is an unfortunate end to a great experiment in price control which could have been used to protect the community from this difficulty.

April, 1943, was the end of the second period of price control. The Government introduced price stabilisation in that month. It was perhaps the most extensive experiment in control ever attempted by an Australian Government.

Prices were held stable for three years at a level about 22.5 per cent. above pre-war, and every visitor to this country was astonished at the low prices ruling compared with the experience of other nations.

We may put March, 1946, as the close of the third period of price control. For the next two years the Commissioner was faced with rising costs.

By June, 1948, a further and considerable rise in prices had taken place, bringing the cost of living to a level about 40 per cent. of that before the war.

The referendum in May altered the picture once more, and control was passed to the States without the aid of subsidies, except on butter, tea, cheese, and fertilisers.

A further increase is inevitable for several reasons—the withdrawal of the subsidies, continued increases in wages, high export prices, without (in many cases) the mechanism of low local prices, still rising import prices, the abandonment of control in a wide range of "non-essential" goods, the dispersion of authority under administration by six States.

This is the fifth and final period of control, the period of liquidation—and we must expect further increases in both prices and money incomes. We bask in the sunshine of high export prices now, and we can enjoy a moderate dose of inflation; but there will be recriminations when the deflation comes, and those who have clamoured loudest for easing control will be among the bitter critics of constituted authority when the reverse comes.

It was a rare occasion when an organised deputation from consumers arrived at the door of the Prices Branch; not so with the producers. The consumers had few friends. Pressure was mostly from producers and it was surprising how many friends they had among parliamentarians.

The Premier: Did you say that the article was by Professor Copland?

Mr. SMITH: Yes, the article was published last month. I will leave those quotations in that concise form for the information of those who are interested in the subject of price control.

Progress reported.

House adjourned at 10.5 p.m.

Legislative Council.

Wednesday, 3rd November, 1948.

CONTENTS.

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

QUESTIONS.

WATER SUPPLIES.

As to Reduction in Goldfields Rates.

Hon. G. BENNETTS asked the Chief Secretary:

Has the Minister for Water Supply considered the request put to him by a deputation of Goldfields delegates for a cheaper water rate for the Goldfields. If so—

(1) What will the reduced rate be?

(2) When will it come into operation?

(3) Has the Minister given any consideration to a flat rate water charge for the State?

The CHIEF SECRETARY replied:

Yes.

(1) Rates and charges now being finalised.

(2) 1st January, 1949.

(3) Yes.

RAILWAYS.

As to Garratt Oil-Burners, Norseman-Esperance Line.

Hon. G. BENNETTS asked the Chief Secretary:

(1) Is the Minister for Railways aware that the replies given to my questions of the 26th October, regarding Garratt engines on the Norseman line, are misleading?

(2) Does the Minister for Railways know that at the time of my asking the questions referred to, on a request from the Engine-drivers and Firemen's Union of Norseman, the members of the A.S.G. Board were at Norseman conducting an inquiry into these engines?

The CHIEF SECRETARY replied:

(1) No.

(2) The Minister was aware that the A.S.G. Industrial Board was investigating a request that the load for A.S.G. engines between Esperance and Norseman should be reduced. The board's decision was that a reduction of the ruling grade load was not warranted, but that the original section running time which had been reduced should be reverted to. This decision applies to both oil fired and coal burning locomotives.

SOUTH FREMANTLE POWER HOUSE.

As to Duty on Imported Machinery.

Hon. A. THOMSON asked the Chief Secretary:

How much, by way of Customs duty, has been paid by the State on machinery imported for the purpose of generating electricity at the South Fremantle power station?

The CHIEF SECRETARY replied:

£54,562, 19s. 2d.

BILL—THE WEST AUSTRALIAN CLUB (PRIVATE).

Read a third time and *passed*.

BILL—WESTERN AUSTRALIAN TROTTING ASSOCIATION ACT AMENDMENT.

Report of Committee adopted.

BILL—FOUNDATION DAY OBSERVANCE (1949 ROYAL VISIT).

Second Reading.

Debate resumed from the previous day.

HON. R. J. BOYLEN (South) [4.40]: I have perused the Bill and cannot see anything wrong with it. It is pleasing to note that the Government is setting apart a special holiday for the visit of Their Majesties the King and Queen and Her Royal Highness Princess Margaret. They themselves have expressed the wish to see as much of the people as they possibly can. I support the second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—ROAD DISTRICTS ACT AMENDMENT.

Second Reading.

HON. J. A. DIMMITT (Metropolitan-Suburban) [4.43] in moving the second reading said: I feel the House is entitled to some of the history that brought this Bill into being. Actually, it seeks to correct a position that developed in the South Perth Road Board district. In South Perth there is an organisation known as the Community Centre Association, which is an excellent body, as it co-ordinates all the welfare work carried on in the district. The organisation has been successful and has grown much beyond its originators' expectations. The time arrived when the association felt that its interest would be better served if it had headquarters, and it suggested to the South Perth Road Board that one should be provided. The road board was

very willing to help the association, which is doing so much good in the district. Consequently, it set aside a piece of land and acquired an Army hut from the Disposals Commission. The Army hut was re-erected on the land and converted into an extremely presentable hall, which the board then leased to the association. All went well. The hall was used a great deal and it was a splendid help to the association.

When the Government auditor was auditing the accounts of the road board, however, he suggested that the board had exceeded its powers, because the Road Districts Act provides that a hall erected by a local authority must be available to any member or section of the public in its district should it be so required from time to time. The South Perth Road Board having actually contravened the Act, the matter was discussed between the board and the association and it was decided to take a deputation to the Minister for Local Government. That deputation had a very friendly discussion with the Minister and, as a result, this amending Bill was framed. It was introduced in the other House by the member for Canning and was spoken to only by him and by the Minister for Local Government. The Minister recommended the Bill and praised the member for South Perth for the way in which it was drawn.

I desire to direct the attention of the House to the provisions of the Bill. The interests of the ratepayers are adequately safeguarded, because a local authority can lease a hall only if there is more than one hall in its district. There will thus always be a hall available to any member or section of the public who might from time to time want to hire it. The ratepayers would thus not be debarred from using a hall in their district. The Bill provides that a hall may be leased to an organisation in the district for any period up to 21 years, at such rent and subject to such terms and conditions as the board may deem expedient. An extra safeguard is added, because the Bill provides that at all times the committee of management of the association which leases the hall shall consist of the members of that committee, plus two members of the road board, who shall be elected by the board.

The Bill clears up the position that developed in South Perth, a position which I am reliably informed exists in at least one other district in the metropolitan area. A similar situation probably exists in other road board districts, and this Bill will clear up the difficulty. I hope members will support the measure and thus solve a problem that has influenced the minds of the members of the South Perth Road Board and no doubt the minds of members of other boards.

Hon. L. Craig: Does the Bill allow any road board to let a hall?

Hon. J. A. DIMMITT: Provided there is more than one hall in the district.

Hon. L. Craig: A country road board might own two halls, separated by ten miles. The board could let one of the halls and the other would be available only for the people in the particular area where the hall is situated.

Hon. J. A. DIMMITT: That is so. It will always leave a hall available to the public in a road district.

Hon. L. Craig: Why could not this be confined to South Perth?

Hon. J. A. DIMMITT: Because the same position exists in other road board areas. It has only been brought to light in South Perth. I move—

That the Bill be now read a second time.

HON. G. FRASER (West) [4.51]: I am not going to raise any serious objection to the measure, but the same point struck me as appealed to Mr. Craig. I can see that in a country road board there could be quite a lot of difficulty. Take the district that I have been in recently, where the road board territory extends from Norseman to Salmon Gums. Under this measure, it would be possible for that board, if it had a hall at Salmon Gums and one at Norseman, to lease the hall at Salmon Gums.

Hon. G. W. Miles: Does not this apply only to South Perth?

Hon. G. FRASER: No, to every road board in the State. There possibly would not be any great difficulty about it in the metropolitan area, because I suppose very few metropolitan road boards have more than one hall. I would be much happier if the amendment were confined to the metropolitan area. This is a rather loose way of altering the Road Districts Act, be-

cause of the difficulties that might be experienced in many country areas. I do not want to oppose the measure, but to assist Mr. Dimmitt and the road board concerned to overcome the present difficulty. At the same time, I do not want to leave the position open so that in the very near future we will find rows going on all over the country because of advantage being taken of the measure. I hope the mover of the Bill will not go right ahead with it today, but will give it more consideration in an endeavour to find a way out of this difficulty.

HON. G. BENNETTS (South) [4.53]: I am a little doubtful about the Bill, too. The Dundas Road Board, the one mentioned by Mr. Fraser, has two halls; there is the Dundas hall and the one at Salmon Gums. I would like the debate adjourned so that we can go further into the matter. I do not want to inflict any hardships on the districts I represent.

HON. L. CRAIG (South-West) [4.54]: There is a danger here, although I do not think it is a real one, because the ratepayers in an area where there is only one hall would never allow the road board to lease it for any term. By that I do not mean the only hall owned by the road board, but the only one situated in a particular area. I do not think any road board would even do that. If the point is perturbing anyone, we could get over it by putting into the clause the words "with the consent of the Minister." Any road board that wished to lease a hall would then be able to do so only after making application to the Minister.

Hon. J. A. Dimmitt: Every word you are asking for is in the Bill.

Hon. L. CRAIG: I have not read the Bill.

Hon. J. A. Dimmitt: It is a pity that you should speak on it, then.

Hon. L. CRAIG: If the Minister felt that an area was being left without a hall, he could refuse the application.

Hon. G. Fraser: A lease could be arrived at without the people of the district knowing anything about it.

Hon. L. CRAIG: No. The hall in a country district is the meeting place of everybody and is regularly used. First of all, I cannot imagine any road board doing this; secondly, I cannot imagine the ratepayers allowing it to do so, and, thirdly, I cannot imagine the Minister granting permission unless he was satisfied the people would not be left without a hall. With the safeguard provided by the Minister's consent, I have no fears.

HON. SIR CHARLES LATHAM (East) [4.55]: Another aspect that has not been mentioned by members is the large number of road boards that lease their halls to picture people for quite long periods.

Hon. L. Craig: For certain nights, but the public has access.

Hon. Sir CHARLES LATHAM: Not only that, but they give them exclusive rights.

Hon. L. Craig: The public can go there.

Hon. Sir CHARLES LATHAM: But the public cannot put on a picture show there.

Hon. L. Craig: Yes, on another night.

Hon. J. A. Dimmitt: This has nothing to do with the measure.

Hon. Sir CHARLES LATHAM: That is so, but in the past that position has arisen. I feel sure that the hon. member in charge of the Bill is prepared to give country districts all the protection that is necessary. Many road boards control four, five and six halls. It is of no use saying the members of the public know all about it. I guarantee that very few ratepayers in country districts know that an exclusive right is given to the picture people to show regularly every Saturday night.

Hon. L. Craig: It is a great source of revenue to the road boards.

Hon. Sir CHARLES LATHAM: I know that, but is is no use saying that the ratepayers know, because they do not.

Hon. L. Craig: They should.

Hon. Sir CHARLES LATHAM: When with the Commonwealth Government, I had an experience regarding a cinematograph show we were putting on. I found that we could not exhibit because the exclusive right to use a hall had been given to other people; and we were providing a free entertainment. I have no objection to the Bill. At the present time, what is suggested in the measure cannot be legally done, but now we

will legalise it. The intent is that where there are two halls close together—within a reasonable distance of, say a mile—the local governing body shall be able to lease one of them. I think that is desirable.

HON. E. H. GRAY (West) [4.56]: I think the previous speakers are looking for trouble that does not exist. It would not be a good thing for any country town if the picture proprietor who leases the hall for one night a week or a fortnight, should not have the exclusive right to use it, because we can not afford to have a couple of picture companies fighting each other in the small towns. My experience is that every effort is made by country road boards to see that their halls are made available, if required by the ratepayers or any societies in the towns or villages, whichever it might be. We have some instances in the West Province where halls have been leased to picture companies. I think there would be no trouble in the country, and I support the Bill. I do not see any reason for adjourning the debate. The measure is quite plain and my experience is that country road boards take every precaution to protect the ratepayers.

HON. W. J. MANN (South-West) [4.58]: I support the Bill, but I see some little difficulty where a road board has a hall in one portion of its district and a second one in another part. There is an instance in the South-West where that applies. The difficulty could be overcome if Mr. Dimmitt would agree to insert after the word "hall" in the 13th line of Clause 3, the words "within a radius of three or five miles." That would cover the position.

HON. W. R. HALL (North-East) [5.0]: I intend to support the Bill. I think the best judge as to the leasing of a hall which is its property, is the particular local authority concerned. I have known local authorities to vest halls in certain people and that state of affairs has existed up till now. I think we have a hall on the Goldfields which has been vested in certain people in circumstances similar to the cases mentioned by Mr. Dimmitt. The particular hall I have in mind is vested in the Parents and Citizens' Association which has an agreement with the board, and no rent is paid. However, I do not know whether the position as to the charge for a hall will come under the Bill or not, because there was some argument about that not so very long ago with the executive of the Road Board Association I cannot see anything wrong with the Bill and I think local authorities should be the best judges of what to do with their own property. I support the second reading of the Bill.

THE CHIEF SECRETARY (Hon. H. S. W. Parker—Metropolitan-Suburban) [5.1]: I would like the Bill to be passed because sufficient protection of the interests of ratepayers is provided in it. All the measure aims to do is to permit of a hall being let to an organisation and the Minister, before he consents to the demise, must be satisfied that two members of the road board are on the committee of the organisation. I do not think there will be any difficulty but if members feel that any country road board could be affected, I would suggest that in Committee they might agree to add the words "a board within the metropolitan area may from time to time," in some appropriate part of the Bill.

Hon. Sir Charles Latham: I would not restrict it, because there are towns such as Katanning which might have a spare hall.

The CHIEF SECRETARY: My remarks were made in case any member felt that it should be restricted, but I think the Bill is quite safe.

HON. J. A. DIMMITT (Metropolitan-Suburban—in reply) [5.2]: I do not know whether Mr. Bennetts would like the debate adjourned in order that further inquiries could be made.

Hon. G. Bennetts: No.

Hon. J. A. DIMMITT: In that case, I propose to reply to one or two points raised in the debate. Mr. Craig suggested that the Minister should have some control but the provisions of the Bill indicate that consent must be given by the Minister in writing on each occasion before any hall can be demised. There is also provision for the appointment of two members of the road board concerned to the executive committee that will control the hall, and that is another very good safeguard. I want to point out that this particular hall was built for the

special purpose of providing headquarters for the Community Centre Association of South Perth and there was no other objective in constructing the building. The amendment embodied in the Bill constitutes the only way by which the situation can be met. The hall in question was not already in existence. The request for its provision was made by the association; it was constructed by the road board and then leased to the association for its use.

Hon. L. Craig: The Bill does not deal with that particular hall.

Hon. J. A. DIMMITT: In the other road board district I mentioned, a similar arrangement was made. The particular building is demised to a tennis club which uses it for its own purposes and lets it out to various people for weddings, birthday parties, and so on. The local authorities concerned will be very glad of the relief afforded by the Bill.

Question put and passed.

Bill read a second time.

In Committee.

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

BILLS (4)—FIRST READING.

1, Government Railways Act Amendment.

2, McNess Housing Trust Act Amendment (No. 2).

3, Motor Vehicle (Third Party Insurance) Act Amendment.

4, Stipendiary Magistrates Act Amendment.

Received from the Assembly.

BILL—BUSH FIRES ACT AMENDMENT.

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to Council's request contained in Message No. 46, and had appointed a Select Committee of three members to confer with the Select Committee of the Council on the Bill.

BILL—JUSTICES ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. H. S. W. Parker—Metropolitan-Suburban) [5.10] in moving the second reading said: This Bill aims to bring up to date, modify and alter certain provisions of the Justices Act dealing with appeals. When that measure was originally introduced, there used to be circuit courts. This was possible because of the provisions of the Supreme Court Act whereby a judge travelled to certain districts as set out by proclamation. At present, however, there is one circuit court district only, and that is at Kalgoorlie. The Supreme Court Act also gives power to appoint persons as commissioners to conduct a circuit court, but it does not permit of any appeal to a commissioner of the circuit court unless that commissioner has certain qualifications. The Justices Act provides two means of appeal. One is what is commonly called the ordinary appeal and the other is by way of review. At present, an ordinary appeal from a decision of the justice is made to a judge of the Supreme Court in such district.

Hon. Sir Charles Latham: What section is that?

The CHIEF SECRETARY: Section 183 of the Justices Act which states—

> (1) If the decision appealed from was given in a Circuit District, the appeal shall be made to a judge of the Supreme Court in such district;
>
> (2) if the decision appealed from was not given in a Circuit District, the appeal shall be made to a judge of the Supreme Court in Perth.

Recently there was a case in Kalgoorlie where a man was convicted by the justice and he desired to appeal. Unfortunately he was kept waiting for some five months before a judge went to Kalgoorlie to hear the appeal. The first amendment in the Bill is the deletion of the two paragraphs I quoted and it will then provide that the appeal shall be made to a judge in Perth. That, of course, would be rather hard, and perhaps it might be unjustifiable to bring an appellant all the way to Perth, but there is another provision that a judge may, on the application of either party to the appeal, make an order that the appeal shall be heard in some other place, and it shall be made to a judge in a circuit district at a time to be

named. That is what is commonly called a change of venue. The amendment will facilitate and expedite appeals.

When a person appeals, he has to enter into a recognisance before the justice, and if the justice thinks it expedient, instead of the person entering into a recognisance, he may give such other security as the justice may deem to be sufficient. We propose an amendment to provide that if the justice thinks it expedient, he may order the person to enter into a recognisance, but instead of procuring sureties thereto, may give such other security by deposit of money as the justice may deem sufficient. When a man enters into a recognisance, he usually has to provide two sureties. Sometimes it is difficult to get sureties. To ask a citizen to go surety for a man that he will appear in the event of his appeal not being successful, is hardly fair, hence we desire to amend the law so that an appellant shall enter into a recognisance and, as surety, put up a certain amount of cash. This will make it easier for an accused person to get bail. There is also a more or less consequential amendment that will not alter the principle.

The next amendment of note deals with appeal by way of order to review. At present affidavits are sworn and filed and an application is made to a judge in Chambers. If a prima facie case for appeal is made out on the ground of any error or mistake in law or fact on the part of the justice or for other reasons including jurisdiction, the judge may do certain things. We ask that the following be inserted:—

or that the penalty or sentence imposed was (according as the person aggrieved may allege) inadequate or excessive in the circumstances of the case, the judge may, except where the person aforesaid has a right of appeal under Section one hundred and eighty-three of this Act . . . . grant an order.

Really this means that the court on the appeal may increase the penalty if it thinks fit or, if the penalty has been too low, the other side may appeal against the inadequacy of the sentence. Where a man desires to appeal by way of an order to review, he enters into a recognisance to prosecute his appeal but not to appear at the appeal. Consequently, if the appeal goes against him, he then has to be found. We propose to alter the law to provide that the appellant shall appear at the appeal so that, if the appeal goes against him and he is awarded imprisonment, he will be available to be taken into custody.

On an appeal, the Full Court may do certain things, but has not the power to vary or amend an order or conviction founded upon the decision appealed against. We propose to include power to vary, reduce or increase the penalty or sentence imposed by the justices upon such order or conviction. Members may at first sight think it rather unfair that, when a man appeals, the court should have power to increase his sentence, but the existence of this power has a very salutary effect. If the court had no power to increase the sentence, many persons found guilty by justices would appeal because they would have much to gain and nothing to lose.

Hon. Sir Charles Latham: But judges have increased penalties.

The CHIEF SECRETARY: Yes, under the Criminal Code, but not under this Act. This will bring the Justices Act into line with the Criminal Code. Section 219 reads—

No costs shall be allowed against any justice or police officer in respect or by reason of any appeal under this Act or of any proceeding in the Supreme Court in its control over summary convictions.

It is desired to add that where an appeal is brought by a police officer and the decision appealed against is confirmed, that is, where the police officer loses the appeal, the court or judge may grant costs against the Government. I think that is only fair; otherwise the police or perhaps the department, might say, "Yes, you have got out of this, but it will cost you more when I appeal because there can be no costs awarded against me." So it is provided that the judge may award costs in favour of the successful party.

Hon. Sir Charles Latham: Presumbaly the police officer would get Crown Law authority to appeal.

The CHIEF SECRETARY: Of course I do not wish to imply that costs would be awarded to an appellant. The police might rightly think that the magistrate was wrong in his decision and the Crown Law Department might advise to that effect. In that event, the accused would be put to the expense of defending an appeal, and when the court had found in his favour, he would be mulcted of all the expense. Then there

might be an appeal on some doubtful point of law that ought to be cleared up. If it is purely on a point of law, it is generally termed a test case, and then the court has the right to award costs. Costs, when awarded, shall be paid in a simple way by the presentation of a certificate from the Registrar of the Supreme Court to the Treasury, so that the individual will not be concerned in having to pay. I commend the Bill to the House because it will make a great improvement to the existing law and will, in some instances, relieve hardship. I move—

That the Bill be now read a second time.

On motion by Hon. E. M. Heenan, debate adjourned.

BILL—WESTERN AUSTRALIAN MARINE.

Second Reading.

Debate resumed from the previous day.

HON. J. A. DIMMITT (Metropolitan-Suburban) [5.27]: I moved the adjournment of the debate because this somewhat comprehensive Bill had just come before us and there seemed to be a likelihood of its passing the second reading stage. The measure seeks to amend and consolidate a number of existing Acts and for that reason is to be commended, but because it affects so many people, I consider that the discussion should be delayed until some time next week in order to give those likely to be affected an opportunity to study it and have their views presented by members.

Many activities under the measure will be centred in a division that deals with the control of privately-owned pleasure craft, and I propose to move for the deletion of a paragraph, which I shall discuss in the Committee stage. That is my principal interest in the Bill at the moment, and I feel that further discussion might well be delayed so that those who will be affected may have their views presented.

On motion by Hon. Sir Charles Latham, debate adjourned.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

In Committee.

Hon. J. A. Dimmitt in the Chair; the Honorary Minister for Agriculture in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4:

Hon. C. F. BAXTER: I oppose the clause. Members of this Chamber do not believe in retroactive legislation. An injured worker might feel inclined to drag his illness on simply to get the higher rate. I regard a worker as being already under a contract by which he will receive compensation in the event of his being injured. We have been told that this legislation will not entail an increase in premiums, but that contention is ridiculous. There must be an increase.

The HONORARY MINISTER FOR AGRICULTURE: There is nothing retrospective about it at all. No retrospective payment is to be made.

Hon. C. F. Baxter: I used the word retroactive.

The HONORARY MINISTER FOR AGRICULTURE: I thought the hon. member said that it was one of our principles that we would not agree to retrospective legislation. This provision only means that a worker who was on workers' compensation at a certain rate prior to the implementation of this measure will, when it comes into force, receive the higher rate. But the higher rate will not apply retrospectively.

Hon. C. F. Baxter: I know that. The word I used was retroactive.

The HONORARY MINISTER FOR AGRICULTURE: The hon. member definitely used the word retrospective.

Hon. Sir Charles Latham: I think he said retroactive.

The HONORARY MINISTER FOR AGRICULTURE: Then I beg the hon. member's pardon. I thought he said we were breaking down a principle by agreeing to retrospective legislation. This provision will merely put all workers on the same basis.

Hon. G. FRASER: Mr. Baxter said that a contract had been entered into. I do not see that at all. A worker meets with an injury and, according to the Act, has to receive certain payment. During the period up to the making of the alteration now proposed, he will receive the rate which has been established. After the measure becomes law, he will still receive the payment

set out in the Act but it will be at a higher rate. If we do not agree to the clause, one of the anomalies that have been in existence will be perpetuated. We will have one man injured a week ago and one injured after the passing of this measure, and the man injured a week ago will receive a lower rate than the one whose accident occurred later. That provision has prevailed too long.

Hon. Sir Charles Latham: It has not occurred in the past.

Hon. G. FRASER: Yes.

Hon. Sir Charles Latham: Only in relation to Federal and State awards.

Hon. G. FRASER: No, under the Workers' Compensation Act. Any amendment made to the Act has not applied to a man already off work. I have had numbers of cases where that has occurred, and I see no logic in the procedure. This is a step in the right direction.

Hon. H. K. Watson: You think that the present Government has improved on the practice of the previous Government?

Hon. G. FRASER: It is not that. This place would not allow the previous Government to progress. I hope this Committee will show repentance and make the alteration.

Hon. E. M. HEENAN: We would lay ourselves open to a charge of being very unfair if Mr. Baxter's point of view prevailed. I think that at present a worker gets up to £4 10s. per week when totally incapacitated. The Bill increases the sum to £6. About a fortnight ago, a friend of mine in Kalgoorlie, who was working on the mines had his forearm fractured and will be totally incapacitated for months. I hope that the Committee will agree to improve the Act on the lines suggested. If so, that unfortunate man will benefit from its provisions. Surely that is fair enough. He will only benefit to a greater extent from the time the amended Act comes into operation. If Mr. Baxter's views prevail, he will be pegged down to the existing rate.

The CHAIRMAN: The method of deleting this clause will be for Mr. Baxter and those supporting his view to vote against the clause when the question is put.

Hon. Sir CHARLES LATHAM: I agree there is a fairly substantial argument in favour of retaining this clause, but no financial provision is made to meet any large number of cases. What we are doing is to advise the insurers that they must provide for additional costs. The Minister may be able to tell us whether the companies can carry an increase of this sort out of reserves. It could only be met in that way or by increased premiums to meet lagging cases.

Hon. E. M. Heenan: There will not be such a great number.

Hon. Sir CHARLES LATHAM: There may be expensive ones of, say, £1,250 that are pending. It may be that a person who is under treatment will find that he has a total disability. We should not pass this clause too hastily.

Hon. E. H. GRAY: I understand this is one of the recommendations of the Royal Commission. It is a matter of justice and of avoiding confusion. If the clause were not passed, there would be a lot of ill-feeling and discontent in factories and elsewhere because of men receiving different amounts of compensation. There is no valid argument in what Sir Charles said. The companies have saved money through the 40-hour week and the extra expense will be partly covered in that way. I hope the clause will be passed.

The HONORARY MINISTER FOR AGRICULTURE: As Mr. Gray said, this is a matter of justice. Surely the Committee will not agree to have one man on one rate and another on a different rate. With regard to the point raised by Sir Charles Latham, I do not think there will be many cases of the kind he has in mind.

Hon. Sir Charles Latham: We hope there will not be.

The HONORARY MINISTER FOR AGRICULTURE: Surely the insurance companies would be able to meet out of their reserve funds whatever little extra cost is incurred. They are not poor.

Hon. Sir Charles Latham: A lot of them said it is not a paying business.

The HONORARY MINISTER FOR AGRICULTURE: It is hard to believe this would embarrass them. I cannot tell how many cases there will be, but there should not be very many.

Clause put and passed.

Clause 5—Amendment of Section 4:

Hon. H. HEARN: I move an amendment—

That paragraph (a) be struck out.

Like Mr. Loton, I have a strong objection to the suggested board. Having regard to the operations of the Act in this State I feel that the board is entirely unnecessary. It is being given autocratic powers for a period of seven years and can be a law unto itself, as it will not be responsible even to the Minister, and therefore cannot be controlled by Parliament. It will be very costly, carrying an increasing financial burden as the years go by and, I believe, it will impose an unnecessary burden on industry.

The HONORARY MINISTER FOR AGRICULTURE: I take the strongest exception to the amendment because it is not on the notice paper. When I introduced this Bill three weeks ago, I agreed to postpone consideration of the measure and that was done; and now I have an amendment sprung on me like this. I object to it and hope that Mr. Hearn will not continue with it in the circumstances.

Hon. Sir CHARLES LATHAM: The Honorary Minister objects to the amendment not being on the notice paper, but very few members expected the Bill to pass the second reading last night. Although I support the Bill broadly, there are some parts of it with which I do not agree. The amendment is quite distinct and raises the question as to whether the board should remain or not. I object to the board on a number of grounds, one of which is that it would not be responsible to anyone but itself. It would be appointed for seven years and would not be subject to ministerial or parliamentary control, as the only control Parliament could have over it would be through a Minister of the Crown. In New South Wales and Victoria, where Labour Governments have been or are in power, boards have been provided for, but in South Australia, where the legislation is almost identical with ours, there is no provision for a board.

The CHIEF SECRETARY: I might raise a point of order. The discussion is on the definition. It is not a question of what the board is. Perhaps it would be better to postpone dealing with this clause until Clause 11 has been dealt with.

On motion by the Honorary Minister for Agriculture, further consideration of the clause postponed.

Clause 6—agreed to.

Clause 7—Amendment of Section 6:

Hon. C. F. BAXTER: I move an amendment—

That a new paragraph to stand as paragraph (a) be inserted as follows:—

Deleting paragraph (a) of Subsection (2) and substituting the following:—

(a) The employer shall not be liable under this Act in respect of any injury which does not disable the worker for a period of at least two days from earning full wages at the work at which he was employed.

In the New South Wales Act, which was amended in 1947 by a Labour Government, a waiting period of three days is provided, yet this amendment asks for a period of only two days. I hope the Committee will agree to the amendment.

The HONORARY MINISTER FOR AGRICULTURE: I oppose the amendment, which would be a reinstatement of a relic of the dark ages—despite the position in the Eastern States. Why should there be a period during which the worker is deprived of his wages or compensation? I hope the Committee will not agree to the amendment.

Hon. G. FRASER: It must be realised that two days represents nearly half a week's pay, which is quite a serious matter for the average working man, particularly one on the basic wage, who probably meets with more accidents than any other worker except the machinist in an engineering shop.

Hon. H. Hearn: It is a serious matter to the employer.

Hon. G. FRASER: It is the insurance company that actually pays the money to the worker. There are many men in particular trades who frequently meet with minor accidents. If a man were off for two days now and again for two days in a month's time, it would mean quite a serious loss to him. Many years ago there was in the Act a provision for a three-day period, the result of which was that in many cases a man who need only have remained away from work for perhaps two days would remain away for four days, in order to be paid. If the amendment were agreed to, it would be an

inducement to workers to remain off work for three days in order to get their compensation. In that way the amendment would tend to foster dishonesty and in the end perhaps a greater amount of compensation would be payable in industry. I oppose the amendment.

Hon. R. J. BOYLEN: If agreed to, the amendment would constitute an injustice to a majority of the workers, particularly where minor accidents occur frequently, as in the goldmining industry. It sometimes happens that the same worker sustains a minor injury twice or three times within a short period. In almost all cases the injured worker is anxious to return to his job, but the amendment might prove an incentive to some workers to remain off the job longer than necessary in order to receive payment. I oppose the amendment.

Hon. G. BENNETTS: I personally have suffered under such a disability and I hope the Committee will not agree to the amendment. I have been on compensation while on the basic wage, with a wife and seven children to support. If I was out of work my children suffered, and I know the two-day period would mean privation to many families. I do not think the Committee will agree that men with large families should be penalised in this way. I oppose the amendment.

Hon. Sir CHARLES LATHAM: Mr. Bennetts loses sight of the fact that in the old days conditions were different. Mr. Chifley proposes to find £100,000,000 per year for social services, and at present each child of a man off work will be receiving 10s. per week.

Hon. G. Bennetts: How could a child live on 10s. per week today?

Hon. Sir CHARLES LATHAM: The social service payments would be of considerable assistance, and the worker himself would be entitled to some benefit. I wish to see the worker given a fair deal but I would like to prevent malingering and unfair exploitation of the fund. If it were eventually proved that a man had a serious disability, perhaps he could be paid for the two days. Against that there are many cases where a man has injured a thumbnail and goes into hospital to have it treated. As a farmer I have had an injured thumbnail and have had to continue work even until it fell off, and I was not covered by workers' compensation. We should not add to the cost of industry. At one time Western Australia was placed at a great disadvantage in comparison with the Eastern States owing to the fact that costs here were so much higher. The result was that industry was flourishing in other places and our people had to go there to obtain employment. We were thus depopulating Western Australia. We cannot add further costs that will be difficult for industry to bear.

Hon. W. R. HALL: I hope Mr. Baxter's amendment will not be carried. I have had long experience with the Workers' Compensation Act. I am one of those who obtained benefits under the Act at a time when a worker had to be off for three days before receiving any payment. It would be wrong for a man to have to wait two days and, as Mr. Hearn and Dr. Hislop have said, it would have a psychological effect on the injured worker. I think that the period of two or three days would result in a recurrence of exploitation. The clause as it stands will remove all exploitation relating to injured workers, and I therefore hope the amendment will not be carried.

Hon. E. M. HEENAN: I can appreciate the concern that Mr. Baxter, Mr. Hearn and, in fact, all of us feel about doing the fair thing. We realise that industry can carry certain burdens only, and if we increase them beyond what is just, the workers will be the sufferers.

Hon. C. F. Baxter: No-one has expressed any opinion on that yet.

Hon. E. M. HEENAN: The Act gives workers compensation from the date they are involved in an accident. Surely, by the Bill, we are not going to spoil the ship for a ha'porth of tar. With regard to malingerers who hurt their thumbs and rush into hospital, as mentioned by Sir Charles Latham, I suppose Dr. Hislop will tell us that an injury to a finger can be very serious only if not treated at the proper time. I should say that if a man went into hospital for one day or had proper treatment for two days, it might save compensation payments for weeks or months.

Hon. G. Bennetts: A doctor would not lower himself to put a man into hospital for an injured finger.

Hon. E. M. HEENAN: A man need not go into hospital but can go to a doctor and

have his limb or finger attended to. The existing Act provides compensation from the date of the incapacity of the worker. We would be foolish if we trimmed the Act in a way that would achieve no good but might do a lot of harm.

Hon. J. M. A. CUNNINGHAM: If the amendment is agreed to, it will be wrong. The whole idea is to prevent malingerers from obtaining compensation payments and not to deprive a man of one or two days' pay if he is genuinely injured to the extent that he cannot work. If a man has a slight injury, that, normally, would not prevent him from working. I know many of the doctors on the Goldfields, and I can assure the Committee that not one of them is an easy man to fool. They will not grant a certificate to a man pleading a headache or a slight injury to a finger. If a man is injured to the extent that he cannot work, he will receive a certificate, and he is then, of course, entitled to compensation.

Hon. E. M. DAVIES: The amendment is only splitting hairs. After my long association with industry, I have yet to learn that an employee would malinger for two days. If he is so inclined, he will malinger for a much longer period and thus receive compensation payments accordingly. Sir Charles Latham mentioned that the reason why industries did not come to Western Australia was possibly because of the high costs here. I do not think that is correct. A body in which I am interested has been negotiating recently for an Eastern States firm to establish itself in this State, and on not one occasion did it mention anything about the cost of industry. Recently, when visiting Tasmania, I inspected the paper mills at Burnie, and I was astounded at the amenities that the company had provided for its employees. These included a dental surgery, which not only gave dental treatment to the workers but also provided dental plates and fittings at a nominal cost. If the amendment is agreed to, it will be of no value to either employer or employee.

The HONORARY MINISTER FOR AGRICULTURE: I hope the amendment will be rejected because the Act as it stands is quite all right. It has been proved that very few claims have been disallowed. As to the point raised by Sir Charles Latham, this is only a question of weekly wages. I do not think the question of payment of £1,200 would come into it.

Hon. Sir Charles Latham: I did not mention a question of £1,200.

The HONORARY MINISTER FOR AGRICULTURE: Perhaps I misunderstood the hon. member. However, we will not embark on a cheese-paring debate. I do not want to see unnecessary burdens imposed on industry. As an employer, I would not object to the clause. If it was something big and worth while—

Hon. A. Thomson: That will come later.

The HONORARY MINISTER FOR AGRICULTURE: We talk a lot about what we are going to do for the worker, and surely we are not going to be mean. I hope the amendment will be defeated.

Hon. J. G. HISLOP: I wonder whether Mr. Baxter realises the burden he will place on industry if this amendment is agreed to. It must be appreciated that if a worker is not entitled to compensation for the first two days of his injury, he is not entitled to receive treatment or the cost of treatment. The result is that he will have to attend a public hospital. He will no longer be able to go to the doctor nearest to his place of employment but will have to proceed to a public hospital and stand in a long queue. There will be a lot of people taking more than two days to get over minor injuries, and the cost to industry will be enormous. I think the proper method is to allow a man to be treated the moment his injury occurs.

Hon. C. F. BAXTER: I am astounded to hear Dr. Hislop attacking the amendment. Recently, in Victoria they wiped out the three-day period and since then expenses have gone up enormously. A lot has been said about the amount of wages that might be lost through men being off for two days. A great portion of the time lost is not two days, but a few hours. That is the point. Look at the expense and trouble connected with it. I will leave the matter for the Committee to decide. If we are going to build up costs, where will industry be? Mr. Davies mentioned a firm that was desirous of coming to Western Australia. His own Minister, Hon. A. R. G. Hawke, tried to encourage people to establish industries here, but he was told point blank that the cost of industrial legislation was too ex-

cessive and that firms would not dream of starting industries in this State. The increase in premiums under the Bill will be 35 per cent. These matters look only small but they mount up in the aggregate. We do not want to crush industry out of existence.

Sitting suspended from 6.15 to 7.30 p.m.

Amendment put and negatived.

Hon. C. F. BAXTER: I move an amendment—

That paragraph (b) be struck out.

This is one of the most important provisions in the Bill because it will be so far-reaching in its effects. It deals with compensation payable to workers who meet with an accident when journeying to or from work. Why one section of the community only should be covered in that respect, I do not know. Probably this has been copied from legislation in the Eastern States where experience has proved it to be most unsatisfactory. As workers become compensation-minded, the situation will become more serious. There have been several instances of men dropping dead from heart disease when going to or from work, and the companies have had to pay compensation. In one instance the company concerned fought the claim but lost the case and had to pay not only compensation but a heavy bill of costs. It was proved by doctors in two of the cases that employment was not the cause of the heart disease from which the workers died and that they would have met their death at any time they over-exerted themselves.

There was a case in Western Australia where a man who was walking away from his place of employment met with a serious injury, and it cost his employer a lot of money because the worker was not covered under the Workers' Compensation Act. We have several times rejected the proposal to cover men when proceeding to or from their work, and I see no reason why the Committee should reverse that decision on this occasion. These increases in the cost of insurance will adversely affect industry and result in loss of employment. I think that in the Eastern States the increase in insurance claims under this heading is 6.9 per cent., and that is a heavy burden on industry.

The HONORARY MINISTER FOR AGRICULTURE: I do not know whether Mr. Baxter is pessimistic about the success likely to attend his amendment, because he has provided on the notice paper for some amendments to it.

Hon. C. F. Baxter: That is in case I slip on this amendment.

Hon. G. Fraser: I hope your anticipations prove correct.

The HONORARY MINISTER FOR AGRICULTURE: The amendments suggested by Mr. Baxter will still further safeguard the position, and I am prepared to agree to them if that now under discussion is defeated, as I hope it will be. This particular provision was recommended by the Royal Commission. It is not a new suggestion and it is to be found in the Workers' Compensation Acts of Queensland, New South Wales and Victoria.

Hon. C. F. Baxter: All passed by Labour Governments.

The HONORARY MINISTER FOR AGRICULTURE: There are Legislative Councils in two of those States and apparently they agreed to it. A Bill is now before the Tasmanian Parliament to amend the Act in that State and a provision similar to that now before this Committee is the only amendment included in it. I admit this is an important matter and is a concession to the workers.

Hon. G. Bennetts: Commonwealth legislation has contained such a provision for many years.

The HONORARY MINISTER FOR AGRICULTURE: That is so. The people in the Eastern States do not seem to desire this provision to be eliminated from their legislation, and it has apparently operated satisfactorily there. The position is safeguarded inasmuch as any worker who deviates from the straight and narrow path between his place of employment and his home, will not receive any benefits if injured.

Hon. J. M. A. CUNNINGHAM: I do not quite agree with the paragraph in full. I understood the Honorary Minister to say that this provision had been recommended by the Royal Commission. Is that quite right?

The Honorary Minister for Agriculture: Yes, it was a recommendation by the Royal Commission.

Hon. J. M. A. CUNNINGHAM: At all events, in any system of compensation adequate safeguards must be included. Despite the Honorary Minister's assurance, I do not think the safeguards provided are as adequate as they should be. I am not opposing the clause, but I think it is a little too wide and liable to abuse.

The Honorary Minister for Agriculture: Would you suggest further safeguards?

Hon. J. M. A. CUNNINGHAM: Yes, that there should be a time limit attached to an accident incurred before reaching or returning from work.

The Honorary Minister for Agriculture: I think that is included.

Hon. J. M. A. CUNNINGHAM: No. I can see much good resulting from covering a worker during the time he is travelling to and returning home from work. A point I do not like is that the employer will be compelled to shoulder the cost of compensation for an injury at a time when he has no control over the actions of the worker or those members of the general public who may contribute to the accident.

Hon. G. BENNETTS: I support the clause. I have worked under a similar system for the Commonwealth. We were protected while going to and from work, but we had to keep to a set track. If we did not, we would not be covered.

Hon. E. M. HEENAN: The clause is in keeping with modern trends. We have by no means reached the peak of fair play and right dealing, and no-one can logically argue that a worker should not be safeguarded in the matter of compensation from the time he leaves for work until he returns home. It is essential for him to go to work; it is equally essential for him to travel home from his work, and industry should bear the burden of ensuring his safety in the matter of compensation. This provision has been adopted in other States. The Royal Commission, at page 17 of its report, states—

> Subject to necessary safeguards, that compensation be provided for workers injured whilst travelling to and from employment.

Hon. Sir Charles Latham: And the report continues, "See New South Wales and Queensland Acts."

Hon. E. M. HEENAN: Yes. Those States are to be commended for having made this provision. I am in agreement with members who maintain that there should be reasonable safeguards, but I approach this problem from the point of view that 99 per cent. of the workers, using that word in its widest sense, are honest and do not want to meet with accidents. We hear of malingerers. There are malingerers, as there are thieves, robbers and murderers, but they form an infinitesimal section of the community. I believe there have been cases of workers who have chopped off their toes, but the number would be small. I agree that a worker who, through foolishness, carelessness or negligence, meets with an accident and is compensated, is a burden on his fellow workers. The fewer accidents and the more safeguards we have, the better it will be for all concerned. Workers should be covered by insurance whilst travelling to and from work.

Hon. H. HEARN: I have listened with interest to the way in which some members speak of modern trends, how some appeal to employers to be generous and how others say that every movement, as long as it takes money out of the employers' pocket, must of necessity be for the good of the State. The clause will be a costly one. In New South Wales, for the year ended the 30th June, 1947, these accidents comprised 3.7 per cent. of the total number and cost 3.9 per cent. of the total compensation paid. Those are the latest figures available.

Hon. G. Bennetts: Would you compare New South Wales with Western Australia?

Hon. H. HEARN: Yes, in proportion to population. A civil claim lies in most of these cases. If we must have this provision, then let it be clearly stated that the employer shall be the last man to pay, and not the first.

Hon. G. Fraser: Why?

Hon. H. HEARN: If there were a civil claim, there should be some safeguard to see that every avenue was explored before any payment was made under this measure. We are enjoying prosperous times at the moment, but one of these days the situation will be reversed. Here we are burdening industry with additional loads by these suggested improvements. I believe some adjustments are necessary.

Hon. G. Bennetts: Why crucify the worker?

Hon. H. HEARN: That will be the day, when he is crucified! We must not be led away by the abnormal times, but preserve a reasoned and balanced judgment, and do the fair thing to both sides. To my mind, it is quite unfair to the employing classes to ask an employer to be responsible for what happens after a man leaves his factory or his home.

Hon. G. FRASER: Mr. Hearn said that we want to do the fair thing to both sides. That is what the Bill does in this particular item. Since workers' compensation has been in operation, the worker has had to meet the cost of all accidents that have occurred during these particular periods. We want that responsibility shared. Why does a man make the journey to work and the return home? Is it not to do his day's work?

Hon. W. J. Mann: Why does he work?

Hon. G. FRASER: If he makes a journey to do a job, he should be covered during that period.

Hon. A. L. Loton: He is not compelled to go to the job.

Hon. G. FRASER: The only fault I find with the clause is that it contains some words I would rather see omitted, namely "an injury sustained during or after any interruption of or deviation from the journey." Those words apply to an accident happening after an interruption. I agree that a certain safeguard is placed in paragraph (IV) of the proviso where the board may decide whether the interruption was justified. If the board were not to be granted that power, I would move to delete the words I have referred to. A man might deviate from the road home for a number of reasons.

Hon. W. J. Mann: He might want to have one!

Hon. G. FRASER: He might want to have a haircut, or buy tools of trade for his job. I am hoping that paragraph (IV) of the proviso will cover these points.

The Honorary Minister for Agriculture: I think it does.

Hon. G. FRASER: Until the Act has been in operation and we know the decisions on these points, we will not be aware of whether the board has the power that we now think it will. I do not think there will be a great number of claims under this heading. Of course, we can prove anything with figures. Mr. Hearn has proved, using New South Wales, that these cases are a little over 3 per cent. of the total. It is much easier to meet with an accident in Sydney than in Perth.

The Honorary Minister for Agriculture: Especially if you want to get off a tram.

Hon. G. FRASER: Yes. The 3 per cent. in Sydney would possibly mean only 1 or 1½ per cent. here.

Hon. H. Hearn: That is merely guesswork.

Hon. G. FRASER: I admit that, but I think it is somewhere near the mark. I oppose the amendment.

Hon. J. G. HISLOP: I have felt torn between two ideas in regard to this clause. I see the worker's point of view, that work continues from the door of his home until his return to that door. I can also see the idea of industry, that the man should be protected only whilst actually carrying out his employment. There are points in favour of both sides. Having, unfortunately, been born into this world, we must live, and in order to live we must earn, and in order to earn we must work, and we must travel to work. It is a necessary corollary to living.

Hon. A. L. Loton: That should be our own personal responsibility.

Hon. J. G. HISLOP: We should view it more in the nature of the responsibility of every citizen to protect the other, rather than that one section should be called upon to bear the cost. I can sympathise with the person who says, "Very well, should a man, who meets with an injury when travelling home, be protected?" I would be inclined to go that far were it not for the fact that over the past years in this State, and later all over Australia, the words, "injury by accident" have come to mean something that we do not understand. If we believe that by this legislation we are protecting a man who, while travelling in a bus, gets injured because something runs into it, then we might consider safeguarding him to that extent.

Hon. R. M. Forrest: Is he not covered by third party insurance?

Hon. J. G. HISLOP: He could be.

Hon. Sir Charles Latham: He is.

Hon. J. G. HISLOP: If we are going to stretch it to the point that an injury by accident is an unforeseen occurrence whilst at work then, as the interpretation is today, we are going to cover everything.

I have had handed to me by Mr. Watson a very interesting report on a case in Victoria, Allen v. Younghusband Limited, and the story is as follows: This man, setting out to work one day, began to suffer a pain in his chest. He walked down the hill towards the railway station and then decided that he was too ill to continue and he climbed the hill back to his home and there he eventually died. There is a whole page and a half of twaddle—I regard it as first-class legal twaddle—in which they agreed that this constituted an accident under the Workers' Compensation Act. They start off with this peculiar premise and it has gone through every court in Australia; I suppose by speaking as I am I will bring down on my head every legal man in the Commonwealth. They stated that if this man was suffering from a thickening of his coronary arteries, it would ultimately result in death by a clotting of that artery.

We in the profession have been at very great pains to make extensive studies into this matter and there have been many reports written showing that a coronary occlusion can occur at any hour of the clock irrespective of what a man is doing. It is quite possible that the origin of this man's death really started in his constitutional make-up some 20 or 30 years before, and it is very doubtful whether the time of that man's death was influenced by what he did. It is difficult to assume, for instance, that an artery will clot while a man is undergoing effort, because while he is undergoing effort, his circulation will be increased and his vessels will tend to stay open. His vessels are more likely to clot when he is at rest.

Here we find, in this particular case, that the moment the man leaves his home and begins to walk a matter of a few yards, he experiences this pain. In other words, the clot had started, quite possibly, in the man's sleep and the first evidence of it was when the man made an effort. If workers' compensation is to be stretched to the point of paying compensation when a man dies from natural causes, it will be a burden on industry. I have recently made the boast that if somebody brings to me a report of a worker who has done some strenuous work the day before being found dead in bed, I might win a claim for him under the Workers' Compensation Act. We have to be very careful that we do not stretch the Workers' Compensation Act and make a social security measure of it.

Hon. A. Thomson: That is what the Bill is attempting to do.

Hon. J. G. HISLOP: There is a big difference between the two factors. If it is possible to limit the clause to what we all believe is an accident, then there is no necessity for it at all. Some people say that there is not, on the basis that the man is covered by third party insurance, but it may be an instance where a man is walking along the street and something in the way of an accident happens and he falls and breaks his leg. He certainly is not covered by third party insurance in that case, and therefore we may have to cover that man for his accident. But I do suggest that if we leave the words "injury by accident" as they are without defining what we mean, we will stretch it until we get the sort of instance I have quoted and where industry was forced to pay out £1,000. Can industry bear that cost? I doubt it.

Hon. E. H. Gray: Industry bears it in New South Wales.

Hon. J. G. HISLOP: When faced with such problems, I would rather see the Workers' Compensation Act lapse if we could, as a nation, institute a proper social security measure.

Hon. E. M. HEENAN: I pay a lot of respect to the opinions expressed by Dr. Hislop but when he referred to the case he quoted, which apparently was tried before a high judicial tribunal, as "twaddle"—

Hon. Sir Charles Latham: That would hurt a lawyer's feelings!

Hon. E. M. HEENAN: —I do not think he did himself credit or the argument that he was trying to make—

Hon. H. K. Watson: It was tried before one of these boards.

Hon. E. M. HEENAN: —because I would point out to Dr. Hislop that that relating to workers' compensation is one of the most scientific branches of the law. It has been evolved over many years and wise interpretations have been arrived at as a result of the brains and effort of the most

eminent legal men in the House of Lords, the High Court of Australia and in the various courts of the States. In arriving at those decisions, these men have been assisted and guided by the most eminent members of the medical profession. Cases dealing with coronary occlusion—which is the case quoted by Dr. Hislop—are a branch of medical science on which the members themselves hold divergent views.

Hon. Sir Charles Latham: Like the lawyers do.

The Chief Secretary: That decision was given on medical evidence.

Hon. E. M. HEENAN: No two cases are alike, and eminent heart specialists do not always agree upon causes bringing about certain conditions. Even today the medical profession leaves us in the dark about the question of poliomyelitis. And what divergent views they hold about that! There are arguments for and against all these cases and in the instance in question, a significant feature seemed to be that this man developed a pain in his chest as he walked down a hill. The condition apparently affected him and worried him to a degree where he decided not to go to work but walk up the hill again. I have not read the case but I think most people would agree that the effort entailed had something to do with that man's death. Dr. Hislop missed the point that the case was decided in keeping with established cases of the various courts—

The Chief Secretary: And on medical evidence, too.

Hon. E. M. HEENAN: Yes, and on medical evidence. If that man had been at work and had been walking along to get his crib or light his cigarette, it would have been an accident just the same. It is an extreme case and we occasionally get them where fine legal and medical questions arise, and the highest tribunals in our land decide them. They are not one per cent. of the average cases. Dr. Hislop sidestepped the main issue, which was that the man had to get to work and after getting to work he still had to get home again; and it is up to industry to deal with that phase. If a man with a heart condition such as that described drops dead in a factory while walking about or when going home from work, I claim that it is an accident in accordance with the decisions of the courts and his dependants should be paid.

Hon. R. M. Forrest: Would you not call that an illness?

Hon. G. Fraser: Not necessarily.

Hon. E. M. HEENAN: Every case is different.

Hon. H. Hearn: Call it an act of God.

Hon. E. M. HEENAN: I would not call it anything, but the highest tribunals in the land have been set up for the purpose of deciding whether the man or his dependants should get compensation or not.

Hon. E. H. GRAY: I have listened carefully to the debate on this clause and I think the attention of the Committee should be drawn to the fact that the chairman of the Royal Commission paid a visit to the Eastern States to see how this particular provision worked out over there and his recommendation has been adopted in the Bill. This question was debated for a long time in 1924 and, from memory, I believe, similar legislation is in operation in Canada and the United States of America. Mr. Hearn's argument about the expense is in its favour, as 3.7 per cent. is very low. If that is all it is in a highly congested place like Sydney, the rate should not be 2 per cent. here. This is a vital portion of the Bill, and I hope it will be retained.

Hon. R. J. BOYLEN: I oppose the deletion of the paragraph. Obviously, in most instances the workers would not be travelling for any reason other than compulsion.

Hon. H. K. WATSON: Why should not the State bear this burden, or let Mr. Chifley provide for it out of the hundred millions he is spending on social services? It is wrong that the responsibility should be placed upon industry. The Minister has said that the provisos would afford a safeguard, but the weakness is that all such matters have to be proved legally, and the onus of proof is placed on the employer. Very little imagination is needed to realise the difficulty the employer would have to produce evidence as to where the worker was at the time or what he was doing on his way home.

Hon. Sir CHARLES LATHAM: Why should we limit the liability to the time when a man is going to and from work? Why not provide for complete insurance against accidents? Workers are important

in industry, and are just as likely to meet with an accident at home.

The Honorary Minister for Agriculture: That is a far-fetched argument.

Hon. Sir CHARLES LATHAM: It is not. An employee might leave his work, mount a motor cycle and meet with an accident—something over which the employer would have no control. While he is under the control of the employer, the employer should bear the responsibility, but not otherwise. Would anyone suggest that every worker went straight home? How long would it take a man to go home? In my opinion, the Royal Commission picked out provisions from other Acts and recommended their adoption here. It is unfortunate that the evidence taken by the Commission has not been tabled. We should be careful not to overload industry. Many employers are not making as much as their employees are getting, but there is no compensation for them, apart from the insurance they themselves pay for. Workers might well be encouraged to take out accident policies that would protect them while going to and returning from work, as well as in their own homes. Would a worker be considered to be at home when he got inside his own door?

The Honorary Minister for Agriculture: I should say that the gate was the limit.

Hon. Sir CHARLES LATHAM: And if he met with an accident inside the gate, he would probably say it had occurred on the footpath. Mention has been made of a cost of 3 per cent. A few such imposts would be sufficient to close down quite a number of businesses. The proposals in the Bill are very generous and, if adopted, we shall be leading the way.

The Honorary Minister for Agriculture. Where?

Hon. Sir CHARLES LATHAM: In most States, the limit is £1,000, and here it is proposed to provide £1,250.

The CHAIRMAN: Order! The hon. member is not in order in anticipating clauses.

Hon. Sir CHARLES LATHAM: I thought I would be rude if I failed to reply to the Honorary Minister.

The Chief Secretary: And you are out of order in replying.

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

Ayes	16
Noes	10
Majority for	6

AYES.

Hon. C. F. Baxter	Hon. A. L. Loton
Hon. L. Craig	Hon. W. J. Mann
Hon. H. A. C. Daffen	Hon. G. W. Miles
Hon. R. M. Forrest	Hon. H. L. Roche
Hon. Sir Frank Gibson	Hon. C. H. Simpson
Hon. H. Hearn	Hon. A. Thomson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. L. A. Logan	Hon. Sir Chas. Latham (*Teller.*)

NOES.

Hon. G. Bennetts	Hon. W. R. Hall
Hon. J. M. Cunningham	Hon. E. M. Heenan
Hon. E. M. Davies	Hon. H. S. W. Parke
Hon. G. Fraser	Hon. G. B. Wood
Hon. E. H. Gray	Hon. R. J. Boylen (*Teller.*)

Amendment thus passed.

Hon. J. M. A. CUNNINGHAM: I mov an amendment—

That in line 2 of subparagraph (ii) of para graph (c) after the word ''follows'' a ne paragraph be inserted as follows:—

(ca) For the purposes of the said tabl the words ''loss of the genital organs'' sha also include ''mental, psychological, o physical incapacity for work at a rate o pay equivalent to that for the work at whic the worker was employed at the time of th accident, when such incapacity arises out o mutilation of, injury to, or loss of all or an of the genital organs.''

My reason for moving this amendment i that all the time compensation legislatio has been in operation in Western Australia there has been no coverage for this particula disability. I would like to have it made quit clear why compensation is paid. If a ma receives compensation for the loss of a foo or a hand, the money is given for one o two purposes—to compensate him either fo the loss of the limb or for the loss of th ability to earn.

The Honorary Minister for Agriculture That is where you have slipped. It is fo the loss of capacity to earn.

Hon. J. M. A. CUNNINGHAM: Tha is what I am trying to get at. If it is a ca of the loss of a limb, we must believe tha the man actually does not lose in any wa the capacity to earn. I do not believe tha is so. During the last war many men su fered a great deal from the psychological r action to injuries which they sustained. Thes people are known as psychopathies and t day most of our hospitals are pretty we

filled with them. The infrequency of the type of injury with which my amendment is concerned and which has the psychological reaction to which I have referred, is no reason for not providing some coverage for it. Nor is the fact that it is a matter which would be difficult to police any reason why there should be no compensation.

The psychological reaction to an injury such as the amendment covers is such that a man's capacity to earn a normal wage and live a normal life is impaired. I have seen an accident of this kind occur and have witnessed the result in the man's life subsequently. His life was completely ruined. In fact, he lost all interest in life. There is a parallel case that I would quote of a man in Kalgoorlie who suffered particularly cruel mutilation to his skull and great facial disfigurement. The only compensation to which he was entitled was hospitalisation. Today his voice is completely unrecognisable. His face has, to a certain extent, regained its normal appearance, but he is inconvenienced by a false palate. The upper part of his jaw had to be replaced. Plastic surgery had to be resorted to and that man came out of hospital completely changed. That was not because he could not work the same as before.

The accident did not stop him from working so far as his physical ability was concerned, but the psychological reaction was as injurious to his capacity to earn as would have been the case if he had lost an arm or a leg. He was entitled to nothing; but owing to the efforts of Dr. Radcliffe-Taylor, he ultimately obtained special compensation of about £200. I quote that to indicate that the medical profession realises that there should be some form of compensation for an injury which, although it does not interfere with a man's physical ability to earn, does definitely affect his ability, as the result of psychological reaction, to live a normal life.

The HONORARY MINISTER FOR AGRICULTURE: This is an unnecessary amendment and I intend to oppose it. If the loss of an organ occurs and the worker is incapacitated, he is provided for in the First Schedule. Compensation is paid to a worker who cannot work.

Hon. Sir Charles Latham: Or is unable to earn a full living.

The HONORARY MINISTER FOR AGRICULTURE: When he gets well he returns to work. If his accident does not interfere with his work when he has recovered, I do not see why this provision should be inserted and he should receive compensation.

Hon. G. FRASER: I cannot follow the Honorary Minister's argument when he says this position is covered. All this amendment proposes to do is to include the matter in the First Schedule. If the position is already covered, this will merely be a little extra wording in the First Schedule; but I doubt whether the Minister's statement is correct as to its being covered. I admit this is a very rare occurrence. I suppose that in my time I have handled hundreds of workers' compensation cases, and only twice have I struck any that came under this heading. The First Schedule covers a man when the accident occurs. When he reaches the stage of being certified as fit to return to work he is not covered but I have known these men to resume employment and because of the psychological effect on them—

The Honorary Minister for Agriculture: Does it have that effect?

Hon. G. FRASER: It has a very great effect indeed. In both the cases of which I had experience, it was not long before the men were absolutely settled so far as working was concerned; and they finished in the Old Men's Home, although they were not old men at all. I think this provision should be included in the Act. I admit that if it were in the Second Schedule difficulties would arise, because many factors would have to be taken into consideration. The age of the man would need to be considered, because a man of 60 would not be in the same position as a man of 25. Seeing that it is intended only to bring these under the First Schedule, which deals with weekly payments, I think it should be included. In all my experience I have known of only two such cases, so it would not be a great burden on industry. It would constitute a compensating factor for the man who was unfortunate enough to meet with an accident of this type. It is when he resumes work and realises that he has lost his efficiency and must again give up his job, that there is nothing to bring him under the First Schedule.

The Honorary Minister for Agriculture: There might be a lot of argument as to the degree of his incapacity.

Hon. G. FRASER: The medical profession are the best and only judges of that sort of thing.

Hon. J. M. A. Cunningham: It could be decided by a board of three medical men.

Hon. G. FRASER: The medical officer who attended the injured man in the first place would know what the trouble was. I think the Committee should agree to the amendment.

Hon. J. G. HISLOP: A serious accident of this sort could lead to premature senility. It is difficult to place in an Act of this character the words "mental" or "psychological" when applied to an injury, but it has been established that a neurosis ensuing upon worry or fear or any other nervous reaction to an accident is not compensable. If it were so, it would leave the door wide open to abuse. I think the position is covered because it is laid down that such mental or psychological disability must follow this particular injury. I believe it is sufficiently safeguarded to be allowed to go into the measure. In a case of this kind there is risk of a definite early premature senility that could well lead to the deterioration of a man's earning capacity.

Amendment put and passed.

Hon. J. G. HISLOP: I move an amendment—

That in lines 4 and 5 of proposed new Subsection 5 (2) of Section 6 the words "referred to in the first column of the Second Schedule of this Act" be struck out.

Last night I suggested that we might give the board power to send any case to a medical board, rather than limit it to those cases coming under the Second Schedule. If it were unable to send doubtful cases to the medical board, the compensation board would be handicapped. It would be preferable that the medical evidence be available to the board in written form rather than that there should be perpetuated the idea of having medical men on both sides. Years ago I was written to by a lawyer who found himself in difficulty in that regard. As the other side had four medical men he asked could I find five to agree with him and so give him the balance of weight of medical evidence. Anything we can do to improve that position would be in the interests of the Bill, and I do not think we should limit the power of the board to send any cases it thought fit to the medical board.

The Honorary Minister for Agriculture: I am not clear what is in Dr. Hislop's mind, but I take it he thinks these questions should be referred to the medical board.

Hon. J. G. HISLOP: The board should have power to refer cases to the medical board.

The HONORARY MINISTER FOR AGRICULTURE: The compensation board now has power to refer these questions to any medical officer. Why not leave it to the former? It could well be left in the hands of the board which would, if thought advisable, call in medical advice.

Hon. J. G. HISLOP: It is not mandatory on the board. The provision limits its power to send cases to the medical board to injuries coming under the Second Schedule. It cannot refer to the medical board cases coming under the First Schedule. I do not think we should limit the board in that way. Very often what appears to the layman to be varying medical opinion is not so much at variance to the minds of medical men, as often very much the same decisions are arrived at on what might look like widely opposed views.

The Honorary Minister for Agriculture: The compensable items are clearly laid down in the Second Schedule. Does Dr. Hislop wish to take that away?

Hon. J. G. HISLOP: No. I would leave with the board the right to send any case to the medical board. Otherwise the compensation board might find itself unable to refer to a medical board heart cases, psychological cases, or accidents involving brain injury.

The HONORARY MINISTER FOR AGRICULTURE: After hearing Dr. Hislop's explanation that he proposes to give the board greater powers, I will not press my objection, though I would like to hear what other members have to say.

Hon. J. M. A. CUNNINGHAM: I have an amendment to Clause 7; should it not be dealt with at this stage?

The Honorary Minister for Agriculture: Is it not consequential?

Hon. J. M. A. CUNNINGHAM: No.

The CHAIRMAN: We must deal with the matter at present before the Committee.

Amendment put and passed.

Hon. J. M. A. CUNNINGHAM: I move an amendment—

That in line 6 of proposed new Subsection 5 (2) of Section 6 after the word "may" the words "and if the parts of the body be genital organs, shall," be inserted.

This would probably be a contentious type of case and I think the final decision should rest with the board of medical practitioners.

The HONORARY MINISTER FOR AGRICULTURE: I do not know whether this amendment conflicts with that of Dr. Hislop, who thinks the compensation board should deal with all these matters. This amendment would refer them to three medical practitioners.

Hon. J. G. HISLOP: Under the provisions of the clause as they stood, it would have been impossible for the board to refer to a medical board anything except cases coming under the Second Schedule. I would trust the board because I think it will become very useful and it should be able to refer any matter to the medical board. Mr. Cunningham desires that in this particular case we should provide that it shall, and must, refer it to the medical board. I do not think we should tie the board's hands in that way and I believe Mr. Cunningham would be well advised to leave the wide general powers with the board. I would suggest that the hon. member withdraw his amendment.

The HONORARY MINISTER FOR AGRICULTURE: I agree with the remarks made by Dr. Hislop. Mr. Cunningham would be wise if he withdrew this amendment.

Hon. J. M. A. CUNNINGHAM: After hearing Dr. Hislop's explanation, I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Hon. J. G. HISLOP: I move an amendment—

That a new subsection be added as follows:—

(5b) For the purpose of determining the question referred to it as aforesaid the Medical Board shall proceed in manner following:—

(i) Each medical practitioner shall individually examine the worker and forthwith thereafter submit to the Chairman of the Medical Board a separate report in writing of his findings resultant from the examination.

(ii) After the submission of such separate reports the Medical Board shall hold a meeting whereat the worker shall be available, and at such meeting the Medical Board shall determine as aforesaid the question referred to it.

(iii) Within fourteen days after the holding of its meeting the Medical Board shall submit to the Board the separate reports of the members as well as a report of its finding in determining the question referred to it, and such report shall be in writing and be signed by each member of the Medical Board.

(iv) The Board may at the request of the worker, or if any member of the Medical Board arrange for the worker's own medical practitioner to give evidence at the meeting of the Medical Board.

My desire is to make the medical board efficient. If the decision of the medical board is to be final and binding, I want the worker to receive the considered views of three men as they should be given. By the worker being examined separately, each doctor will be able to give his whole and undivided attention to the case. He will then have to submit his opinion in writing to the chairman of the medical board. By compromise and discussion they can give a considered joint opinion which is referred to the board itself.

I have made it clear that the board should receive not only the joint report of the three members of the board, but it should also be in a position to receive the individual reports of those men because the board might wish to be guided at some time or other by the minority opinion of a medical board. It might also arrange for the worker's own doctor to give evidence before the board, and who better can give such evidence of a worker's condition than the worker's own medical attendant?

Hon. H. A. C. Daffen: Suppose he lives at a great distance?

Hon. J. G. HISLOP: I have simply made it: "That the board may arrange." If the Committee likes to make it "if possible" I do not mind a bit. The number of times that a man's own medical practitioner will be called in to the board will be very few. I discussed these amendments with my brother practitioners who are probably some of the leading specialists in Perth, and we believe that this method of handling a medi-

cal board will, even though it entails further visits by the worker, give him a considered opinion that he could not receive in any other manner.

The HONORARY MINISTER FOR AGRICULTURE: This is a very cumbersome amendment. At present there is a joint board that examines the workers. By this amendment there will be two or three medical practitioners each examining the worker separately. Suppose they differ, what sort of a business will it be to go to the board with separate reports for study and discussion? There is no objection to the worker's own medical adviser attending the board to give evidence. As far as I know the present method works very well, and I oppose the amendment.

Hon. L. CRAIG: I am in accord with the Minister. The practice proposed to be set down by Dr. Hislop would be a dangerous one. Imagine a doctor separately examining a worker, putting his opinion in writing, and then meeting as a member of a board of three with perhaps one or two of them finally retracting what they have written. In my opinion, there is no difference between that and the position in this House. Members enter the Chamber individually committed to a Bill, and then, after hearing arguments put up by others, change their views. I think it would be a mistake for a medical adviser to commit himself to a statement on a man's condition and then to more or less publicly retract it.

Hon. E. H. GRAY: I am astonished that the Honorary Minister did not agree to the amendment, because I think it is a splendid move. The three members of the board will examine the patient and put their opinions in writing. After they have seen the patient's own doctor, the members of the board will be able to reconcile their own opinions.

The Honorary Minister for Agriculture: Why cannot they do it as a board?

Hon. E. H. GRAY: Everyone knows the great difficulty confronting the medical profession in these problem cases, which result in the distress and suffering of genuine patients. The doctors are to be congratulated upon submitting this amendment, which is calculated to help solve a difficult problem. They have a great deal more experience in these matters than we have.

Hon. J. G. HISLOP: The number of cases that will be referred to a medical board will not be great, but they will be contentious ones. I and a large number of my colleagues disapprove of the present set-up, and if the Committee should decide against what I suggest, I shall ask that the Bill be recommitted. I would never be guilty of extending my approval to the present set-up, particularly if the medical board's decisions are to be regarded as final and binding. If they are to be final and binding, the amendment I have proposed should be accepted.

Members of the medical profession have been treating workers' compensation cases for many years, and if I could use the words of one of my colleagues regarding the present set-up of medical boards, members would appreciate that his condemnation was much more vigorous than I have indicated in my remarks. I do not think that three medical men sitting together can do justice to any man's claim. If the present set-up is to be maintained, I shall henceforth refuse to sit on any medical board. If what I have suggested is accepted, I will be prepared to submit my findings in writing and I shall certainly not be afraid to do so. If workers' compensation matters in this respect are to be in the hands of a board, it must be able to do its work efficiently.

Hon. G. FRASER: The workers in the past have been equally as dissatisfied as the doctors themselves with the medical boards that have been set up. This has been a bone of contention for many years. The amendment will certainly give greater satisfaction to both medical men and workers. I quite appreciate the truth of the case submitted by Dr. Hislop during his second reading speech. A doctor could give far more thorough and useful attention to a case if he examined the man in the privacy of his consulting room, whereas similar results would be impossible if three doctors were sitting together. I think the suggestion is worthy of a trial and I support the amendment.

Hon. R. J. BOYLEN: Dr. Hislop and his colleagues are to be commended for having submitted such a proposal. As to Mr. Craig's suggestion that doctors might have to retract their findings if they furnished them in writing, I think the doctors in submitting this proposal, have taken into consideration not the feelings of medical men themselves but of the injured workers.

Hon. E. M. HEENAN: When I first read the amendment, I regarded the method proposed as unnecessarily involved and possibly unduly expensive. Upon realisation that it represented the recommendations of men most competent to deal with the subject, and in view of the past criticism of medical boards, together with the fact that only the most difficult cases would be submitted to the doctors, I concluded that it should be supported. The suggestion has been submitted by the doctors themselves with the best of intentions in order to avoid the possibility of misunderstandings and some of the unsatisfactory features of which we have heard so much in the past.

Hon. G. BENNETTS: I support the amendment. While some extra expense may be incurred, additional benefits will certainly be derived under the procedure suggested. When Dr. Byrne was in Kalgoorlie, he took an interest in workers' compensation matters and his opinion coincided with that expressed by Dr. Hislop this evening. He claimed that the examination by individual doctors would be better for both worker and employer.

The HONORARY MINISTER FOR AGRICULTURE: I still oppose the amendment, despite what members have said, because I regard it as cumbersome. What is wrong with the provision in the Bill? The officers of the State Government Insurance Office consider the present method has worked very well and that the one proposed now would be cumbersome and expensive. The worker could have his own doctor present at the examination and the medical board no doubt would seek his advice.

Hon. J. M. A. CUNNINGHAM: I support the amendment. I can readily appreciate why doctors would prefer to examine contentious cases individually in private in their respective rooms. I have had experience in this respect. I had to go before three doctors on three separate dates. The examination I went through was much more thorough and searching than it would have been had I had to appear before two or more doctors at the one time. Under the method suggested, a doctor could conduct a thorough examination in the privacy of his room and submit his findings in writing for consideration by the board. The method proposed was that adopted in the Air Force when men were being considered for discharge owing to some medical disability. I do not think the diagnoses would be vastly different if the doctors conducted their examination individually.

Hon. L. CRAIG: I do not oppose individual examinations but approve of them. I do not think a board could examine a man as satisfactorily as would be the experience if the doctors conducted separate examinations. On the other hand, I know human nature—especially professional human nature. If a professional man submits his decision in writing, he will display great reluctance in departing from it. Let any member secure an opinion from a King's Counsel and see if that authority will retract his opinion. If the words "in writing" were deleted, I would approve of the suggestion. People will do extraordinary things if they submit matters in writing. On the other hand, when people have come to me and made charges against the Government or against officials and I have asked them to put their statements in writing so that I can take the matter up with the Minister or raise the question in the House—

The Honorary Minister for Agriculture. Have you got them to do it?

Hon. L. CRAIG: Not one of them. During the 14 years I have been in Parliament, I have not had one.

Hon. C. F. Baxter: That is a good job for you—as a member in another place has found out.

Hon. L. CRAIG: It is a different matter when a man is asked to attach his signature to a statement of that kind.

Hon. J. G. HISLOP: Mr. Craig seems to think that I, as a specialist, would not care to submit my opinion in writing. I suggest to him that perhaps it would be better to strike out the words "a separate report of the members as well as." I think that three men appointed to examine an injured person should each be prepared to submit his views in writing. Medicine is not an exact science. Many times in his daily practice a doctor finds that he has to alter his opinion. For instance, I have been attending a girl for weeks. Three other doctors are in the case, and whilst we have our diagnosis fixed, we still are not certain of the exact method of treatment. We are watching the girl's progress from day to day. I may have a fixed view at one moment which I would find it

advisable to change the following morning. I am looking after the patient's interest, not trying to establish my opinion. That is the method by which a medical board would approach this problem.

Hon. L. CRAIG: Perhaps it is impertinent on my part to continue this discussion. The medical practitioners appointed to a board might be experts in their particular lines, but one might be a heart specialist, another a nerve specialist and a third an ear, nose and throat specialist. We could not expect a heart specialist to put in a separate finding in writing on an ear, nose and throat case, or on something foreign to his practice. That would not be fair to him. Let him make a report, if he cares to do so, but do not ask him to submit it in writing. Let me tell the Committee this story. When the Medical Congress was here a few months ago, after the meeting at the University I was sitting in front of the fire with three of the top men, Sir Charles Blackburn, Professor Walsh and another. They were talking about coronary occlusion.

I listened to them with wide-open ears and eyes, and said, "You are all at the very top of your profession and, so far as I, as a layman, can see, there is a lot you do not know." They replied, "Indeed so." Sir Charles Blackburn said that he had two patients some years ago with exactly the same symptoms. Both had extreme coronary occlusion. He said to them, "You must be careful what you do in the future; you must not lead an active life and must be careful of your diet. You must lead a very ordered life, under control, more or less." One of the patients, who was a bit frightened, followed this advice exactly. The other patient said, "If I have to die, I shall die the way I am going to die, in my own way. I am going to lead the same life as I have led, but a little faster." Sir Charles Blackburn said that the man who followed his advice died within six months, and that the other man, who took no notice of his advice, saw him ten years afterwards in the street and put his fingers to his nose at him.

Sir Charles was indicating how even top men make mistakes. He told me of another case of coronary occlusion. The man was a personal friend of his. Sir Charles said, "I sat by his bed the whole night, as I thought he would die at any hour. I felt confident he would not live through the night. Three years afterwards he played in the Victorian Amateur Golf Championship." Members will see how easily mistakes can be made. My contention is that it is not fair to ask these experts each to make a separate report in writing. I hope that Dr. Hislop will agree to the deletion of the words "in writing." He has already agreed to the other amendment.

Hon. J. G. HISLOP: I wish to make it quite clear that I have not agreed to the other amendment.

Hon. L. Craig: You suggested it.

Hon. J. G. HISLOP: I said that any other member could move it, should he so desire. I leave the matter to the Committee to decide. I did not quite realise that Sir Charles Blackburn could have had such fun at the expense of a man like Mr. Craig. He must have been enjoying himself thoroughly. It is interesting to know, however, that a man like Sir Charles Blackburn will admit that he does make mistakes, and that his diagnosis of coronary occlusion was right in one case and wrong in the other. I suggest that the Committee forms its own opinion on this matter. I point out, however, that the three members of the medical board would, in the vast majority of cases, all be engaged on the same type of work. A nose and throat specialist would not sit on a board dealing with a knee injury. The members of that board would be men whose opinion on a knee injury would be valuable.

Hon. G. FRASER: If the position were reversed and Mr. Craig had put this amendment on the notice paper, I might be inclined to support it, and had Dr. Hislop desired to strike out the words which Mr. Craig wishes to be deleted, I might support him, as I would take the view that he would be speaking from the professional point of view and might think that we, as laymen, were trying to put over something that the medical profession did not want. The position is that Mr. Craig, a layman, is trying to prevent the doctor from doing what he wants to do. I am prepared to stick to the clause. If the medical profession is willing to carry this out, let it have a go at doing so. I hope the amendment will be defeated.

Amendment put and passed.

Hon. L. CRAIG: May I move to amend that now?

The CHAIRMAN: Only by recommitting the Bill.

Hon. L. CRAIG: But it was not in before.

The CHAIRMAN: The hon. member could have moved to amend the amendment while it was before the Committee. The amendment has been agreed to and no further action can be taken on it in this Committee. If the hon. member wishes to deal with it, he can do so on recommittal.

Clause, as amended, agreed to.

Clause 8—agreed to.

Clause 9—Section 8A added. Compensation for hernia:

Hon. C. F. BAXTER: The great majority of hernia cases are not caused by industry. I move an amendment—

That Subsection (4) of proposed new Section 8A be struck out.

Subsection (4) and paragraph (c) of Subsection (1) are contradictory, and we cannot make them agree. The sponsors of the Bill are reported to have quoted a statement from New Zealand as follows:—

According to MacDonald on "Workers' Compensation in New Zealand" the concensus of medical opinion is that traumatic hernia, which I understand is caused by direct injury, is rarely met with, and most of the so-called ruptures attributed to accident or strain are not the result of employment but are coincident with it. At present practically 100 per cent. of the hernias are claimed as work-caused, and insurers have no alternative but to admit the claim as compensable. From the records, I found this matter had received the attention of what I think is known as the industrial committee of Trades Hall, which made a recommendation that the provisions of the New Zealand Act should be incorporated in any amendment to the Workers' Compensation Act. A comparison between the clause in this Bill and the New Zealand provision will show members that this has virtually been done.

The HONORARY MINISTER FOR AGRICULTURE: I strongly oppose the amendment. Surely a worker is not to be penalised because, for some justifiable reason, he fails to report. The matter is in the hands of the board. Does anyone think the board would give a decision against a worker if it considered the failure to report was excusable? The board, in effect, is a court presided over by a man qualified to be a judge.

Hon. E. H. Gray: It would penalise the best type of worker.

The HONORARY MINISTER FOR AGRICULTURE: Of course it would.

Hon. J. G. HISLOP: Someone had some joy in putting this hernia provision in, because it means nothing and never will. We must make up our minds whether we shall or shall not pay for hernia under the Workers' Compensation Act. We can hedge the matter around with all the provisions we like, but they still will not mean anything. This is an attempt to get over an abstruse medical problem by words, but it does not get over anything. The failure to notify a hernia will not influence the question.

Hon. R. J. Boylen: Is it possible for a medical practitioner to say whether a hernia occurred today or a month ago?

Hon. J. G. HISLOP: I do not think so. At times surgeons have been sent to operations to see the state of the hernias, and they were still unable to form an opinion. The medical profession is generally of the opinion that this is one of the most difficult and contentious matters in the Bill, and, after having had a look at the clause, decided to leave it alone.

Hon. A. Thomson: Does hernia occur in the course of a man's employment through lifting heavy weights?

Hon. J. G. HISLOP: The liability to a hernia is always present in a particular individual. Whether it occurs on some specific occasion, or is aggravated, is beside the point. It is a constitutional disability which becomes evident. It might become evident by coughing at home, and possibly would not worry the man very much until he lifted something at work the next day, when he would immediately report it. We must face the question quite squarely of whether we shall accept it or not.

Hon. L. Craig: What do you think we should do?

Hon. J. G. HISLOP: My opinion is that we should not accept it.

The Honorary Minister for Agriculture: That has nothing to do with the question here.

Hon. J. G. HISLOP: It would be quite as just to say that we shall not pay for hernia as to say that we shall. I cannot help in the matter.

Hon. E. M. HEENAN: Hernia cases are always most difficult and complicated. Apparently it is hard for members of the medical profession to diagnose when and how hernias occur. It is fairly safe, from a layman's point of view, to say that a man doing lifting jobs and working hard will at least be more prone to this sort of accident; or, if it has occurred in some modified way on a previous occasion, it will be likely to develop through his work. The remarks of Dr. Hislop set forth, better than I can, the necessity for retaining this provision. If a man cuts his finger, skins his shin, or crushes his toe, it is an obvious injury and he should report it so that the employer knows that it occurred at work and that the man did not do it chopping wood at home or playing football. However, a hernia apparently can occur and the worker might not realise what has happened. Unless we provide some safeguard, a man might very well be penalised and apparently that was the view of the members of the Royal Commission when they took evidence and recommended that the usually stringent provisions regarding notice be modified in cases of hernia. They have always been cases for compensation and if lack of notice can prejudice a man and deprive him of payment, some safeguard should be made.

Hon. C. F. BAXTER: Mr. Heenan has made out a very good case in support of my amendment. My experience with hernia is that a man knows almost as soon as it happens.

Hon. E. M. Heenan: Dr. Hislop said he would not.

Hon. C. F. BAXTER: Paragraph (c) states that the employee must report within 48 hours, and yet Subclause (4) states that if he puts up a good case the board can excuse him. What is the use of saying that he must report in one part of the Bill and in another saying that he may be excused?

Hon. E. M. Heenan: He would be wise to report if he knew, but the man might not know that he had hernia.

Hon. G. FRASER: If this subclause is defeated, I intend to move to recommit the Bill to take out paragraph (c).

Hon. L. Craig: And then we'll all be at sea.

Hon. G. FRASER: No, we will not. Hernia is a difficult matter and always has been as far as compensation cases are concerned. On numerous occasions a man will meet with some slight mishap and yet does not think it worth while to report to his employer, but his mates, having seen the accident occur, are able to corroborate his statements if a hernia should develop in three or four days' time. We must either leave the Bill as it is, or if we strike out Subclause (4), then we must remove paragraph (c). When a person suffering from hernia submits his claim, he must name his witnesses, or call upon them to back up his statement. I know of one particular case where a man attempted to put something over in regard to hernia. It was supposed to have occurred on a Saturday when the men were knocking off work, and the man stated that he was helping to load a dray with the men who were going to give him a lift home. On the Tuesday a hernia developed and the man stated that the accident had occurred on the Saturday morning when loading the dray. The employer disputed the claim and the man was asked to produce evidence and witnesses. The men with him were called upon for verification of his statement and they claimed that the man had stood there but had not given them a hand. That, of course, destroyed his case. If he had given the men a hand they would have been able to prove that the hernia was caused by that work and that it had developed 48 hours afterwards. If we strike out Subclause (4) it will allow men 48 hours only to report a case of hernia, whereas it might not develop until after that time and it would debar a genuine case from getting compensation under the Act.

The HONORARY MINISTER FOR AGRICULTURE: Paragraph (c), of course is necessary and Subclause (4) is a safeguard. For various reasons a man may not be able to report within the 48 hours and it still rests with the board which if satisfied that the delay was excusable, will allow his case to be recognised.

Hon. C. F. Baxter: None of them will report.

The HONORARY MINISTER FOR AGRICULTURE: Of course they will, unless they have a reasonable excuse for not doing so. Does the hon. member think these men would take the chance? The board will not agree to every case, as each will be treated on its merits and each applica-

must have a reasonable excuse for not reporting.

Amendment put and negatived.

Clause put and passed.

Clause 10—agreed to.

Clause 11—Repeal of Sections 17, 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32 and Sections 33, 34, 35, 36, 37, 38, 39, 40, 41, 42 and 43 added:

Hon. H. K. WATSON: This clause appears to provide for the insertion of nearly a dozen proposed new sections. I think it would be better to deal with each one separately.

Hon. H. HEARN: That was the idea at the back of my mind earlier in the evening. The first question is whether we are going to have a board or not.

The HONORARY MINISTER FOR AGRICULTURE: If we take out the reference to the board, later on we can recommit the Bill and deal with the definition. If the board is rejected, the Bill must be recommitted.

Hon. Sir CHARLES LATHAM: This was discussed when we were dealing with Clause 5, and the Minister asked the Committee to refrain from dealing with it then, but suggested that it be dealt with after Clause 11. We are doing that, and now the Minister states that we are wrong.

The Honorary Minister for Agriculture: Why?

Hon. Sir CHARLES LATHAM: Because the Minister says we will have to recommit the Bill. What we wanted to do was to avoid having to recommit it and we wanted to know, when speaking on Clause 5, whether we should have a board or not.

The Honorary Minister for Agriculture: When dealing with the definition?

Hon. Sir CHARLES LATHAM: Yes.

The Honorary Minister for Agriculture: I agree with you.

The CHAIRMAN: Clause 5 was postponed until we reached this clause, but it is not possible to go back to Clause 5 immediately.

Hon. Sir Charles Latham: We cannot go back now.

The CHAIRMAN: That is so, we must finish the Bill first.

The HONORARY MINISTER FOR AGRICULTURE: At the beginning of Clause 11, the constitution of the workers' compensation board is set out. I would suggest that Mr. Hearn oppose that provision in the clause if he so desires.

Hon. H. HEARN: I object to the appointment of a board for the reasons I have already given. I oppose the proposed new Section 33, but to test the feeling of the Committee, I move an amendment—

That Subsection (1) of the proposed new Section 33 be struck out.

The HONORARY MINISTER FOR AGRICULTURE: The amendment should have been put on the notice paper. However, I am prepared to discuss the amendment and accept the decision of the Committee as a test of the question whether there shall or shall not be a board.

Hon. H. Hearn: That is all my amendment means.

Hon. Sir CHARLES LATHAM: The proposed new section is a very long one, extending as it does from page 19 to page 44.

The Honorary Minister for Agriculture: You have had an opportunity to consider it.

Hon. Sir CHARLES LATHAM: The measure is important and is very difficult to understand.

The Honorary Minister for Agriculture: I agree.

Hon. Sir CHARLES LATHAM: Am I to understand that no further discussion will be permitted until we reach the amendment of which notice has been given?

The CHAIRMAN: I want members to understand clearly that the amendment before the Chair is to strike out Subsection (1) of proposed new Section 33.

Hon. H. K. WATSON: The Honorary Minister is adopting a very fair attitude. No notice was given of intention to move for the deletion of the board, but he is prepared to have the amendment discussed as a test of whether there shall or shall not be a board.

The Honorary Minister for Agriculture: It makes no difference whether we deal with the whole section or merely with Subsection (1) in order to reach a decision.

Hon. Sir CHARLES LATHAM: The alternative is to speak against the whole of the proposed new section with a view to voting against it, but I have no wish to take that course. The proposal is to set up a board of three.

Hon. G. Bennetts: A very fair board.

Hon. Sir CHARLES LATHAM: But the personnel is the important factor. The constitution proposed for the board is somewhat similar to that of the Arbitration Court, and I want to know to whom the board will report. It will not be subject to ministerial or parliamentary control, so far as I can see, and therefore the board will be a power unto itself.

The Honorary Minister for Agriculture: You have not read the whole of the provisions when you say it will not be subject to parliamentary control.

Hon. Sir CHARLES LATHAM: But there is no approach to Parliament except through a Minister. I cannot see why a board is necessary. Very few cases have been taken to the courts and I believe the courts have given satisfaction. This board will have greater power than the courts inasmuch as there will be no appeal unless the board approaches the court for an interpretation. Thus we shall be setting a new precedent. We have 10 Ministers of the Crown, which is more than we have ever had before; we have a larger Public Service than ever before, but now we are asked to go outside to appoint a board to control workers' compensation. There is a grave danger in not providing for parliamentary control because this statute may have a far-reaching effect. Yet we are saying in effect that we have no Minister or public servant capable of controlling workers' compensation. I object to that.

The Honorary Minister for Agriculture: Would you object to that power being given to a judge of the Supreme Court?

Hon. Sir CHARLES LATHAM: Yes.

The Honorary Minister for Agriculture: A Supreme Court judge is not subject to a Minister.

Hon. Sir CHARLES LATHAM: But his decisions are subject to appeal, whereas no appeal is provided for here. I believe that the measure will be quite useful if administered as at present. If that is found to be unsatisfactory, the Act can be amended later. I desire to give the workers compensation to which they are entitled proportionate to the £750 provided in the existing Act. I shall vote against the appointment of a board. The principle is wrong; we should not pass laws to take the responsibility away from the representatives of the people in Parliament.

The Honorary Minister for Agriculture: Are we discussing the whole of the proposed new Section 33?

The CHAIRMAN: The question is to delete Subsection (1) of the proposed new Section 33.

Hon. E. H. GRAY: I cannot imagine that the Committee will accept this amendment; but if it does it will eliminate Section 17 and Sections 23 to 32 from the Act, which are very vital. I do not consider we should be discussing this amendment. We should discuss the whole of Clause 11; but if Mr. Hearn's amendment is carried—

Hon. Sir Charles Latham: The Bill will have to be recommitted.

Hon. E. H. GRAY: Yes. This is a vital portion of the Bill. It will be of great advantage to the injured workers if the appointment of a board is agreed to. It will save money to the insurance companies and injured workers.

Hon. Sir Charles Latham: In what way?

Hon. E. H. GRAY: It will do away with the unwieldy and unsatisfactory procedure under the Act today. It will help to implement the recommendations of Dr. Hislop concerning research into the prevention of accidents. It will be a terrible blow to the workers if this part of the Bill is not accepted. The chairman of the Royal Commission, Mr. Simpson, went to the Eastern States and saw boards in operation there.

Hon. Sir Charles Latham: Did you see his report after he came back from the East? I did not.

Hon. E. H. GRAY: No, but I read the report recommending the appointment of the board. I would like to see the evidence.

Hon. Sir Charles Latham: He does not make any reference to the Eastern States.

Hon. E. H. GRAY: I understand boards are in operation in three of the Eastern States—Queensland, New South Wales and

Victoria—and that they have proved successful. It is the opinion of the committee of experts which was appointed to conduct this investigation that a similar board should be appointed here.

Hon. C. F. Baxter: In what are they experts?

Hon. E. H. GRAY: There is a lot of expense and waste of money through lack of cohesion and proper procedure in compensation cases. I back Dr. Hislop's ideas to the full. He made out a splendid case; but to carry out his recommendations we must have this board. I was expecting the insurance companies' representatives to support this provision because it will save money and protect industry. If the board appointed carried out its duties properly, it would prevent many accidents occurring. I think the Royal Commission's report says that if a board is not appointed, a monopoly must be granted to the State Insurance Office. The appointment of a board is the better idea.

Hon. A. L. LOTON: At the second reading, I voiced disapproval of this provision and was hoping the Minister, in his reply, would make reference to what had been said about the matter by two of the three speakers in the debate. I did not put amendments on the notice paper because I thought it was possible he would make an explanation that would obviate the necessity of doing so. I am still very much opposed to the setting up of a board, because it is to be established for a period of seven years and is responsible neither to the Minister nor to Parliament; and because the chairman and the members can be given an extension of their period of office repeatedly until reaching the age of 65.

The HONORARY MINISTER FOR AGRICULTURE: If this amendment is carried, not only will we have to recommit the Bill, but it will have to be considerably redrafted. The Royal Commission in its report said—

> We believe there will be ample work to keep a board fully occupied. In the initial stages there will be a lot of foundation and administrative work to be done, and this will require close attention. The creation of the board will relieve local courts of a large volume of work.

The workers' compensation board proposed by the Bill will function principally as a court where all questions of compensation and settlement of matters of fact and will be dealt with. It will greatly rel local courts, and to some degree the S reme Court, in many matters that now c before them. The reason for giving chairman the status of a judge is quite c when these aspects are considered.

Technical questions of law will have t considered. At present, the local courts responsible for the registration of all lu sum settlement agreements and the deter ation of the rights of widows, dependa etc. This work is steadily increasing, and the expansion of the State's secondary in tries it will increase still further. Mem must agree on that point. Another aspe that workers' compensation cases will also crease. The constitution of the board be similar to that of the Arbitration Co In addition to the presiding judge, there be a representative each of the emplo and the workers. The creation of the bo —this is an extremely important point a particularly draw the Committee's atten to it—will result in uniformity of decisi hitherto greatly lacking, and in co-ordina of the various aspects of workers' compe tion claims. At present this uniformit entirely lacking.

Similar boards or commissions are f tioning in most of the other Austra States, in the United States of America in Canada. In addition, statistics and turns from insurers will be kept on a form basis. The claims of widows minors will be dealt with consistently expertly, lump sums will be paid on a b recognised by all parties, and disputes wi settled effectively. The impartiality continuity of office of the chairman are sured by his appointment for seven ye further, his appointment is only termin by resolution of both Houses of Parliam Sir Charles Latham said that Parlian would have nothing to do with it.

Hon. Sir Charles Latham: I said Parliament had no control over the appo ment, except to dismiss the chairman.

The HONORARY MINISTER F AGRICULTURE: It might be a very g thing, too. Ministers do not control judg but Parliament can terminate the appo ment of the chairman of this board. He have not only the status but also the dig of a Supreme Court judge. This ass that a suitable man will be appointed. W

the board is functioning officially, a considerable reduction in insurance costs may be expected. The board's powers of investigation and research will also be valuable, as its main function will be that of a compensation court which is not subject to the direction of the Minister. I am prepared to admit that that is desirable; but, if it is considered that any specific administrative function should be subject to the Minister, I am prepared to accept an amendment to that effect. There has been talk about the great cost of the board. It will not cost more than £8,000 a year.

Hon. H. Hearn: Is that to begin with?

The HONORARY MINISTER FOR AGRICULTURE: I think the cost will probably decrease, but am not prepared to say so. Probably the hon. member is accustomed to increasing his expenses; but I think it will be generally found that expenses can be lowered after a business has been running for some time. That has been so on my own farm. A board is highly desirable, but if one is not constituted, then the whole business should be transacted by the State Insurance Office. That is the only way in which we could get uniformity.

Hon. A. L. Loton: We do not have to accept the Royal Commission's report.

The HONORARY MINISTER FOR AGRICULTURE: Quite so. The Government has not accepted all the recommendations made by the Commission. Parliament can do as it wishes in that matter, but the Royal Commission did take much evidence not only in this State, but also in the Eastern States, and it reached the conclusion that a board was desirable. I urge the Committee to reject the amendment.

The CHIEF SECRETARY: There seems to be some misunderstanding about the board. At present, not many compensation cases come before the courts for determination, but they may be heard by the magistrate of any local court in any part of the State. The decisions vary according to the knowledge and ability of the magistrates. The Bill proposes that there shall be one court to deal with compensation cases. I do not think that the court will deal with more cases than are now being heard; but the same number of cases will have to be filed and approved, and decisions made as to what compensation shall be paid to widows and children. Sir Charles Latham, unintentionally no doubt, misled the Committee when he said there was no right of appeal. Let me read this provision—

> When any question of law arises in any proceedings before the board—

Hon. Sir Charles Latham: I stated that.

The CHIEF SECRETARY: All right; the hon. member might let me have my say. The clause continues—

> —the board may of its own motion, and shall, if requested in the manner and within the time prescribed by the rules by any party to the proceedings, state a case for the decision of the Full Court . . . . .

A member should not read half a clause; he should read the whole.

Hon. Sir Charles Latham: That is so.

The CHIEF SECRETARY: This is an old form of proceeding that has been revived. There is an appeal by way of case stated, because the appeal would be on a question of law only. This clause gives the board power to state a case of its own motion, but any party to a proceeding may request the board to state a case, and the board must do so. Proposed new Section 37 deals with the jurisdiction of the board. That provision is an exact copy of a section in the Industrial Arbitration Act. The idea is to cut down expense, have simplicity, get the claims settled and have the facts decided by a competent authority called a board. This will facilitate and simplify the whole of the law in regard to workers' compensation. To say that Parliament has no control is ridiculous, because Parliament has control over every Act and Bill.

Hon. Sir Charles Latham: It has no control over the board.

The CHIEF SECRETARY: Parliament has no control over any court. This is called a board, but it is a court, the same as the Arbitration Court is called a court but is a board.

Hon. W. J. Mann: Why not call it a court?

The CHIEF SECRETARY: We could do that.

Hon. Sir Charles Latham: A board is different from a court.

The CHIEF SECRETARY: I think it is mentioned somewhere that it shall be called a court of record. Fancy the Min-

ister having the right to step in when the board decides a question between two subjects of the King. There is a Minister in charge of the parent Act in the same way as there is a Minister responsible for the administration of the Industrial Arbitration Act, but he does not interfere with the court. The Minister in charge of the Supreme Court Act does not interfere with the Supreme Court. How can the Minister interfere in any way with this board—call it what we like—that is to adjudicate between subjects? There is an appeal on matters of law but not of fact.

Hon. G. BENNETTS: The board is essential. Its members will become experts. They will deal only with workers' compensation cases. By being appointed for seven years, they will be given some encouragement. If a board is not established, I would like to see a State monopoly because that would give us our own clinics, hospitals, doctors, etc. I cannot imagine anything better than a board. Such men as Dr. Outhred, of Kalgoorlie, and others gave evidence before the Royal Commission.

Hon. H. Hearn: They only gave evidence.

Hon. G. BENNETTS: If they recommend a board, it is good enough for me.

Hon. A. L. Loton: How do you know they did recommend a board?

Hon. C. F. BAXTER: I sympathise with the Honorary Minister in not having the amendments on the notice paper, but he must remember that the debate ended earlier than we expected.

Hon. E. H. Gray: You have had three weeks.

Hon. C. F. BAXTER: I would like Mr. Gray to do the research that I have made in the last three or four weeks.

The Honorary Minister for Agriculture: Did you not think about the board being deleted?

Hon. C. F. BAXTER: Yes. Neither the Parliamentary Draftsman nor I had arrived at an amendment for the purpose before the debate concluded. This was taken from the Eastern States, and I have heard references tonight to the Royal Commission and to two experts—two ex-members of the Public Service. What are they experts in? In their own particular line of business and a groove in the Government service. I prefer to v my own judgment. The compensation boa provisions have been taken from the Easte States, particularly Victoria, because Ne South Wales has no board but only a co ciliation officer. That is the point on whi I was trying to prepare an amendmer Victoria does a tremendous volume of wor ers' compensation business, and can affo to pay the costs entailed in maintaining board. The small business done in th State will not stand a board, as suggeste in the Bill. The Honorary Minister f Agriculture mentioned the sum of £8,00 What will it be in another six or sev years?

This department will overlap sever others. Its inspectors will be able to go in factories and say what machinery and safe devices shall be installed, and order notic to be posted up by a certain day, but the is not one provision in the Bill to comp employees to use the safety devices. I d not know that there is much trouble abo workers' compensation in this State. A co ciliation officer would assist greatly. Wes ern Australia cannot carry an expensi board, especially if it is to have the pow suggested in the Bill. After 12 months' e perience, we could review the matter. Tin and again we impose further conditions ar costs on industry. Conditions generally w not always be as good as they are now. Th is where increased costs will tell against th State and the establishment of new indu tries here. When the return from our pr mary products falls, burdens of this kin will weigh heavily on our industries, bot primary and secondary.

Hon. E. M. HEENAN: Mr. Baxter sul mitted a poor case, though I applaud hi for putting forward the view that costs mu be kept down as far as possible. I agre that we should not overload industry wi unnecessary costs, but workers' compensa tion plays a vital part in the welfare o practically everyone in the State. No-on has told members tonight the cost of upkee of the Arbitration Court, but I think it wi be agreed that its cost—whatever it is—i fully warranted.

In this State we have a population of ov half a million and the welfare of all ou workers in industry is dependent on a soun Workers' Compensation Act wisely admi istered. For that purpose we must hav an efficient tribunal. Even the employe

must realise that efficiency is cheapest in the end, though the tribunal were to cost £8,000 per annum. Although this body is to be called a board it will, in fact, be as much a court as is the Arbitration Court. Surely it is better to have one competent board to deal with workers' compensation matters than to have instead a number of magistrates whose jurisdiction covers widely differing spheres. Doctors, lawyers and magistrates have to specialise in workers' compensation matters.

Hon. Sir Charles Latham: There have not been many appeals from decisions of the magistrates.

Hon. E. M. HEENAN: That is far from true. Our law reports are full of appeals in workers' compensation cases. There are more appeals in that regard than in any other phase of the law.

Hon. Sir Charles Latham: It is the first I have heard of it.

Hon. A. Thomson: That has never been brought forward as a reason why we should alter our workers' compensation legislation.

Hon. E. M. HEENAN: The arguments advanced against the appointment of the board have been based mainly on cost, yet the board would be a more efficient means of handling the question than exists at present. An expenditure of £8,000 would not be a high cost for the maintenance of a tribunal such as this.

Hon. A. Thomson: It is only a guess.

Hon. E. M. HEENAN: Then make it £10,000. I expect the chairman will be paid about £2,000 per year, and the members anything up to £1,500.

Hon. H. Hearn: Then there are the premises, the staff and inspectors.

Hon. E. M. HEENAN: We must be guided by the Honorary Minister. I am sure he would not wilfully make a misleading statement in this Chamber. I feel that £8,000 is a fair estimate, and I do not think it is an extravagant cost for a competent set-up to deal with this important subject. There is nothing in the argument that there should be ministerial control. No-one would suggest that the Arbitration Court should be directed by a Minister. I appreciate the arguments of Mr. Hearn and Mr. Baxter, and their anxiety to safeguard the interests with which they are concerned. No-one can convince me that the argument on the question of expense holds any weight at all.

The HONORARY MINISTER FOR AGRICULTURE: As my veracity seems to have been questioned in regard to the figure of £8,000, I intend to state who supplied me with the information. I knew the question would come up and I asked the Minister in charge of workers' compensation, Mr. Watts, what the computed amount would be. He told me that the figure was about £8,000 and he had probably been advised by his departmental officers on the question. I am prepared to stand up to my statement in view of the source of the information.

Hon. J. G. HISLOP: If the amendment is agreed to, most of my hopes of seeing an efficient Workers' Compensation Act in this State will disappear and any amendment which I have on the notice paper might just as well come off again. First of all, we must look at the question of the board and then review its duties afterwards. I would much rather see this amendment defeated and the board left in and then the Minister can give us all the time we require to think over the rest of the constitution of the board.

The Honorary Minister for Agriculture: I intend to do that.

Hon. J. G. HISLOP: Last night I drew the attention of the House to the fact that I considered the set-up of this board was wrong, and I hoped that those who were more actively interested in the administration of the Act than I, would have had some amendments on the notice paper.

Hon. Sir Charles Latham: We did not get much time after you spoke last night.

Hon. J. G. HISLOP: I thought they would have been on the notice paper before I spoke. We must all agree that there should be some central control of workers' compensation in this State. At the present time decisions are being made in all sorts of ways. Companies are paying for injuries on a different basis one with another and they are accepting matters on the advice of their medical advisers and trying to settle compensation claims as best they can. We are losing a tremendous amount of knowledge and standardisation of this type of work. The expense that might be involved by the creation of this board can, to a certain extent,

be mitigated by more efficient organisation of the work, but there are other means by which, if we desire to curtail the expenditure, we can do so. We can make amendments throughout the remainder of Clause 11.

In my opinion, the Royal Commission was hazarding a guess when it stated that there would be ample work for three persons. I would be happy to see a full-time chairman and the two members part-time, unless otherwise directed by the Minister. It would then be the responsibility of the Minister to see that there was sufficient work to keep those three men fully occupied. In this clause there is provision for the appointment of a registrar who will be responsible for a considerable amount of the administrative work. If we go further we find that we can limit very considerably the powers of the board in regard to control of industry. If we read on through the Bill, we find that we can limit the board from its entry into industry and we can simply direct that it shall receive reports of the state of any industrial factory, workshop or anything else from the appropriate organisation set up to cover that aspect. We can arrange with those set-ups for reports to be made by factory inspectors, shop inspectors and so on, and the board can delegate its instructions through those various departments and need not employ a team of inspectors to do the work.

Hon. A. Thomson: It is the intent of the Bill to employ a team of inspectors for the board.

Hon. J. G. HISLOP: We can alter that and modify the duties of the board as we think fit. However, I think we should have some central organisation which can give its undivided attention to this work. If members will remember, about four years ago I spoke on workers' compensation and the House divided itself into equal numbers on the question of whether the State Insurance Office should take over the whole of the work. Members then saw the necessity for an organisation which would link up all the various loose ends on this subject. If we do not have one organisation, there will be no possibility of making any research into the prevention of industrial hazards. We have it in our hands to see that the Act is properly administered by altering the constitution of the board and by amending its duties. I appeal to the Committee to view this not so much from the point of view of what it is going to cost, because the cost lies to a large extent in our own hands, as from the principle that there must be some co-ordination if we are to make the Act function properly.

Hon. H. HEARN: After listening to the views of various members, I am still of the same opinion. The State Housing Commission started in a small way and today has a few hundred on the payroll and still wants more.

The Chief Secretary: The war started in a small way.

Hon. H. HEARN: The views of industry should be heeded. Notwithstanding all that has been said about the courts and magistrates, workers' compensation administration has been satisfactory. That is shown by the fact that very few appeals have been made against the decisions of the magistrates. I am surprised that a Government of the political complexion of the present one should include such an objectionable feature in a Bill.

Hon. A. THOMSON: Dr. Hislop's remarks should have convinced members of the wisdom of giving further consideration to the question. One of my objections is that no evidence has been submitted that the administration of the present Act has been unsatisfactory, and no indication has been given of any demand for a board. I strongly object to handing over control to an independent body. We have been told that the board will really be a court established on lines similar to the Arbitration Court. I understand that the Royal Commission suggested that, failing the appointment of a board, control of workers' compensation should be vested in the State Insurance Office. That proposal has previously been submitted, but we do not find any Government accepting the recommendations of any Royal Commission unless they coincide with its policy. Early in the session I asked some questions and was told it was not possible for the department or the Auditor General to supply the desired information because it was not available. Recently I asked whether the Commonwealth is demanding duty on machinery imported for the South Fremantle power house.

The CHAIRMAN: I hope the hon. member will be able to link up his remarks with the clause under discussion.

Hon. A. THOMSON: I shall do so. When members ask questions seeking information, they are told it is not available. If we hand over control of workers' compensation to a bureaucratic body, how much information shall we get?

The Chief Secretary: Neither machinery nor Customs duty is involved in this board.

Hon. A. THOMSON: I am aware of that, but the comparison is justified. In view of the bureaucratic control into which we are drifting, the Minister should try to be serious when serious problems are under discussion.

The Chief Secretary: The board has been likened to a court. Is that bureaucratic?

Hon. A. THOMSON: Parliament will not have any control over this board once it is established.

The Chief Secretary: Nor has Parliament control over a court.

Hon. A. THOMSON: I am dealing with a board. The Bill does not speak of a court.

Hon. Sir Charles Latham: It will be different from the Arbitration Court.

The Honorary Minister for Agriculture: Let us make it a court. I would be agreeable to doing so.

Hon. A. THOMSON: I am in favour of increasing compensation payments for injuries; that is only in keeping with present conditions, but if I have an objection to a board dealing with workers' compensation cases, I am justified in voicing my objection. We have had no evidence submitted to us that the present method of handling compensation claims has not worked harmoniously.

Hon. C. H. SIMPSON: Despite what has been said to the contrary, my view is that this board will really be a court. It will be a judicial body performing the functions of a court. It will take over some of the work now being performed by the regular courts and to that extent will relieve those courts of that work and probably relieve congestion. There will thus be a diversion of expense through a different channel and no additional expenditure will be incurred. I am in agreement with the Minister and shall vote in favour of the board.

Hon. L. CRAIG: Perhaps I, too, should declare myself in this matter. I consider the board is necessary, in the same way as the Arbitration Court is. On the Arbitration Court we have members who are skilled in the work they have to do. In my opinion, magistrates are not sufficiently skilled to deal effectively with workers' compensation cases. If the board is appointed, I believe it will be a great saving of expense to the employers and to industry. I am not enamoured of the proposed personnel of the board, as I think the chairman will probably make most of the decisions himself. The nominee members will decide cases in favour of the people whom they represent. Workers' compensation has now become so important in our public life that I think it necessary that a board should deal with claims made under the Act.

Hon. H. K. WATSON: The proposed board has been likened to a court, and has been declared to be a court by the Chief Secretary and Mr. Heenan. I would say that in many respects it will be a court, but although we find provision made on the Estimates for the Supreme Court and the Arbitration Court, there is no item dealing with the running of this board, the cost of which it is expected will be borne by one section of the community. The solution of the problem may be the one the Honorary Minister suggested by way of interjection. He said that we should make it a court. If it were made a court, it might well be that the objections which have been raised to a board would not be nearly so strenuous. In addition to having the powers of a court, the board will also be clothed with numerous other powers which might well cause concern in the industrial sphere.

The personnel of the board, I feel, is open to the strongest objection. A legal gentleman is to be the chairman, and the other members will be respectively nominees of the Employers' Federation on the one hand and the Australian Labour Party on the other. At least one member will be impartial, but from the very nature of their appointments, the other two members will feel it their duty to fight for the particular section each represents. To my idea, that is an entirely wrong approach to the appointment of a board of this class. If the board is to have a judicial character, its members should be judicially independent. They should not represent sectional interests.

They should go there as three independent persons to administer justice without fear or favour.

Hon. R. J. Boylen: You are only assuming they will be committed.

Hon. H. K. WATSON: They are mentioned in the Bill.

Hon. R. J. Boylen: It is not stated that they will be committed to give a wrong decision.

Hon. H. K. WATSON: No. But, human nature being what it is, we are starting off on the wrong foot. The employers' representative would take the stand that he was there to represent the Employers' Federation, and the union representative would take a similar stand. That can be seen in the Arbitration Court nine times out of ten.

The Honorary Minister for Agriculture: Would you say the Arbitration Court was entirely a failure?

Hon. H. K. WATSON: I suggest that its decisions are virtually, in the majority of cases, the decisions of the President.

Hon. Sir Charles Latham: It is very seldom they are not.

Hon. H. K. WATSON: Having regard to the proposed set-up of the board, I do not think the Committee should commit itself to adopt the proposal as it stands.

The Honorary Minister for Agriculture: Why not alter it?

Hon. H. K. WATSON: It has so many powers. For instance, it has power to levy a percentage on the insurance premiums. I recall that the Transport Board started in a small way with power to levy up to not more than six per cent. on the gross revenue. The intention was that the board should collect a small amount for its own expenses, and for some years it was satisfied with one per cent. Today it is collecting six per cent. We may find this board start off collecting one per cent. on premiums and getting bright ideas as it goes along and increasing the percentage materially. For those reasons, I intend to vote in favour of the amendment.

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

Ayes	10
Noes	16
Majority against	6

Ayes	
Hon. C. F. Baxter	Hon. G. W. Miles
Hon. H. Hearn	Hon. H. L. Roche
Hon. Sir Chas. Latham	Hon. A. Thomson
Hon. A. L. Loton	Hon. H. K. Watson
Hon. W. J. Mann	Hon. R. M. Forrest (*Teller.*)

Noes	
Hon. G. Bennetts	Hon. E. H. Gray
Hon. R. J. Boylen	Hon. W. R. Hall
Hon. L. Craig	Hon. J. G. Hislop
Hon. J. M. Cunningham	Hon. L. A. Logan
Hon. H. A. C. Daffen	Hon. H. S. W. Parker
Hon. E. M. Davies	Hon. C. H. Simpson
Hon. G. Fraser	Hon. G. B. Wood
Hon. Sir Frank Gibson	Hon. E. M. Heenan (*Teller.*)

Amendment thus negatived.

Progress reported.

ment.

BILL—BUILDERS' REGISTRATION ACT AMENDMENT.

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

House adjourned at 11.48 p.m.