS: I regard the subclause as one of the best in the Bill. Before the measure came before the House at all, the member for South Fremantle told us what he considered the measure should contain, and the subclause represents one of his proposals. That hon. member gave instances of men who had been awarded lump sums but had lost the money owing to bad investments. The commission will act as trustees and will safeguard the workers from that standpoint. I do not think the amendment will do any good, nor yet will it do any harm. In those circumstances, why encumber the Bill with unnecessary verbiage? Men who have received lump sums by way of compensation have been known to spend it in drink, and the subclause will enable the families of such men to be protected.

Hon. P. COLLIER: I agree that the subclause has great merit and will protect the interests of many men who will be paid com-

pensation, by preventing them from squandering it and from being misled. On the other hand, it is an unheard of proposal to say that we should hand over to some commission, however well intentioned, the right to dispose of the money that belongs absolutely to a particular individual, without giving that person the right of appeal. Such a thing is not known in British law. The members of the commission may not be expert regarding the investment of money. They may not have made a success of the investment of their own funds. It may happen that the Employers' Federation may elect as their representative one who has been a good old member of that body, but is stoney-broke. They may award him the position as compensation, so that he may end his days with that advantage. He may have been a complete failure in his own business. Similarly, it may happen that the State Executive of the A.L.P. may elect as their representative a man who has never had experience in the investment of money of his own except, perhaps, small sums. Yet we are asked to give the commission the right to do what they please with the money of an individual. If ever there was a case for an appeal to some tribunal to review the decision of some over-riding authority, it is here.

The Minister for Works: I will accept the amendment.

Amendment put and passed.

2 o'clock a.m.

Hon. S. W. MUNSIE: I move an amendment—

That in line 13 of Subclause 5 "any person" be struck out, and "with the concurrence of the other party" inserted in lieu.

This is dealing with settlements. It is provided that before the commencement of any proceedings in the local court, the commission or any person interested in any question depending for its decision upon a knowledge of medicine or surgery may require the medical board to decide such question, and the board shall decide it accordingly. The amendment provides that the commission may require the medical board to decide such a question, but only with the concurrence of the other party interested. Under the subclause as printed, the other party interested would not have any say.

The Minister for Lands: It is not a monetary settlement, but only the settlement of a question depending upon a knowledge of medicine or surgery.

Hon. S. W. MUNSIE: I understand that, but if we leave this as printed any subsequent amendment touching upon medicine or surgery will be null and void.

The MINISTER FOR WORKS: This amendment is much more important than it looks. The medical board will be appointed to decide all matters where a knowledge of medicine or surgery is required. If the amendment be agreed to, no question can go to the medical board unless both parties agree. I fail to see any reason for that. I agree that both the commission and the other party should have the right to refer a question to the board, but I do not agree that unless both parties concur, such a question cannot go to the board. In the court the employee's doctor puts his case, and the insurance company's doctor puts his case, and the magistrate has to decide. The Bill proposes that such matters shall be referred to the three members of the medical board. If a man is sick he goes to a doctor, not a magistrate. We should trust the members of the medical board to deal with such questions. This is one of the vital principles of the Bill to get uniformity and reduce costs.

Mr. Marshall: "Any" person is too wide.

The Minister for Works: Make it "the other party," but I do not want you to stipulate the concurrence of the other party.

Hon. S. W. MUNSIE: I shall agree to that. I ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Hon. S. W. MUNSIE: I move an amendment—

That "any person" be struck out and the words "the other party" inserted in lieu.

I think the draftsman was right in suggesting the concurrence of the other party.

The Minister for Works: No, I object to that.

Amendment put and passed.

Hon. S. W. MUNSIE: I move an amendment—

That the following words be added to the first paragraph of Subclause 5:—"but if any dispute shall arise as to whether any question does depend for its decision on such know-

ledge as aforesaid, such dispute may, on the application of any party to the dispute, be finally decided by the local court."

I want to give the injured party the right of appeal. Suppose the board prescribed a surgical operation.

The Minister for Works: That would not arise.

Hon. S. W. MUNSIE: Is there to be no appeal?

The Minister for Lands: There might be a medical or surgical point, and that would be referred to the medical board by the commission. That would be before the case went to the court.

Hon. A. McCALLUM: The questions involved are as to liability to pay compensation, the amount, or the duration of compensation. Those would be questions of fact. I disapprove of such questions being referred to the medical board. In some cases it would not be a question of medical knowledge, but in other cases that would be so. The court should then be able to say which way the matter should go. As things are now, there is no appeal from the board.

The Minister for Works: I am not strongly opposed to the amendment; in fact I will accept it.

Amendment put and passed; the clause, as amended, agreed to.

Clause 37—agreed to.

Clause 38—Compensation on worker dying from or affected by certain industrial diseases:

The MINISTER FOR WORKS: I move an amendment—

That in line 8 of Subclause 10, the words "medical board" be struck out and "a medical officer or medical practitioner appointed under the Miners' Phthisis Act, 1922, or attached to the Commonwealth Laboratory at Kalgoorlie" be inserted in lieu.

This amendment is the result of discussions that took place in the House with regard to local medical boards. In many cases it is not possible to secure a medical board in country districts, hence this amendment which makes use of the existing machinery under the Miners' Phthisis Act.

Amendment put and passed: the clause, as amended, agreed to.

Clause 40—Act to apply as to accidents to persons employed on "Western Australian ships":

Mr. MARSHALL: According to paragraph (f), in the event of the "Kangaroo" meeting with disaster and a few of the crew surviving, I gather that the relatives of the balance of the crew cannot receive compensation, because it is provided that the ship must go down with all hands. Will the Minister explain this?

The MINISTER FOR WORKS: This refers to the recovery of wages of seamen who have been lost with their ship.

Mr. MARSHALL: I have tried to obtain the Merchant Shipping Act, but it is not available. I am still not convinced that the Minister is right. The Act deals with compensation as well as with wages. I do not like the words "lost with all hands."

The MINISTER FOR WORKS: I move an amendment—

That in paragraph (g) of Subclause 3 the word "commissioner" be struck out, and "commission" inserted in lieu.

Hon. P. Collier: You had in mind there the idea of appointing one man.

Amendment put and passed; the clause, as amended, agreed to.

Clauses 41, 42—agreed to.

Progress reported.

House adjourned at 2.35 a.m. (Wednesday).