

ADJOURNMENT—SPECIAL.

THE PREMIER (Hon. D. R. McLarty—Murray-Wellington): I move—

That the House at its rising adjourn till 7.30 p.m. tomorrow.

'Question put and passed.

House adjourned at 11.57 p.m.

Legislative Council.

Wednesday, 24th November, 1948.

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

QUESTIONS.**SUPERANNUATION, INSURANCE ETC.**

As to Local Authorities' Schemes.

Hon. E. M. DAVIES asked the Chief Secretary:

(1) Will local authorities be given an opportunity of examining the draft regulations being prepared to govern local government superannuation schemes before they are finally approved by the Minister and the Assurance Company?

(2) Will local government authorities be given an opportunity of examining the terms, conditions and rates of premiums offered by the assurance company before they are finally approved by the Minister?

(3) Does the term "Assurance Company" as defined in the draft regulations refer to the Australian Mutual Provident Society?

(4) Will local authorities be prohibited from negotiating superannuation schemes with assurance companies or societies other than the Australian Mutual Provident Society?

(5) Can the five local authorities who have already adopted a superannuation scheme obtain approval for a common trust deed provided the deed conforms to the regulations?

The CHIEF SECRETARY replied:

(1) and (2) The regulations now in draft form relate to endowment assurance as distinct from superannuation. When the drafting of the endowment regulations has been completed and before they are submitted for approval in Executive Council, circulars will be forwarded to local governing bodies throughout the State, advising them of the provisions of the regulations and the terms and premium rates, so that they may have a full understanding of the proposals.

(3) Yes.

(4) The plan of endowment assurance will be administered by the A.M.P. Society on behalf of the panel of companies forming the pool. The A.M.P. Society will share the business on a percentage basis with the other companies concerned.

(5) Yes.

RAILWAYS.

As to Standard Gauge and Advisory Board's Report.

Hon. A. THOMSON asked the Chief Secretary:

As to the proposed standard gauge from Kalgoorlie to Fremantle, did the Railway Advisory Board appointed by Hon. F. J. S. Wise, M.L.A. (the ex-Premier), to report on the Southern Cross-Corrigin-Armadale-Perth and Fremantle route, in arriving at its adverse report:—

(1) Base the report on the evidence which was submitted by the Railway Department to the Select Committee?

(2) Was a special survey made of this route by an independent railway construction engineer as recommended by the Select Committee?

(3) If not, why was the Select Committee's special recommendation for an independent survey ignored?

The CHIEF SECRETARY replied:

(1) No.

(2) A reconnaissance was made by Mr. W. A. McCullough of the Railway Department, who is a member of the Railway Advisory Board.

(3) Answered by No. 2.

STANDING ORDERS SUSPENSION.

The CHIEF SECRETARY: I move—

That Standing Order No. 62 (limit of time for commencing new business) be suspended during the remainder of the session.

Although this motion is being moved now, it is not intended to make use of it unless it is absolutely necessary.

Hon. Sir CHARLES LATHAM: I think this is a little early to suspend Standing Orders in this House. I have had a look at the Orders of the Day and there does not appear to be very much legislation pending even though the Minister has given notice of two Bills today. I am fearful of this rush of legislation through the House because we have a long time to go until Christmas—about four weeks—and it seems to me that we are asking the House to suspend Standing Orders too early. I know the Minister claims that it is only to be used when necessary. Of course, that might mean anything.

The Chief Secretary: The House can do what it likes.

Hon. Sir CHARLES LATHAM: I know that, but I am hoping the House will be extremely careful. I do not like rush legislation even though the rest of the House may like it. I can see from the notice paper that the Minister has recommitted his own Bill to make further amendments.

Hon. E. H. Gray: That often happens.

Hon. Sir CHARLES LATHAM: I know it does but it should not happen, and it would not have happened if we had had sufficient time to give due consideration to the legislation. The second reading of the Bill

was moved last night, and it passed through all stages. I am not blaming the Minister for that.

The Honorary Minister for Agriculture: You could not.

Hon. Sir CHARLES LATHAM: But it has to be recommitted.

The Honorary Minister for Agriculture: That shows there is no rush about it.

Hon. Sir CHARLES LATHAM: We are not giving consideration to legislation when we should and for that reason I hope that all business will be given its due attention. The Minister gets annoyed because I rise to speak in this House, but my experience has always told me that we need legislation which the people can understand and that can be understood in this House as well. We will not get it if we pass a Bill through all stages at 11 or 12 o'clock at night. I appeal to the Minister not to be too hasty with his legislation. I suppose the House will agree to the motion which is, in effect, that we shall take new business after 10 o'clock at night. This House must accept the responsibility for which it is appointed. It is supposed to be a House of review.

Hon. E. M. Davies: Supposed to be!

Hon. Sir CHARLES LATHAM: It is, as far as I am concerned. It has been clearly shown that during last session we did review the legislation that passed through this House. Sometimes our review has not been all that it should have been, but at the same time the Bills were subjected to review. Of course, some of the Bills have been dealt with hastily and the following day they have had to be recommitted because of their hasty passage.

Hon. A. L. LOTON: I also express my opposition to making it easy for legislation to be rushed through. Last night we had the Country Towns Sewerage Bill before us. That is of vital interest to country areas and municipalities, and unless, by the grace of the House, an adjournment is obtained, members have not the opportunity to contact local authorities for their opinion. On one occasion early in the session I asked for an adjournment to enable me to get in touch with local authorities and that was granted, but if we agree to the motion now before us, at any period it might be said that we cannot have an adjournment and legislation will be placed on the statute book before

members can obtain the opinions of those people whom they are elected to represent. For that reason, I oppose the motion.

THE HONORARY MINISTER FOR AGRICULTURE: If the motion is carried, it does not prevent a member obtaining an adjournment.

Hon. A. L. Loton: No, it does not prevent it.

The HONORARY MINISTER FOR AGRICULTURE: No, not at all. In reply to the remarks on rush legislation, I would point out that the motion will only extend our sitting time. Surely members can sit here, perhaps up to 11 o'clock! I know that Ministers are not desirous of remaining here until midnight if that can be avoided. I challenge the statement that legislation has been rushed through. It was not my fault that the Land Act Amendment Bill was put through last night. In accordance with the wishes of Mr. Gray, I agreed wholeheartedly that the Bill be recommitted. We have not rushed anything. Sir Charles Latham has looked at our notice paper, but I ask him to scan that of another place. Apart from the Bills shown there, I can assure him that we have many more important ones to bring forward. Four weeks will not give us much time to deal with them when we are sitting only three days a week. The motion will not hamper members or restrict the time for the consideration of Bills; it will extend it.

Hon. A. THOMSON: This motion is a hardy annual. I have been a member of the House for many years and I have always noted that at the beginning of the session we have practically no work to do. It has become the custom, not only of this Government, but of all Governments, to carry on the same procedure and then, at the end of the session, we have no opportunity of discussing or becoming familiar with many Bills because Standing Orders are suspended. Bills are submitted, dealt with and passed, and we have not had an opportunity of discussing what is in them. The Chief Secretary said that it may not be necessary to use the suspension. It is remarkable how necessary a motion of this kind becomes when Ministers want to get Bills through. I suppose we must accept the position.

I have no desire to block the Government from bringing its Bills down, but for many years in this House I have said that the Government should, during the recess, give consideration to the measures it intends to submit instead of waiting until the end of the session to introduce some of great importance, thus denying members an opportunity of considering them. I raise my voice in protest, not in condemnation of the present Ministers, because they are following the procedure that has been too well established for many years. In days gone by, on some occasions I have actually taken a stand and have been successful in moving the Chairman out of the Chair when dealing with some of the Bills that have been brought before us. It is only reasonable that members should be afforded an opportunity of studying the contents of Bills which may be of far-reaching importance. I support the opposition to re-establish a very old precedent.

Hon. G. FRASER: I can see no objection to the motion being moved at this stage because I should say that the House will be master of its business. If the Honorary Minister for Agriculture intends to rush any legislation through, members will be here to decide whether he can do so or not. Whilst I am supporting the motion, I will be only too willing to help those who may object to rush legislation. I think it will be in the interests of the House to have the motion carried. There may be Bills that we wish to get off the notice paper because they do not contain any contentious matter. The motion will make it possible for any such Bills to be wiped off the slate and full time given to more vital matters that might concern us. The power is in our hands irrespective of what the Minister intends, and members will protest if it is intended that any Bill should be unduly hurried. At this stage of the session we usually get rush legislation, but in view of the weeks we have ahead and the volume of legislation before this House and another place, there does not appear to be any reason for hurry. If an attempt is made to step up the progress of legislation, the House will have a say in the matter.

THE CHIEF SECRETARY: This motion has been moved in the interests of members. I am astounded at the remarks of Mr. Thomson, and more astounded at those of Sir

Charles Latham, because for three years he was a member of the Government which fathered similar motions. He is aware that the Assembly cannot get through its business because of the delay that has occurred with the Estimates and that place must wait until they have been dealt with. In addition to the Estimates, it has to deal with all Bills affecting monetary matters, which must be introduced in that House and not here. Mr. Thomson said that we do not introduce Bills in this House. I point out to him that the day after the completion of the Address-in-reply my colleague introduced no less than 12 Bills.

The Honorary Minister for Agriculture: And that was a record!

Hon. Sir Charles Latham: And they have all been passed.

The CHIEF SECRETARY: In reply to the remarks of Mr. Thomson that we have left things to the last minute, I would mention that those 12 Bills have all been passed and, I presume, with proper and due consideration. Not once have I objected to a postponement. I have never once voted against the postponement of any matter when any member has moved in that direction.

All the motion asks is that members will permit new matter to be introduced after 10 p.m. If they are not willing to adopt that course, very well! It merely means that we will have to sit on additional days or else earlier each day. This afternoon I have given notice of two Bills, neither of which will call for any remarks on the part of members. The delay arises from the fact that today I give notice; tomorrow I move the first reading, and on Tuesday the second reading. If another motion I shall move next is agreed to, both the Bills I mention could be put through in five minutes without any member, with even the meanest intellect, requiring time to consider them after he had read them. The trouble is that many members do not read Bills until it is just about time for them to speak.

Hon. A. Thomson: More chastising of members!

The CHIEF SECRETARY: It is time I chastised some. Here today we have had a member saying that we do not introduce Bills in this Chamber, and I have shown what we have done. Mr. Thomson was a

member of the Legislative Assembly for a fairly long period, and he knows full well that we cannot introduce money Bills in this Chamber. Practically all important Bills deal with the money aspect.

Hon. Sir Charles Latham: If you wanted to, you could introduce them in this Chamber as they did in the early days.

The CHIEF SECRETARY: Sir Charles should read the Standing Orders.

Hon. Sir Charles Latham: The Standing Orders provide for that.

The CHIEF SECRETARY: In addition, I suggest that he should read the provisions of the Constitution Act.

Hon. Sir Charles Latham: I do not say that you could deal with the financial side.

The CHIEF SECRETARY: As to the motion, it rests with members to decide what they will do. I have submitted it with a view to assisting them. It makes no difference to me; I am in the city and am either in my office or here. I thought the motion would suit the convenience of country members and would enable the business of the House to be transacted expeditiously.

Question put and passed; the motion agreed to.

The CHIEF SECRETARY: I move—

That during the remainder of the session so much of the Standing Orders be suspended as is necessary to enable Bills to be passed through all stages in any one sitting, and all messages from the Legislative Assembly to be taken into consideration forthwith.

This motion is different from the previous one and will enable a Bill to be passed through all its stages in one sitting, if the House so desires. The practice is that when the Standing Orders are suspended, the first and second readings are proceeded with, and it is in the hands of members themselves whether the debate will be proceeded with or adjourned. It will be agreed that in this House there are no set followers of the Honorary Minister and myself.

Hon. Sir Charles Latham: Except the Labour members, who have supported you well.

The CHIEF SECRETARY: The members of the Labour Party have been of considerable help to us during the session, and to the country as well, in that they have assisted in passing legislation of value to

the people. I do not think anyone would suggest that Labour members in this House are bound to the Government. Every member is free and, if the adjournment of the debate is sought, the member concerned can secure it, if the House so desires. All that I ask is that the Standing Orders be suspended so that the first and second readings can be proceeded with.

Question put and passed; the motion agreed to.

BILLS (3)—THIRD READING.

1, Legal Practitioners Act Amendment.

Returned to the Assembly with an amendment.

2, Government Railways Act Amendment.

Returned to the Assembly with amendments.

3, Guardianship of Infants Act Amendment.

Transmitted to the Assembly.

BILL—LAND ACT AMENDMENT.

Order of the Day read for the consideration of the Committee's report.

Recommittal.

On motion by Hon. R. M. Forrest, Bill recommitted for the further consideration of Clauses 3 and 5.

In Committee.

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

Clause 3—Repeal and re-enactment of Section 9:

Hon. R. M. FORREST: I move an amendment—

That at the end of the clause the following words be added, "Nothing in this section shall apply north of the twenty-six parallel of latitude."

To apply this provision to the North-West would be very dangerous. Most of the areas are pastoral leases and there would be nothing to prevent a native from taking up 1,000,000 acres as other residents may do. In from Port Hedland there are six abandoned stations. Two of them—Abydos and Woodstock—have been taken over by the Government. The other four—Kangan, Yandyarra, Pilga and White Springs—have up-to-date homesteads, shearing sheds, water

supplies, paddocks and everything requisite for a station. These four practically adjoin, and there would be nothing to prevent an unscrupulous person from taking up all those stations in the names of natives. This would be very undesirable.

The Honorary Minister for Agriculture: Are they vacant now?

Hon. R. M. FORREST: Yes.

The Honorary Minister for Agriculture: Then they cannot be much good.

Hon. R. M. FORREST: In from Hedland there is a reserve known as the Twelve-Mile, and an unpleasant spectacle it presents. Originally about 400 natives went on strike, but the number has dwindled to 250. The strike was instigated by a communist. One can see groups of natives there doing nothing but gambling. They have packs of dogs that run through the pastoral areas, particularly Pippingarra Station, owned by a pioneer of the North, Mr. Richardson, and he has no redress. It is a crying shame that this should be allowed to continue. Probably members have heard of the shearing shed at Boodarrie Station being burnt down a couple of years ago. This was one of the most scandalous acts ever perpetrated in the North. The sheep were in and the shearers were present ready to start on the following morning and the shed was in flames at 2 a.m. The Government sent a police inspector to make investigations and I understand his finding was that the fire was accidental.

The Honorary Minister for Agriculture: What has that to do with the Bill?

Hon. R. M. FORREST: I am pointing out the danger of applying legislation of this sort to the North. That shed was burnt down deliberately at the instigation of communists, and burnt down by natives from the Twelve-Mile camp. The manager of the station informed me the other day that kerosene had been sprinkled on the backs of the sheep and that it was necessary to use bags to put out the flames. Yet a pastoralist who suffers in this way has no redress.

Hon. F. R. WELSH: I wish to impress upon members that there is no comparison between the native question in the South and in the North. With the exception of one educated native who came South and afterwards returned to the North, I do not

think there is any who would apply for land. I take it there is no freehold land available in the North; it is all leasehold. The danger is that the provision could be exploited by an unscrupulous person getting a native to take up an area in his name. I cannot see that any good would come of applying the section to the North, and to consider doing so is, in my opinion, a waste of time.

The HONORARY MINISTER FOR AGRICULTURE: Very little argument has been advanced in support of the amendment. Mr. Forrest quoted four stations that are unoccupied and given over to kangaroos and dogs, and suggested that a communist or someone else might get natives to dummy the land. However, there is nothing to prevent a communist's taking up land at present, and, if he wanted a dummy, surely he would not use a native! Mr. Welsh said that in his opinion natives would not take up land in the North, and in that respect he is in conflict with his colleague. No unscrupulous person would take up the land in the North to which Mr. Forrest referred. If it were worth taking up, it would have been bought before now, in view of the present high prices. I cannot see that Mr. Forrest's reference to the natives at the Twelve-Mile has anything to do with the Bill.

Hon. R. M. Forrest: You do not know anything about the stations I mentioned.

The HONORARY MINISTER FOR AGRICULTURE: Yes, I do. I cannot support the amendment.

Hon. F. R. Welsh: There is very little land to take up in the North.

The HONORARY MINISTER FOR AGRICULTURE: Even so, natives could club together and take up 200 acres each.

Hon. F. R. Welsh: Can a native take up a pastoral lease?

The HONORARY MINISTER FOR AGRICULTURE: A native who has obtained citizenship rights may do so. He can do anything a white man can do.

Hon. Sir CHARLES LATHAM: If the amendment is carried, it will prevent natives from taking up the 200 acres of land referred to in Section 9 of the parent Act.

The Honorary Minister for Agriculture: But if the Bill is passed, he could do so.

Hon. Sir CHARLES LATHAM: I do not think this Bill ought to apply to the North. So that the pastoralists may be protected, I think the Minister might agree to the amendment, particularly as the natives will be able to get what the Minister wants to give them.

The HONORARY MINISTER FOR AGRICULTURE: I think the arguments adduced by Mr. Forrest and Mr. Welsh are weak in the extreme. However, as I do not think the amendment will make the slightest difference, I shall not ask the Committee to disagree to it.

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

Clause 5—Repeal and re-enactment of Section 33:

Hon. E. H. GRAY: This clause strikes at a sound principle upon which members of this Chamber in the old days insisted. I well remember the late Mr. Lovekin and the late Mr. Nicholson insisting upon a report on reserves by people living in the district. The clause provides for the repeal of Section 33 of the parent Act, which section is the foundation for the granting of reserves to local authorities, municipal councils, and various organisations.

As the Minister explained, before a local authority or a body corporate can mortgage any reserve granted to it, a special Bill has to be passed through Parliament. I understand the clause to mean that this procedure will be abolished and that the granting of permission to mortgage a reserve will be vested in the Governor. It would be safer for these matters to be ventilated through Parliament. People interested in a reserve might want to mortgage it and, by putting up a case to the Government, would have their request granted, whereas the majority of the people in the district might be against it. The old method of plenty of publicity is not only good for the Crown, but for any organisation applying for permission to mortgage a reserve. I may be making a mistake, and I am ready to hear any explanation from the Minister. I oppose the clause.

The HONORARY MINISTER FOR AGRICULTURE: I can give very little more information than I have already put before the Committee. Mr. Gray has sized up the position quite correctly. If one of

these associations desires to mortgage its reserve, the matter has to go through Parliament. It is proposed to allow the Governor-in-Council to grant that permission. It is a question of whether both Houses of Parliament should give this permission, or the Governor. To bring these matters before Parliament is too cumbersome a method. It would be a different proposition if a number of Class A reserves were to be sold. Personally, I think the consent of the Governor is good enough.

Hon. G. FRASER: I hope the Committee will defeat the clause. The existing method has not proved cumbersome, and on no occasion when a genuine case has been made out, has permission been refused by Parliament.

The Honorary Minister for Agriculture: Supposing Parliament were not sitting?

Hon. G. FRASER: These matters are not urgent, but are usually spoken of for years before definite action is taken. By this clause we would be giving away some rights that we should retain. There are certain things we want Parliament to know about before they are dealt with, and this is one.

The Honorary Minister for Agriculture: Have you been concerned in any case?

Hon. G. FRASER: No. There have been special Bills concerned with vesting, but not in connection with this particular phase. If there are only a few cases, why alter the legislation? If the Minister could say, "Because of hardships suffered by some organisations we deem it advisable to alter the law," I would be prepared to listen to him. Without his being able to cite such instances, we should allow the law to stand.

The HONORARY MINISTER FOR AGRICULTURE: I do not profess to know of any hardships that organisations have suffered because of this cumbersome method. The Lands Department has asked for this because it considers it takes a long while to have a Bill put before Parliament. In addition, Parliament may not be sitting. The Lands Department desires this amendment, and another place has agreed to it.

Hon. Sir CHARLES LATHAM: In the past the vesting of a reserve in a local authority, with power to lease, has been for ten years.

The Chief Secretary: The principle is the same whether it is three years, 10 years or 20 years.

Hon. Sir CHARLES LATHAM: The proposal here will do away with the vesting altogether. I do not know that there is any serious harm in the clause. I have never heard of a mortgage of leased property before. I do not think there is any power to sell a reserve, except when the reserve is re-vested in the Crown and the Crown throws it open in the ordinary way. That has happened under Section 47 of the Land Act. The provision in the case of a Class A reserve is made under the Reserve Bill that is brought down annually. The present measure would give power to lease, sell or mortgage a reserve. The Minister was recently given power to take certain land and add it to other land in the marginal areas in order to increase the size of holdings.

The Honorary Minister for Agriculture: You are on the wrong measure.

Hon. Sir CHARLES LATHAM: That power was recently given to the Minister. Water and timber reserves are often vested in local authorities who lease them for ten years, with power to sub-let them to outside people during that period, though they have not power to transfer them in fee simple.

The Honorary Minister for Agriculture: The amendment concerns an alteration with regard to mortgages.

Hon. Sir CHARLES LATHAM: The measure not only provides for mortgaging land but gives the Governor power to say that a reserve may be leased or granted in fee simple.

Hon. L. CRAIG: Certain reserves have been granted to local authorities and semi-public bodies, some of whom when they desire to raise money must give security. In the past, they had to get permission from Parliament before using such land as security, but the Bill proposes that the Governor-in-Council shall be given power in that regard.

Hon. H. TUCKEY: I do not think we should depart from the present set-up, under which consideration by Parliament provides a safeguard. Care should be taken to see that reserves do not revert to private ownership and Parliament should have to sanction

the mortgaging or sale of reserves. The Bill, if passed in its present form, would cause trouble in the case of many reserves.

Hon. E. H. GRAY: Scattered throughout the State there are a number of committees that are anxious to build infant health centres on land set aside for that purpose in reserves. Nearly all of these bodies had collected sufficient money before the war but, owing to the rising cost of building, many of them will now have to mortgage the land in order to raise sufficient funds to complete the work. I am secretary of an infant health branch, and we have a piece of land right on the Petra-street shopping centre, which at my request was vested in the Melville Road Board.

Hon. L. Craig: Do you think the Government would allow that to be sold or mortgaged?

Hon. E. H. GRAY: I consider the old method to be better and safer because it must go through Parliament and not through the Lands Department. I ask the Minister to report progress because Mr. Heenan, who knows quite a lot about the subject, is not here at the moment, although I think he is anxious that the Bill should be passed. His information may be of help to the Minister and resolve my doubts on the matter.

The HONORARY MINISTER FOR AGRICULTURE: I have no objection to reporting progress until Mr. Heenan returns.

Progress reported.

BILL—WESTERN AUSTRALIAN GOVERNMENT TRAMWAYS AND FERRIES.

Report, etc.

Report of Committee adopted.

Bill read a third time and returned to the Assembly with amendments.

BILL—MATRIMONIAL CAUSES AND PERSONAL STATUS CODE.

Order of the Day read for the consideration of the Committee's report.

Recommittal.

On motion by the Chief Secretary, Bill recommitted for the further consideration of Clauses 3, 15, 46, 47, 51, 53, 57 and 58.

In Committee.

Hon. G. Fraser in the Chair; the Chief Secretary in charge of the Bill.

Clause 3—Repeal:

Hon. Sir CHARLES LATHAM: I move an amendment—

That Subclause (2) be struck out.

I think the Minister will agree that the principle involved where one Act repeals another is bad. A person may pick up the Evidence Act, or go through its index, and find no provision for an amendment, simply because it is under the Matrimonial Causes and Personal Status Code. Section 19 of the Evidence Act, which this subclause proposes to repeal, would probably have more to do with matrimonial causes than anything else.

The Chief Secretary: It is the only effect it could have.

Hon. Sir CHARLES LATHAM: The subclause proposes to strike out the principle which has been adopted, that a person is not bound to incriminate himself in a case of adultery. Perhaps the Minister might tell me something about it, as he is a legal man. We should not make it compulsory for a person to incriminate himself in a matrimonial causes action, any more than in any other action.

The CHIEF SECRETARY: Section 19 of the Evidence Act is rather peculiar. Take the case of a cross petition! We will assume that the wife alleges desertion against the husband, and the husband then turns round and alleges adultery against the wife. The wife cannot ask the husband whether he has committed adultery because his action is in consequence of her adultery. If the plaintiff has been guilty of adultery within five years preceding the application then there would be no divorce. But in consequence of this section he cannot be asked any questions because it is not a proceeding as a result of adultery. Is that clear?

Hon. Sir Charles Latham: I can understand that, but it can be proved that he has committed adultery in the ordinary way.

The CHIEF SECRETARY: No, it cannot. If he does, a complaint simply goes before the court. With an application on the ground of five years separation no-one can be asked any questions as to adultery because of this section.

Hon. Sir Charles Latham: Do you think it is necessary to strike the section out?

The CHIEF SECRETARY: Undoubtedly. This Bill was drafted by Mr. Justice Wolff and I have here notes giving the reasons why it should be deleted.

Hon. Sir Charles Latham: I would like to hear his remarks.

The CHIEF SECRETARY: Very well. The notes read—

Clause 3. Repeal. See introductory notes. The old references to the ecclesiastical courts have not been repeated in this Bill.

Note that Section 19 of the Evidence Act, 1906-1930 has been repealed. Incidentally a corresponding section (104) of the Supreme Court Act is included in the general repeal in subclause (1) of the clause now under consideration. The two sections now repealed were very much to the same effect. The Denning Committee points out the illogical purport of this provision. It will be noted that it runs this way—

“The parties to any proceedings instituted in consequence of adultery and the husbands and wives of the parties shall be competent to give evidence in the proceedings but no witness in any such proceedings whether a party thereto or not shall be liable to be asked or be bound to answer any question tending to show that he or she has been guilty of adultery unless he or she has already given evidence in the same proceedings in disproof of the alleged adultery.”

In the first place the section applies only to proceedings instituted in consequence of adultery, so that if the subject-matter of the proceedings is a charge of desertion or cruelty any question may be asked tending to prove adultery.

The notes go on but that is as far as I need read. It is perfectly clear that the section should be repealed.

Hon. Sir Charles Latham: I am prepared to accept the Minister's word that the section is unnecessary, but I think the Evidence Act should also be amended. However, that cannot be done until someone can co-ordinate our statutes. I do not like the idea of altering established customs.

The CHIEF SECRETARY: In my opening remarks on this Bill I pointed out that, for some unknown reason, all the divorce laws have been included in the Supreme Court Act, and this Bill is really an amendment of that Act by taking them all out and putting them into a new Bill.

Hon. Sir Charles Latham: You, of course, helped to put them in.

The CHIEF SECRETARY: No doubt. I do not suggest for one moment that I am always right.

Amendment put and negatived.

Clause put and passed.

Clause 15—Grounds for dissolution:

The CHIEF SECRETARY: I move an amendment—

That in lines 5 and 6 of paragraph (i) the words “in any other part of the British Dominions” be struck out and the word “elsewhere” inserted in lieu.

This amendment provides for the confinement of a lunatic in an institution in Western Australia or in any other part of the British Dominions. It may be that a person is in an institution in some part of the world that is not a British Dominion and so the substitution of the word “elsewhere” is necessary. All these amendments have been prepared by Mr. Justice Wolff who drafted the original Bill and in some instances, because of amendments made in this Chamber, it has been necessary to make consequential amendments. Also, the draftsman has noted that certain improvements could be made and amendments have been proposed accordingly. There will be no alteration as to the principles of the Bill but only in the wording and detail.

Amendment put and passed.

The CHIEF SECRETARY: I move an amendment—

That in lines 6 and 7 of paragraph (i) the words “or periods not less in the aggregate than five years” be struck out and the words “of not less than five years immediately preceding the commencement of the action, or for periods of not less than five years in the aggregate during the seven years immediately preceding such commencement, whether such confinement is in one such place or in a number of such places and” inserted in lieu.

This is an amendment to provide that where a person has been insane for five years, or where there have been broken periods aggregating five years in the past seven years, a doctor must give evidence that the lunacy is incurable.

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

Clause 46—Court may make order for maintenance and may make order in favour of guilty party:

The CHIEF SECRETARY: I move an amendment—

That in line 3 of Subclause (3) after the word "order" the words "for dissolution of marriage or an order for nullity of marriage or judicial separation" be inserted.

The words "final order" do not apply to an order for nullity. Therefore, to make the wording grammatically correct it is proposed to add the words included in the amendment.

Amendment put and passed.

The CHIEF SECRETARY: I move an amendment—

That in line 3 of Subclause (4) after the word "order" the words "for dissolution of marriage or an order for nullity of marriage or judicial separation" be inserted.

This is an identical amendment to the previous one.

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

Clause 47—Specific provisions:

The CHIEF SECRETARY: I move an amendment—

That in lines 2 and 3 the words "final order in an" be struck out.

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

Clause 51—Right of appeal:

The CHIEF SECRETARY: I move an amendment—

That in lines 8 and 9 of Subclause (1) the words "or nullity of marriage" be struck out.

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

Clause 53—Grounds for rehearing of new trial:

On motions by the Chief Secretary, clause amended by striking out of line 6 the words "or nullity" and by inserting in line 7 after the word "final" the words "or within the prescribed time after the granting of an order for nullity."

Clause 57—Question of validity of final order may be removed from inferior court to Supreme Court:

On motions by the Chief Secretary, clause amended by striking out of line 3 of Subclause (1) the words "or nullity"; by inserting in line 3 of Subclause (1) after the word "marriage" the words "or any order

for nullity of marriage"; by inserting in line 5 of Subclause (1) after the word "order" the words "or order for nullity"; and by inserting in line 6 of Subclause (2) after the word "order" the words "or order for nullity."

Clause 58—Right to re-marry:

The CHIEF SECRETARY: I move an amendment—

That in line 2 of Subclause (1) the words "at any time" be struck out and the words "after the grant of the final order for dissolution or the order for nullity" inserted in lieu.

Amendment put and passed.

The CHIEF SECRETARY: I move an amendment—

That in line 5 of Subclause (1) after the word "order" the words "for dissolution of marriage or order for nullity" be inserted.

Hon. W. J. Mann: What is the effect of the amendment?

The CHIEF SECRETARY: If there is an appeal, a re-marriage may not take place until the final order has been affirmed.

Hon. J. A. Dimmitt: Was it not equally necessary to insert in the previous amendment, after the word "dissolution," the words "of marriage."

Hon. W. J. Mann: That is what I had in mind.

The CHIEF SECRETARY: The words should have been inserted. I do not know whether we can go back.

The CHAIRMAN: No; the Chief Secretary will have to move to recommit the clause again.

The CHIEF SECRETARY: Surely this is merely a typographical error! It must refer to a dissolution of marriage.

The CHAIRMAN: The clause will have to be recommitted.

Amendment put and passed.

The CHIEF SECRETARY: I move an amendment—

That after the word "or" in line 3 of Subclause (2) the words "an order" be inserted.

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

Bill again reported with further amendments.

Further Recommittal.

On motion by the Chief Secretary, Bill again recommitted for the further consideration of Clause 58.

In Committee.

Hon. G. Fraser in the Chair; the Chief Secretary in charge of the Bill.

Clause 58—Right to re-marry:

The CHIEF SECRETARY: I move an amendment—

That after the word "dissolution" in the amendment inserted by a previous Committee, the words "of marriage" be inserted.

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

Bill again reported with a further amendment and the reports adopted.

Sitting suspended from 6.15 to 7.30 p.m.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to amendments Nos. 7, 8, 9, 10, 11, 12, 15, 16, 23, 24 and 25 made by the Council, had disagreed to Nos. 1, 2, 3, 4, 5, 6, 13, 14, 17, 18, 19, 20, 22, 26 and 27 and had agreed to amendment No. 21 subject to further amendments.

In Committee.

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

No. 1. Clause 7—Delete paragraph (b) on pages 6 and 7.

The CHAIRMAN: The Assembly's reason for disagreeing is—

The provision in the Bill is a desirable provision in line with modern practice in the rest of Australia.

The HONORARY MINISTER FOR AGRICULTURE: I have but one reason for asking the Committee not to insist on the amendment. It is that a similar provision is included in Acts relating to workers' compensation in force in the other States of Australia. Tasmania recently passed a special Bill to include this provision. Are we to stand alone, or shall we fall into line with the other States? I move—

That the amendment be not insisted on.

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

| | | | | |
|------|----|----|----|----|
| Ayes | .. | .. | .. | 8 |
| Noes | .. | .. | .. | 13 |

Majority against .. 5

AYES.

| | |
|-------------------|----------------------|
| Hon. G. Bennetts | Hon. E. H. Gray |
| Hon. R. J. Boylen | Hon. H. S. W. Parker |
| Hon. E. M. Davies | Hon. G. B. Wood |
| Hon. G. Fraser | Hon. W. R. Hall |
| | (Teller.) |

NOES.

| | |
|-----------------------|--------------------|
| Hon. L. Craig | Hon. W. J. Mann |
| Hon. H. A. C. Daffen | Hon. C. H. Simpson |
| Hon. R. M. Forrest | Hon. H. Tuckey |
| Hon. Sir Frank Gibson | Hon. H. K. Watson |
| Hon. H. Hearn | Hon. F. R. Welsh |
| Hon. Sir Chas. Latham | Hon. G. W. Miles |
| Hon. A. L. Loton | (Teller.) |

Question thus negatived; the Council's amendment insisted on.

No. 2. Clause 7, page 8—Insert a new paragraph to stand as paragraph (ca) as follows:—

(ca) For the purposes of the said table the words "loss of the genital organs" shall also include "mental, psychological, or physical incapacity for work at a rate of pay equivalent to that for the work at which the worker was employed at the time of the accident, when such incapacity arises out of mutilation of, injury to, or loss of all or any of the genital organs."

The CHAIRMAN: The Assembly's reason for disagreeing is—

This will confer no benefit on the worker who, if incapacitated from such causes, can receive compensation.

The HONORARY MINISTER FOR AGRICULTURE: I move—

That the amendment be not insisted on. There is already provision in the Act to compensate a worker for the loss of these organs, and the compensation is not limited to £500.

Hon. G. FRASER: I hope the Committee will insist on the amendment. The information given by the Honorary Minister with regard to compensation has reference to the second amendment of this description.

The Honorary Minister for Agriculture: One is consequential upon the other.

Hon. G. FRASER: Not necessarily. The first amendment gives the worker the benefit under the First Schedule and is entirely different from the other, which has to do with the Second Schedule.

The Honorary Minister for Agriculture: I disagree.

Hon. G. FRASER: Nevertheless, what I say is correct. This amendment deals with the First Schedule. During the course of the debate the psychological effect on the worker of the loss of these organs was mentioned. That loss would not affect the worker's working capacity in the accepted sense, but its psychological effect on him could be very severe. I have had experience of only two cases coming under this heading and the member for South Fremantle informs me that he has met with only one, so there will not be a great deal of compensation involved. Nevertheless, provision should be made for it. I believe another place considered that the compensation was not large enough.

The **CHAIRMAN:** I have read out the reasons given by another place.

Hon. G. FRASER: I think those reasons would be disputed if they went before the full Committee in another place.

Hon. Sir Charles Latham: They were adopted by that Committee.

Hon. G. FRASER: I know that many such things are adopted, with regard to the reports of committees that draw up reasons and so on. I hope the Committee will insist on this amendment.

The **HONORARY MINISTER FOR AGRICULTURE:** I believe that under the present Act there is no restriction to £500, so if the amendment is insisted on the worker may lose.

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

| | |
|---------------------|----|
| Ayes | 10 |
| Noes | 11 |
| Majority against .. | 1 |

AYES.

| | |
|-----------------------------|------------------------------|
| Hon. G. Bennetts | Hon. Sir Frank Gibson |
| Hon. R. J. Boylen | Hon. W. E. Hall |
| Hon. H. A. C. Daffen | Hon. H. S. W. Parker |
| Hon. E. M. Davies | Hon. G. B. Wood |
| Hon. G. Fraser | Hon. E. H. Gray |

(Teller.)

NOES.

| | |
|------------------------------|---------------------------|
| Hon. C. F. Baxter | Hon. O. H. Simpson |
| Hon. H. Hearn | Hon. H. Tuckey |
| Hon. Sir Chas. Latham | Hon. H. K. Watson |
| Hon. A. L. Loton | Hon. F. R. Welsh |
| Hon. W. J. Mann | Hon. L. Craig |
| Hon. G. W. Miles | |

(Teller.)

Question thus negatived; the Council's amendment insisted on.

No. 3. Clause 7, page 12—Delete the words "referred to in the first column of

the Second Schedule to this Act" in lines 17 and 18.

The **CHAIRMAN:** The Assembly's reason for disagreeing is—

Not desirable that these provisions should extend to other than Second Schedule cases.

The **HONORARY MINISTER FOR AGRICULTURE:** I do not think it is desirable to throw the door wide open by accepting this amendment, without first knowing what may be its effect. At a subsequent date, in the light of experience, further consideration can be given to it. I move—

That the amendment be not insisted on.

Question put and passed; the Council's amendment not insisted on.

No. 4. Clause 7, page 12—Add a new subsection after subsection (5a) to stand as subsection (5b) 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 of any member of the Medical Board arrange for the worker's own medical practitioner to give evidence at the meeting of the Medical Board.

The **CHAIRMAN:** The Assembly's reason for disagreeing is—

The suggested procedure will be cumbersome and likely to increase expense and add to the burden on industry.

The HONORARY MINISTER FOR AGRICULTURE: We had a long debate on this amendment in a previous Committee. It provides for separate reports from three different medical practitioners on the medical board. In the past the board has had no difficulty in securing any evidence it desired, particularly from the worker's own medical practitioner. I have been informed that the amendment is entirely unnecessary and, while it would perhaps improve the position of the medical fraternity, it would involve a little more expense with no gain whatsoever to the injured worker. I move—

That the amendment be not insisted on.

Hon. G. FRASER: I think the main reason for this amendment has been missed by the Honorary Minister. The object was to have separate examinations of the worker by the medical men.

The Honorary Minister for Agriculture: I mentioned that in the first place.

Hon. G. FRASER: I think Dr. Hislop was responsible for the amendment and at the time we were discussing it he advanced good reasons why we should give it a trial. On the surface it does appear that it may be a little more costly but in time it might save expense.

The Honorary Minister for Agriculture: Can you give any reasons why it is desirable?

Hon. G. FRASER: It is desirable because a man examined by three doctors jointly would not receive as thorough an examination as he would if examined by one doctor in his own surgery. I have known of numbers of cases where, under the old system, the worker has been examined by three doctors who have found nothing wrong with him, but later the man's own doctor has discovered something which the three doctors had missed.

The Honorary Minister for Agriculture: That can still be done.

Hon. G. FRASER: Yes, but it is too late then. Three doctors examining a man individually would give him a more thorough examination than if they were examining him together.

The Honorary Minister for Agriculture: What if they each give a different opinion?

Hon. G. FRASER: They would each give the man an individual examination and their reports would be submitted. They could then discuss the results of their individual examinations. I hope the Committee will insist on the amendment.

Hon. L. CRAIG: I am not opposed to having individual examinations, although it would be most costly to send a worker to three different doctors. Doubtless, appointments would have to be made for different days. If one of the doctors were in doubt, he would ring up one of the others. We all know that they consult one another. What I object to is the provision for each doctor to make a written report to the board and then, at a subsequent date, for the three of them together to make another report to the board. A doctor, whose professional standing would be at stake, would not make an individual report and send it to the board, but he would be prepared to discuss the case with other doctors and subscribe to a joint report.

Hon. E. H. GRAY: We are at a disadvantage because the mover of the amendment is absent. Mr. Craig should have expressed those ideas when Dr. Hislop was present.

Hon. L. Craig: I did so.

Hon. E. H. GRAY: The provision would refer to a comparatively small number of problem cases.

Hon. L. Craig: How can you say that?

Hon. E. H. GRAY: Anyone with a knowledge of the operations of the Act knows that the number of problem cases is very small. The object of the amendment is to do justice to the genuine problem cases. Dr. Hislop made out a good case for the amendment. Therefore we should insist upon it, for, by so doing, we shall provide means to overcome a difficulty that has been experienced.

Hon. G. FRASER: Is Mr. Craig's only objection to requiring an individual report to be sent to the board?

Hon. L. Craig: That is one of my objections.

Hon. G. FRASER: I was going to suggest as a way out that we might insist on the amendment and then, at the conference, give way on that point. I admit that it would be against human nature to expect

one doctor to send in a report and then revoke. I would be satisfied if the amendment were altered to provide for examination by three doctors.

Question put and passed; the Council's amendment not insisted on.

No. 5. Clause 11, new Section 33, page 21—Delete Subsection (15) in lines 21 to 24.

The CHAIRMAN: The Assembly's reason for disagreeing is—

It is desirable that the Minister (as in the case of the Public Service) should have power to grant permission for a board member to engage in temporary outside matters.

The HONORARY MINISTER FOR AGRICULTURE: Previously, provision was made to prevent any member of the board from engaging in outside business without the consent of the Minister, but the board could be full-time or part-time.

Hon. G. Fraser: A board member could do as he liked; the Minister would have no say.

The HONORARY MINISTER FOR AGRICULTURE: That is so. I move—

That the amendment be not insisted on.

Hon. C. F. BAXTER: If the amendment were insisted on, the board could still be a permanent body, but if there were insufficient work for it to do, it could be employed part-time.

Hon. Sir Charles Latham: And the members paid so much per sitting.

Hon. C. F. BAXTER: Yes.

The Honorary Minister for Agriculture: There was some restriction originally.

Hon. C. F. BAXTER: No, there was not. The Bill made a full-time board mandatory. I was going to say that I was astonished at the action of another place in not agreeing to this amendment, but we know all about another place. Very little consideration was given to the Bill there.

The CHAIRMAN: Order! The hon. member must not cast reflections on the votes and proceedings of another place.

Hon. C. F. BAXTER: I suppose members of another place do not cast reflections on this Chamber!

The CHAIRMAN: We shall do the right thing here.

Hon. C. F. BAXTER: The Bill calls for great consideration. The more one thinks about it, the more worrying it becomes.

Hon. L. CRAIG: Suppose the proposed new subsection were deleted, if the Minister wanted the board to be a full-time body, he would refrain from appointing a man who was not willing to give all his time to the work. Consequently, the decision would be in the hands of the Minister.

The Honorary Minister for Agriculture: I agree that it does not matter much, but I think it better to retain the subsection.

Hon. Sir CHARLES LATHAM: Would anyone reading the subsection regard the job as other than a full-time one? No doubt that was the intention.

The Honorary Minister for Agriculture: What would be the position without the subsection?

Hon. Sir CHARLES LATHAM: It would rest with the Minister whether the board was a full-time body. The marginal note reads, "Prohibition of other employment for remuneration." That clearly indicates the intention. I believe that the board could work satisfactorily if its members were paid so much per sitting.

Hon. H. HEARN: There is no doubt that the intention was to have a full-time board. Mr. Baxter, in moving the amendment, desired to make it possible for the board to be employed part-time if experience showed that that was sufficient. This is an important amendment and should be insisted on.

Hon. G. FRASER: Even with the subsection retained, it would be possible for the board to be either full-time or part-time, because any person appointed to it could engage in other occupations with the Minister's consent. If it is deleted with the intention that the board shall be on a full-time basis, the Minister will have no say as to what its members can do, apart from their duties on the board.

Hon. Sir Charles Latham: The very words here are in the Public Service Act.

The Honorary Minister for Agriculture: Why did you vote for the deletion of these words?

Hon. Sir Charles Latham: I am speaking of their meaning.

The Honorary Minister for Agriculture: No-one is disputing that.

Hon. E. H. GRAY: The Committee is missing the real object of the amendment which, first of all, was to weaken the board. The object here is to appoint men who are absolutely free from outside influences. We should not have as a part-time man the manager of some large concern in the city. The Committee should review its decision and take no notice of Mr. Baxter.

The HONORARY MINISTER FOR AGRICULTURE: I am in agreement with Sir Charles Latham. I do not think that members previously realised fully the effect of the amendment. We know that members of the Public Service can do outside work if the Minister gives approval. The same thing applies to the teachers and others. I agree with the point of view put forward by Mr. Fraser.

Hon. C. F. BAXTER: I take exception to the Honorary Minister's remark that members did not realise what they were doing.

The Honorary Minister for Agriculture: I did not say that.

Hon. C. F. BAXTER: I think every member knew exactly what this meant.

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

| | | | | |
|------|----|----|----|----|
| Ayes | .. | .. | .. | 10 |
| Noes | .. | .. | .. | 11 |

| | | |
|------------------|----|---|
| Majority against | .. | 1 |
|------------------|----|---|

AYES.

| | |
|-----------------------|------------------------------|
| Hon. H. A. C. Daffen | Hon. H. S. W. Parker |
| Hon. R. M. Forrest | Hon. H. K. Watson |
| Hon. Sir Frank Gibson | Hon. F. R. Welsh |
| Hon. H. Hearn | Hon. G. B. Wood |
| Hon. Sir Chas. Latham | Hon. W. J. Mann (Teller.) |

NOES.

| | |
|-------------------|---------------------------------|
| Hon. G. Bennetts | Hon. W. R. Hall |
| Hon. R. J. Boylen | Hon. A. L. Loton |
| Hon. L. Craig | Hon. G. W. Miles |
| Hon. E. M. Davies | Hon. H. Tuckey |
| Hon. G. Fraser | Hon. C. H. Simpson (Teller.) |
| Hon. E. H. Gray | |

Question thus negatived; the Council's amendment insisted on.

No. 6. Clause 11, new section 33, (16), page 21—Delete all words after the word "Board" in line 28.

The CHAIRMAN: The Assembly's reason for disagreeing is—

The chairman will be a highly qualified legal man; other members laymen. It is desirable that the chairman should determine questions of law.

The HONORARY MINISTER FOR AGRICULTURE: For the reasons I stated previously, I believe there should be only one person to determine these questions of law, and that is the chairman, who will be a man qualified to be a judge of the Supreme Court. If that were not so, he could be out-voted by two laymen. The board is to be a court, amongst other things, and the chairman is the best person to determine questions of law, and of mixed law and fact. I move—

That the amendment be not insisted on.

Hon. L. CRAIG: These questions should not be left to one man, whoever he may be. Even if he is to be a person who is qualified to be a judge, there may be other people just as well versed in medical legislation as he is. One man should not be able to over-ride the majority. If the chairman were sure he was right, he would say, "This meeting stands adjourned until tomorrow. In the meantime we shall look into the question." We should insist on the amendment.

Hon. H. HEARN: I agree with Mr. Craig. In addition, I remind members that when the Bill came down this was to be known as a board, and it grew into a court as the debate went on; but it is still a board. It is necessary that the three members should take part in every discussion before the board. The Court of Arbitration works on that principle. We should insist on the amendment.

The HONORARY MINISTER FOR AGRICULTURE: It is all very well to say that this is a board, but we have said all the time it is a court as well. We would not otherwise want on it a man qualified to be a judge. The point under discussion concerns only questions of law and mixed law and fact, and such questions should be left to the man who is qualified to be a judge.

Hon. Sir CHARLES LATHAM: In this case the chairman is to be a trained legal man. In the Arbitration Court we have a legal man and two laymen. Recently a professional man was appointed to the Children's Court, together with two lay people,

one of whom is, I think a woman. In quite a number of cases, the Government does not seem to feel awkward about letting all the members of the tribunal concerned deal with questions of law, and mixed law and fact. I know of a magistrate at Fremantle who complained that his decision was over-ridden by justices.

The Honorary Minister for Agriculture: Do you think that is right?

Hon. Sir CHARLES LATHAM: Yes, definitely.

The Chief Secretary: I think you complained at the time.

Hon. Sir CHARLES LATHAM: I am convinced that the Government is wrong this time, and I think we should insist on the amendment.

Question put and negatived; the Council's amendment insisted on.

No. 13. Clause 11, new section 35, page 24—In subsection (5) add a further paragraph after paragraph (c) to stand as paragraph (d) as follows:—

(d) The Board shall not levy contributions to the Fund in excess of eight thousand pounds in any one year unless authorised by both Houses of Parliament.

The CHAIRMAN: The Assembly's reason for disagreeing is—

It would be ridiculous to make it compulsory for the board to obtain a resolution of both Houses of Parliament before it could even slightly exceed £8,000.

The HONORARY MINISTER FOR AGRICULTURE: I move—

That the amendment be not insisted on.

My reason is practically the same as that given by another place. It has been computed that £8,000 will be all that will be necessary for the board. However, if, say, in the middle of January, it was considered that the board required a further £200, it could not spend it but would have to wait until the next session of Parliament. It just does not make sense. I believe, and I hope, that the cost will not exceed £8,000; but I do not know, as I am not in a position to say. It is possible that the cost may be exceeded—

Hon. E. H. Gray: Or it may be under.

The HONORARY MINISTER FOR AGRICULTURE: Yes, it may be below that figure; but we are not concerned with that aspect.

Hon. H. HEARN: I have listened to the reason given by another place and to the explanation given by the Honorary Minister, but I am more than ever convinced that some limitation should be placed on the board's expenditure. We have been told right through the debate that the board is going to reduce compensation costs and we have also been told that £8,000 a year will be sufficient to run the board. Despite the fact that we have, by other amendments, limited the scope of the board, we are still told that the amendment is foolish and ridiculous. Industry is prepared to see this project go through its first year to test the sincerity of the framers of the Bill. We will know a lot more about the Bill after the first year's operations than we do now, and I think that at the end of the first year, the Honorary Minister for Agriculture will have a very different story from what he has at the moment and he will have some fresh arguments to put before the Chamber to extend the powers of the board. The amendment is one of the essential features of the Bill, and I hope that it will be insisted on.

The HONORARY MINISTER FOR AGRICULTURE: I take some exception to Mr. Hearn's statement that I ever told the Chamber that the cost would be restricted to £8,000. I never said anything of the sort. All I said was that it had been computed. I had never tried to mislead the Chamber. Costs may increase, but with the benefits and the savings, the costs should decrease. I envisage that there will be a number of economies made by the new board, because instead of several authorities administering workers' compensation, there will be one board only to do it.

Hon. C. F. BAXTER: Throughout the passage of the Bill public statements have been made that it will cost £8,000.

The Honorary Minister for Agriculture: That is not so. Tell us who said that!

Hon. C. F. BAXTER: The Honorary Minister said it was computed, and that is the same thing. The Government has not taken the trouble to advise either Chamber just where the costs will come in, and we have no figures to guide us. This extra money must come from the insurers and will have to be paid by industry. There is one company in Victoria—which State has a similar provision to this—that was forced to increase its staff by 50 per cent. Who is going to pay

for that? My Labour friends say the insurers will pay for it, but indirectly industry will pay for it.

Hon. E. M. DAVIES: And industry will pass it on to someone else.

Hon. C. F. BAXTER: Of course it must be passed on, and it will be passed on to the people the hon. member represents as well as poor unfortunate industry. I hope the Committee will insist on the amendment as there are only seven or eight months to go before the next session commences, and it will give us some idea of how the board is operating. Members have been very generous with the increases, and not one has spoken in opposition to the increases to workers.

The Honorary Minister for Agriculture: You have tried to decrease the benefit to the single worker.

Hon. C. F. BAXTER: In all other matters, the worker without dependants is treated differently from one with dependants, and that is quite right.

Hon. G. FRASER: I do not think it is fair that members should try to pin on the Honorary Minister for Agriculture the fact that he made a statement that it would cost £8,000 only. The Honorary Minister tried to give information to the Chamber which had come into his possession, and in giving that information he merely made a statement that it was anticipated that it would cost about £8,000. Now some members are trying to state that he said that that is all the board will cost. He could have made a statement without giving any figures at all, but because he was good enough to give the figures in his possession, some members are trying to pin him down. I cannot understand trying to limit the board to a definite figure.

The Honorary Minister for Agriculture: You cannot do it.

Hon. G. FRASER: It is possible that in the first year the cost may be over £8,000, but in the long run it will be of benefit to the insurers by eliminating a number of other costs. It is the intention to set up a board, and we must have sufficient faith in the Government to believe that it will pick the best men to do the job and those men will see that they adopt all economies possible. I am anxious, just as are other members, that workers' compensation shall not cost industry any more than is necessary.

The Honorary Minister for Agriculture: We all are.

Hon. G. FRASER: The lower the cost to industry, the better the benefits to the workers. If costs are high, benefits will be lower. I hope we will not hamstring the board, which would be the effect of fixing a specific amount. Let the board do its best to carry out the work allotted to it. To hamstring it would be a penny wise and pound foolish policy.

Hon. L. CRAIG: We must not forget that we have decided to impose a limitation upon expenditure. The Bill included provisions that would have enabled the board to erect rest-rooms, clinics and so forth, but we decided against that course. The Honorary Minister did not tell us any more than that it was anticipated the cost of the board would not exceed £8,000, and he certainly did not mislead the Committee at all. Members, however, decided to limit the board's expenditure, and that was quite sound. We cannot alter the amount now; it must remain at £8,000 or nothing. If there is to be any deviation in that respect, it is a matter for consideration when the Bill goes to a conference of managers.

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

| | | | | | |
|------------------|----|----|----|----|----|
| Ayes | .. | .. | .. | .. | 8 |
| Noes | .. | .. | .. | .. | 13 |
| Majority against | | | | | 5 |

AYES.

| | |
|-------------------|-------------------------------|
| Hon. R. J. Boylen | Hon. W. R. Hall |
| Hon. E. M. Davies | Hon. H. S. W. Parker |
| Hon. G. Fraser | Hon. G. B. Wood |
| Hon. E. H. Gray | Hon. G. Bennetts (Teller.) |

NOES.

| | |
|-----------------------|------------------------------------|
| Hon. O. F. Baxter | Hon. G. W. Miles |
| Hon. L. Craig | Hon. C. H. Simpson |
| Hon. H. A. C. Daffin | Hon. H. Tuckey |
| Hon. H. Hearn | Hon. H. K. Watson |
| Hon. Sir Chas. Latham | Hon. F. B. Welsh |
| Hon. A. L. Loton | Hon. Sir Frank Gibson (Teller.) |
| Hon. W. J. Mann | |

Question thus negatived; the Council's amendment insisted on.

No. 14. Clause 11, new section 37, page 29—Insert after subparagraph (xiv) a subparagraph (xv) as follows:—

(xv) the fees to be paid to a medical referee or to the members of a Medical Board in carrying out the provisions of this Act with power to vary such fees from time to time as the Board may think fit.

The CHAIRMAN: The Assembly's reason for disagreeing is—

It is not desirable that the board should fix the fees for medical referees.

The HONORARY MINISTER: I agree with the reason advanced by the Assembly. The fixing of fees is a matter for the Governor-in-Council. It is strange that the Committee should have sought throughout to curtail the powers of the board, but here it proposes to give it additional power—surely an indication of extraordinary inconsistency. I move—

That the amendment be not insisted on.

Question put and passed; the Council's amendment not insisted on.

No. 17. Clause 11, new section 37, (13), page 31—Add after the word "Act" in line 11, a proviso as follows:—

Provided nevertheless that no medical practitioner registered under the Medical Act, 1894-1946, shall be omitted or removed from the register established and maintained by the Board as aforesaid unless such medical practitioner has committed an offence against any of the provisions of this Act and in such case only for the period which the Board may as hereinafter provided have ordered.

The CHAIRMAN: The Assembly's reason for disagreeing to the amendment is—

There are no specific offences which doctors can commit against the Act, and therefore the powers of the board would be abrogated.

The HONORARY MINISTER FOR AGRICULTURE: This is rather a serious amendment. Medical officers can do all sorts of undesirable things. They can overcharge; they can rob the worker; they can do many other wrongful deeds, and still not commit an offence under this legislation. I was indeed sorry when the amendment was agreed to. Members should realise its effect. Doctors who would behave as I have indicated, should not be on the register at all. I move—

That the amendment be not insisted on.

Hon. L. CRAIG: There are rare instances of doctors behaving in a shocking manner with regard to workers' compensation cases. The board soon finds out who they are. Surely it should be in a position to say that such doctors would not be allowed to handle workers' compensation cases in future.

Hon. H. HEARN: I appreciate the remarks of both the Honorary Minister and Mr. Craig, but it appears to me that if

the amendment is not included in the Bill, the board will have complete power to say which doctors shall carry out this type of work. To my mind, that is bad and would tend to create a monopoly. It would be possible for the board to say that only doctors employed by the State Government should be permitted to do so. That may not be the intention, but clearly, on the strict reading of the provision in the Bill, the board would have that power.

Hon. G. FRASER: I hope the Committee will insist on this amendment which deals with a proposal that may be very dangerous. It will give the board power to prevent a doctor undertaking workers' compensation cases without any charge or accusation of any description being made against him. Immediately there would be a stigma on that doctor. I know there have been some instances where the conduct of medical men has not been satisfactory, but surely there is some other way of dealing with them, and the Government should consider framing an amendment to overcome the difficulty.

I know of one medical man who was frowned upon by the insurance companies because he thought it wise not to rush a man back to work if he would be completely cured by two or three extra days' rest. His policy was a wise one and saved the insurance companies a great deal of money. Such a doctor would be blacklisted by the board and thus portion of his livelihood would be taken from him. No accusation would be made against him, and he would be left without redress.

The HONORARY MINISTER FOR AGRICULTURE: I am surprised at Mr. Fraser. This is a definite protection to the worker. What else can it be? I was surprised that this amendment was carried; I presume it was moved at the instance of the B.M.A.

Hon. Sir CHARLES LATHAM: Is the provision meant to discipline doctors? If so, it is a crude way of doing so. In some country districts it might be hard to engage a doctor. Dr. Hislop pointed out that there might be two doctors in a country town, one registered and the other not. The one who was registered would be building up his practice at the expense of the other.

The Honorary Minister for Agriculture: The board would not remove a doctor who was not undesirable.

Hon. Sir CHARLES LATHAM: But the board would have power to do so.

The Honorary Minister for Agriculture: It now has that power.

Hon. C. F. BAXTER: I agree with much of what Sir Charles Latham has said. If we insist upon the amendment, it means that the board's power to control medical practitioners would be lessened.

Hon. Sir Charles Latham: Let the provision stand as it is, and the managers may come to some better arrangement.

Hon. C. F. BAXTER: I do not know that they would. The Committee should not insist on the amendment, as it would place the board in an invidious position. I support the Minister.

Hon. L. CRAIG: I hope the Committee will not insist on the amendment. A worker can have his own doctor and nothing that the board could do could make the worker change his doctor. But the employer may not be satisfied with the worker's doctor and may desire to have a check opinion. That is what is provided in the Bill. Members seem to be afraid that the powers proposed to be given to the board are too drastic. The board would be in the position of a dictator as regards medical officers.

Hon. H. Hearn: That is so.

Hon. L. CRAIG: Mr. Fraser has stressed the high calibre of the board to be appointed. Surely, the workers' representative could be relied upon to see that the worker was properly treated.

Hon. H. Hearn: It is a song without words!

Hon. L. CRAIG: Mr. Hearn would throw up his hands and say that he is all for the worker.

Hon. G. Bennetts: He does not think so, though.

Hon. L. CRAIG: It is better to have a dictator board than to have an open go. It would be better to leave the Bill as it stands.

Hon. G. FRASER: My point is that the injured worker should have the choice of a doctor.

Hon. L. Craig: He still has.

Hon. G. FRASER: He has not. The board would be given power to form a register of doctors and could place on the register whom they liked.

Hon. L. Craig: Be sensible about it!

Hon. G. FRASER: I am. It is essential that the injured worker should have confidence in the doctor who is treating him. That is half the battle. The board might appoint a doctor who would be a total stranger to the worker, and so this stranger would be the person to give evidence before the board on the worker's behalf. That is wrong. There must be some way, either by regulation or amendment of the Act, to make it an offence for certain things to occur. I do not see why a medical practitioner should be exempt from prosecution for overcharging.

Hon. L. Craig: That is not an offence under the Act.

The Honorary Minister for Agriculture: Would getting drunk be an offence under the Act?

Hon. G. FRASER: If a medical practitioner, while drunk, attended a patient, he should be liable to be charged with negligence. I think the main reason for this amendment was to deal with one or two doctors who are able to play ducks and drakes with the Act.

The Honorary Minister for Agriculture: They cannot be dealt with unless they infringe the Act.

Hon. G. FRASER: I think the difficulty could be overcome in conference.

Hon. C. F. Baxter: Why the sudden distrust of the board?

Hon. G. FRASER: It is not that. I want a free choice of doctors. I believe that if a doctor is accused, he should be given an opportunity to defend himself, as he might be able to prove he had not committed any offence.

The Honorary Minister for Agriculture: Would not the board be fair?

Hon. G. FRASER: Yes, but all human beings make mistakes. I hope the Committee will insist on the amendment.

The HONORARY MINISTER FOR AGRICULTURE: I know of one country town where the doctor is nearly always drunk, and he is the only medical practi-

tioner within a wide radius. Should he not be taken off the register? I feel strongly that the Committee should not insist on the amendment.

Hon. H. HEARN: Some members may think that my attitude is always that we should save money, but that is not my feeling in this matter. However, I see in the Bill the danger of the creation of a monopoly. I agree with Mr. Fraser that if power is not given in the Bill to discipline doctors, the sooner that power is included, the better. As the measure stands, the board could include two doctors at Kalgoorlie on the register, and leave the other four off. I hope the amendment will be insisted on.

Question put and passed; the Council's amendment not insisted on.

No. 18. Clause 11, new section 37, (13), page 34—Insert after the word "practitioners" in line 37, the words "from a panel of names submitted by the Western Australian Branch of the British Medical Association."

The CHAIRMAN: The Assembly's reason for disagreeing is—

The B.M.A. is not a proper authority to nominate a panel.

The HONORARY MINISTER FOR AGRICULTURE: I am not enthusiastic about opposing the amendment, and would rather leave it to the Committee to decide what should be done. However, I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 19. Clause 11, new section 37, page 35—Delete subparagraph (ii) of paragraph (g).

The CHAIRMAN: The Assembly's reason for disagreeing is—

Modern conditions demand that to minimise cost to industry adequate treatment should be available to the worker.

The HONORARY MINISTER FOR AGRICULTURE: I move—

That the amendment be not insisted on.

I cannot understand why the board should not have power to provide facilities for the complete and adequate treatment of workers who have sustained personal injury by accident within the meaning of this legislation. I hope the Committee will not insist on the amendment.

Hon. H. K. WATSON: I ask the Committee to insist on the amendment. Subparagraph (ii) was the first step in stripping the board of what could be described as social service activities quite outside its ordinary scope.

Question put and negatived; the Council's amendment insisted on.

No. 20. Clause 11, new section 37, page 35—Delete subparagraph (iii) of paragraph (g).

The CHAIRMAN: The Assembly's reason for disagreeing is—

Rehabilitation into industry is even more important than compensation, especially in these days of shortage of labour.

The HONORARY MINISTER FOR AGRICULTURE: In my opinion, this is one of the least desirable of the amendments. I am sorry Dr. Hislop is not present, as I intend to read an extract from what he said in regard to some of these matters in 1944. At that time, he said—

Lump sum compensation also brings to my mind a hope I have had for many years. That is, that the preventive side of workers' compensation should be given much more thought than it has received in the past. The days when a man was discarded from industry after injury have gone. The International Labour Bureau has accepted the dictum that as one basis of the post-war period, no industry shall be allowed to be carried on unless it can provide sufficient to repair its machinery, including its human machinery. The mere fact that we give a lump sum of money to an injured person in many cases is no compensation at all. If that man has been seriously injured in industry it should be the duty of the State to see that he can still have a decent standard of living.

That seems to be the crux of the position. I think it is the duty of the board to ensure that injured workers are rehabilitated into industry. Surely that must be an economy. For that reason, I was disappointed that the rehabilitation clause was thrown out. I move—

That the amendment be not insisted on.

Hon. C. H. SIMPSON: I remember this point being discussed very fully when the Bill was considered in Committee. The question raised was that there was no lack of sympathy in regard to the various objects of that paragraph but we did have regard to commitments which the board might have in the spending of money. We therefore thought the Social Services Act, administered by the Commonwealth Gov-

ernment, should enter the picture. That is what I think caused the Committee to amend this clause.

Hon. G. FRASER: The function of the Social Services Department is rather that of giving assistance to an unemployed worker. They certainly find jobs for a worker but not those for rehabilitating a worker.

Hon. C. H. Simpson: It provides jobs for a worker.

Hon. G. FRASER: If the jobs are available. Something more than that should be done. From experience we know that many men that might have been lost to industry have been returned after sympathetic treatment. The number of cases where men are injured and on compensation are few, and they can then go back to their own jobs. However, there are men who can never return to their employment, but the number of such cases is not large. Where it is not possible to rehabilitate a man, I think the board should be allowed to retain its power to take some action that would benefit both the insurance company and the worker.

Hon. L. Craig: There would be no end to it.

Hon. G. FRASER: I think there would be. I do not think it would be nearly as bad as anticipated by the hon. member.

Hon. L. Craig: Cases become chronic.

Hon. G. FRASER: I do not know about that but the number of cases that will go on to compensation will be few. I think the expense will be well worth while.

Hon. H. HEARN: I was interested in the remarks of Dr. Hislop quoted by the Honorary Minister for Agriculture and noted that in his concluding statement he considered that this should be a job for the State. I want to emphasise that because I think that puts his remarks in a different light. The suggestion in the Bill is to put the charge on to industry respecting these extraordinary cases. I am wondering where Mr. Fraser obtained his authority to say that there will be only a few cases where men cannot be returned to industry. From my own experience the number has been far from few and the same opinion is held by everyone who has a practical knowledge of industry. The whole quarrel surrounds the words "providing facilities." That is

an open cheque and it would be impossible to limit the money to be spent by this particular board.

The Honorary Minister for Agriculture: An expenditure of £8,000 would not go far.

Hon. H. HEARN: I am not objecting to the expenditure of £8,000 but in this particular clause members will be giving power to the board to spend any amount of money. Because of that I trust the Committee will insist on the amendment.

The HONORARY MINISTER FOR AGRICULTURE: We cannot give the board power to spend money which it does not possess. There may be other people who will be prepared to assist in the work of the board but that body will be interested in seeing the workers rehabilitated. It is not envisaged that it will spend thousands of pounds in erecting clinics. The objection seems to be wrapped around the word "facilities." Facilities do not necessarily mean the erection of buildings. The word means easement in the rehabilitation of workers. I am not concerned whether the board, the State or the Commonwealth shall carry out this rehabilitation. All I am concerned with is that it shall be done. The board will ensure that industry will do it.

Hon. G. FRASER: As the whole argument appears to be around the words "providing facilities," I would suggest to Mr. Hearn that we have not the opportunity now of making any alteration to these two words; but if we do not insist on this amendment and the question goes before a conference, there will be difficulty in substituting other words.

The Honorary Minister for Agriculture: Another paragraph could be inserted if the Committee so desired.

Question put and negatived; the Council's amendment insisted on.

No. 21. Clause 11, new Section 37, page 35—Delete subparagraph (iii) of paragraph (g).

The CHAIRMAN: The Legislative Assembly has further amended our amendment by striking out the word "delete" and inserting the word "amend," which therefore restores subparagraph (4). It then amended the amendment by adding the following words:—"by inserting after the word 'determining' in line 26, page 35, the words 'with the approval of the Minister'."

The HONORARY MINISTER FOR AGRICULTURE: I believe this modification was made in deference to the wishes of a deputation from the Chamber of Mines, who would be quite satisfied if steps for the prevention of accidents and inspections were undertaken with the approval of the Minister. It was thought that this would safeguard any wrong decision on the part of members of the board, who might not know much about the mining industry. We might well accept the modification. To deprive the board of power in this direction would be extraordinary. This work is not now done.

Hon. H. Hearn: Yes, it is.

Hon. Sir Charles Latham: If it is not done, somebody is not doing his job.

The HONORARY MINISTER FOR AGRICULTURE: It could be done better than it is being done today. Dr. Hislop, when speaking on a similar measure four years ago, said—

That brings me to the question of prevention of accidents. I have always hoped that the time would come when a department could be established to investigate industry with the object of preventing illness and accident. At this stage I do not want to elaborate what I have in mind, because an opportunity will be afforded me to explain it in detail later on. Having viewed this Act for years, I consider that we are in a position as a State, in which we cannot properly care for injured workers while the insurance is spread around 50 or more companies. We can only obtain all the evidence which we should have and which today we are losing, by having a central body carrying out that investigational research. I hope to see the State Insurance Office take over the whole of workers' compensation. I am prepared to say that every day until someone really honestly believes it. It is the only method by which we can protect the injured worker and do a service for industry.

Perhaps Dr. Hislop would not now be so keen on a monopoly, but his remarks point to the necessity of having a central authority to do this work. I believe the Royal Commission was of the same opinion. There must be a central authority, which must be the board or the State Insurance Office. I move—

That the modification be agreed to.

Hon. H. HEARN: When the Honorary Minister says that there is need for further inspections in industry, I join issue with him as one who knows something about the conditions in industry. The Chamber of Mines represents only a fraction of the total industrial workers. In our factories every section

of the work proposed for the board is covered by health, factory and machinery inspectors. Are members prepared to approve of having a further set of inspectors to carry on this work of inquisition, for that is what it is? These inspectors go into the factories and delay manufacturing processes, and it is time that industry asked what the present Government stands for. I would have expected such a provision from a Labour Government, but not from a Liberal-Country Party Government. Industry is criticising the action of the Government.

The HONORARY MINISTER FOR AGRICULTURE: On a point of order! I take exception to that sort of talk. We are dealing, not with the merits or demerits of the Government, but with the amendments before the Chamber. The hon. member should refrain from making such remarks.

The CHAIRMAN: I hope the hon. member will take note of the Honorary Minister's protest.

Hon. H. HEARN: I repeat that this will be a duplication of effort, quite unnecessary, and an additional charge on industry.

Question put and negatived; the Assembly's modification not agreed to.

The HONORARY MINISTER FOR AGRICULTURE: I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 22. Clause 11, new section 37—Delete Subsection (14) on pages 35 to 38.

The CHAIRMAN: The Assembly's reason for disagreeing is—

Consequential on 19, 20 and 21.

The HONORARY MINISTER FOR AGRICULTURE: I move—

That the amendment be not insisted on.

I realise that the other three having been insisted on, this one also will be insisted on.

Question put and negatived; the Council's amendment insisted on.

No. 26. Clause 12, page 46—Insert in paragraph (e) a subparagraph after subparagraph (i) to stand as subparagraph (ii) as follows:—

(ii) By inserting after the word "pounds" in line sixteen the words "except when the board is of opinion, having regard to the circumstances of the case, that such amount is inadequate, in which event the board may al-

low such additional amount as it deems necessary or expedient but not exceeding fifty pounds."

The CHAIRMAN: The Assembly's reason for disagreeing is—

Very few cases ever require more than a total of £100. The proposed increase would only encourage increased claims and increase the cost to industry.

The HONORARY MINISTER FOR AGRICULTURE: I move—

That the amendment be not insisted on.

This will be a further impost on industry. It came as a surprise to me that advocates of economy should have accepted it. It is an instance of extraordinary inconsistency. Medical allowances here are higher than in any other State, and the Government does not propose to increase them at this stage. I have been advised that doctors, on their own admission, recover about 70 per cent. of the fees charged to private patients, whereas under workers' compensation, with the exception of the few cases which are adjusted on a pro rata basis, the doctors receive 100 per cent. of their fees, which are paid direct by the insurers.

In every case where an employer or insurer refers a patient to a specialist or any other doctor for treatment, the medical fees, plus hospital fees, incurred by that doctor are paid in full, notwithstanding that the £100 is exceeded. The following is a clause contained in the schedule of medical fees, which came into operation on the 1st April, 1947:—

It is understood that where any insurer refers an injured or otherwise disabled worker to a practitioner and/or specialist of his own choice for medical treatment, the costs including transport shall be borne by the insurer irrespective of the maximum payable under the Act.

If the present demand by the B.M.A. for an increase in fees is acceded to, it will mean a minimum additional amount of £10,000 to £12,000 per annum in the pockets of the members of the medical profession. There are only about 60 cases per annum in which the £100 has been exceeded. The State Insurance Office alone handles about 12,000 compensation cases. In view of that, we are not justified in insisting on the amendment.

Hon. E. M. DAVIES: I hope the Committee will insist on the amendment. My concern is not so much with the expense necessary from a medical point of view, but

with that of hospital accommodation. Some private hospitals were taking compensation cases at considerable loss, and great concern was expressed as to whether they would be inclined to carry on in future if they continued to show a loss. Dr. Hislop pointed out that certain hospitals were not receiving the amounts they should.

Hon. Sir CHARLES LATHAM: Under this amendment we are discussing the injured worker, and we should not be niggardly. If an additional £20 or £50 is necessary to bring a man back into such a state of health as would enable him to work, we should not worry about it. I am not concerned about the £10,000 or £12,000 per annum to which the Honorary Minister referred so long as we provide proper medical and hospital accommodation for injured workers.

The Honorary Minister for Agriculture: Is it not better to spend money on prevention?

Hon. Sir CHARLES LATHAM: We already have the Health Department, the Machinery Department and the Factories and Shops Department, each with qualified men.

The Honorary Minister for Agriculture: Do you think the worker will get this extra money?

Hon. Sir CHARLES LATHAM: No. Dr. Hislop pointed out that some hospitals were not getting the full amount.

The Honorary Minister for Agriculture: Do you agree that the hospitals should come first?

Hon. Sir CHARLES LATHAM: If it costs more to run a hospital than it receives, what is the alternative? It is bankruptcy. I am not concerned about buildings being erected, but I do want to see the best treatment given to the men.

The Honorary Minister for Agriculture: There is no provision here for hospitals. The doctors may get all or most of the money.

Hon. Sir CHARLES LATHAM: The measure provides for the making of regulations, so it would be possible to stipulate that the doctors' percentage shall not exceed that of the hospitals. If a sacrifice has to be made, it might be shared by both

The HONORARY MINISTER FOR AGRICULTURE: I am sympathetic to the hospitals, and I hope that, when we go into conference, the members representing the Legislative Council will do their best to see that the hospitals get a fair share. Dr. Hislop said he would not object to the hospitals coming first and the doctors afterwards. We should take him at his word, and, if there is a conference, include that provision.

Hon. G. FRASER: I hope the amendment will be insisted on. I do not care which way the medical expenses are apportioned, but there should be an increase. A man working on the railways sustained an eye injury and he received weekly payments for quite a long time until finally he was informed by the insurance company that his medical expenses had been exceeded. He was not cured at the time, so to provide finance for further treatment a claim was made under the Second Schedule for loss of sight, and he received £150. With that sum he continued his medical treatment. He went to another doctor, and one of the first questions he was asked was where was the finance coming from. He produced the £150. The doctor treated him, and only last week that man went off to work. The doctor charged him nothing, but allowed him to use the £150 for living expenses. I admit such cases are rare.

The Honorary Minister for Agriculture: Protect the hospital, and I am with you 100 per cent.

Hon. G. FRASER: The extra money has to be approved by the board. I hope we shall insist on the amendment.

Question put and negatived; the Council's amendment insisted on.

No. 27. Clause 13, page 53—Add at end of the table on page 53, as set out in the clause, the following:—

“Total or partial loss of the genital organs.

“Such amount, not exceeding £500 as the Board may determine.”

The CHAIRMAN: The Assembly's reason for disagreeing is—

Consequential on No. 2.

The HONORARY MINISTER FOR AGRICULTURE: I do not think the limiting of the amount to £500 will do anyone a service. I do not know just what disability a man would suffer, or what compensation

he is entitled to for the loss of these organs. I am not keen on making a limit of £500. I move—

That the amendment be not insisted on.

Question put and passed; the Council's amendment not insisted on.

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

BILLS (2)—FIRST READING.

1, Public Service Appeal Board Act Amendment.

2, Land and Income Tax Assessment Act Amendment.

Received from the Assembly.

House adjourned at 10.18 p.m.