them, especially after they have given such loyal service? Of course not. They should, like any other union, be given the opportunity to present their problems without being called strikers. There should be no such word as "strike" or "striker." The use of either word could be obviated by close co-operation between the parties concerned.

I have heard a great deal from members of the Opposition about the terrible metal trade workers, but let me tell them that two wrongs never make a right. Even if that union did overstep the mark, it was grossly unfair on the part of the then Government to aggravate the union instead of trying to conciliate it. Apparently the then Government thought only of representing a certain section and not the whole of the electors. Members of the Opposition should bear in mind that when returned to Parliament they should represent all and not just one section of their respective electorates.

Hon. D. Brand: Unlike the Government members, we do.

Mr. O'BRIEN: If the then Premier found he was not capable of handling the metal trades strike, he could have appealed immediately to the State executive of the A.L.P., and not waited to come into the picture until the fire commenced to burn and developed into a bushfire. There is no need for the word "strike" at all.

We have heard a lot about the question of preference to unionists. What a gift from heaven this is to the employers. I am of the opinion that they will foster and value above any other clause in the measure, the one which grants preference. I have already confirmed my opinion by receiving the co-operation of the employers in this grand idea. Many employers have said that unionism should be compulsory in industry. Why do they say this? The answer is simple—less trouble and absenteeism, and more friendship, happiness and production.

I invite members opposed to the Bill to listen carefully whilst I relate what takes place in a mining town in the Murchison electorate. Firstly, the men are employed after receiving their health certificates. Secondly, the pay is fortnightly, and they report to the union representative and get their union ticket. Thirdly, the office checks to see whether the employee is in the union, in the hospital fund and in the sick fund. The sick fund is generally run by the union concerned and the money is collected from the individual pay envelopes through the co-operation by the management.

Fourthly, in the case of a fatality, a collection is taken up and the total amount received is subsidised £ for £ by the employer. This is true co-operation, and if we had such co-operation in every industry, we could solve our problems without having these so-called strikes. Referring to the basic wage, I point out that no adjustment has been made. The Premier will be able to handle the situation, not because he is the Premier, but because in him we have a statesman. I congratulate the Minister for introducing this valuable Bill.

On motion by Mr. Hearman, debate adjourned.

House adjourned at 11.14 p.m.

Legislative Council

Wednesday, 18th November, 1953.

CONTENTS.

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

QUESTIONS.

PRIVATE INQUIRY AGENTS.

As to Introducing Legislation.

Hon. L. A. LOGAN asked the Chief Secretary:

Can he inform the House whether it is intended to bring down this session legislation to control the activities of private inquiry agents as recommended by a select committee of this House last year?

The MINISTER FOR THE NORTH-WEST (for the Chief Secretary) replied:

No. Consideration will again be given to the question early next session.

RAILWAYS.

As to Writing Down Capital Cost.

Hon. J. McI. THOMSON asked the Chief Secretary:

In view of the fact that the latest annual report of the Railway Department reveals that approximately half the annual loss of the department was made up by interest on capital invested, will the Government give serious consideration to writing off this charge against the general public debt of the State, bearing in mind that—

(a) Over £7,000,000 was written off in respect of group settlement;

(b) a large amount is written off annually to meet the loss on the State Shipping Service;

(c) a large sum remains to be written off in respect of the State alunite industry;

(d) Such a method of writing off would ensure that the loss was carried by all taxpayers and not merely by the people in the country dependent on the railways?

The MINISTER FOR THE NORTH-WEST (for the Chief Secretary) replied:

In so far as the revenue earned by the railways fails to meet the interest on the capital invested in them, the loss is carried by all taxpayers. No good purpose, therefore, would be served by making further book entries reducing the amount of capital debited to the railways.

It is essential that the level of charges for fares and freights imposed by the railways should be comparative with those imposed in the other States. If, as a result of bringing our charges to that level, the railways revenue is sufficient to meet some part of the annual charge for interest on capital, no injustice is done to the users of the railways.

PUBLIC ACCOUNTS COMMITTEE.

As to Government's Attitude to Appointment.

Hon. J. McI. THOMSON asked the Chief Secretary:

(1) In view of the disclosures made by the Public Accounts Committee of the Federal Parliament regarding wasteful expenditure of public funds, and the value of such a committee in preventing such occurrences, will the Minister inform the House of the attitude of the State Government towards establishing a joint parliamentary public accounts committee to inquire into proposed State expenditure?

(2) If the Government is favourable to the establishment of such a committee, when can it be expected that the necessary steps to set up the committee will be taken?

(3) If the Government does not favour such a move, can the Minister suggest any better method of keeping a check on the spending of public money?

The MINISTER FOR THE NORTH-WEST (for the Chief Secretary) replied:

Cabinet will give consideration during the forthcoming Parliamentary recess to the suggestion made in question No. (1).

BILL—LICENSING ACT AMENDMENT (No. 2).

Introduced by Hon. R. J. Boylen and read a first time.

BILLS (2)—THIRD READING.

1, Public Trustee Act Amendment.
Passed.

2, Assistance by Local Authorities in Wiring Dwellings for Electricity.
Transmitted to the Assembly.

BILL—TRADE DESCRIPTIONS AND FALSE ADVERTISEMENTS ACT AMENDMENT (No. 2).

Second Reading.

Debate resumed from the previous day.

HON. A. L. LOTON (South) [4.40]: The provisions of this Bill, as outlined by Mr. Hearn, are most desirable. Any article of furniture which carries the label S.I. is guaranteed to conform to the specifications of the Standards Association. For that reason alone, the Bill is worthy of support and I have much pleasure in agreeing to it.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—DECLARATIONS AND ATTESTATIONS ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. R. J. BOYLEN (South-East—in reply) [4.45]: There is not much more I can say about the Bill, but during his speech Sir Charles Latham stated that the measure would force members to become commissioners for declarations. That is not entirely correct because members would become ex officio commissioners for declarations in the same way as other people who hold different public positions. It will be optional as to whether members sign papers or not; they cannot be forced to sign them. I consider this measure would confer some benefit on the public generally.

Schoolteachers and policemen are commissioners for declarations and it could be that during the Christmas holidays those people would be away. Members of Parliament would be in their electorates at that time and the people who wanted papers attested would not be put to any inconvenience. During his speech Mr. Parker said that when the House was prorogued members would not then be commissioners for declarations. That would happen only for a short period every three years so could not be classed as an objection to the principle of the measure. I think this Bill will help people and will be of advantage to the great majority of persons in Western Australia.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—JURY ACT AMENDMENT.

Second Reading—Defeated.

Debate resumed from the previous day.

HON. E. M. HEENAN (North-East) [4.47]: This Bill proposes to amend the Jury Act and one of its main provisions is to enable women to serve on juries. It raises the question as to whether jury service should be extended to women and I find it somewhat difficult to answer "yea" or "nay" to that question. In theory, of course, there is no logical argument why women should not be called upon to serve on juries the same as men. But when we start to examine the practical side of the proposition, a number of difficulties arise.

First of all, as other speakers have pointed out, frequently in criminal cases, and occasionally in civil cases, the evidence is of such a disgusting nature that the presence of women on a jury would cause embarrassment not only to themselves but also to a judge, to counsel engaged on the case and to the men who would have to sit on the jury with them. That is one of the practical objections I foresee. Before passing from it, I would also point out that frequently in criminal cases a jury has to be locked up for the night, which means, of course, that if women are to serve on a jury that provision would have to apply with equal force to them.

Jury service is a right and a duty of almost every citizen. It is compulsory for people who are qualified, and the great merit of the jury system is that it gets together 12 men who represent a cross section of the whole community. The jury system would fail if the selection of jurors were confined to any particular section. If the Bill were passed, is it likely that women who would serve on a jury would represent a true cross section of the female portion of our society?

The Bill apparently realises that the domestic responsibilities of women have to be taken into consideration, because any woman who is qualified and liable to serve as a common juror under the provisions of this measure, upon giving written notice to the sheriff of her desire to discontinue her qualification and liability, shall forthwith cease to be liable to serve. Men cannot do that; they are liable to serve and they receive a summons to do so. That summons calls upon them to attend at the court on a certain day; and if their names are drawn out of the box, and no objection is taken to them, they are empanelled and have no choice in the matter at all.

Hon. G. Bennetts: It is a hard job to get one off.

Hon. E. M. HEENAN: The Bill seems to appreciate the fact that there is a difference between men and women, because when it comes to a question of liability to fulfil their obligations of jury service, women are not placed on the same level as men, and they are to receive special consideration. So if the Bill were passed, I do not think we would get a proper cross section of women. If, as a class, they are to serve on a jury, then we want all sections to be eligible and responsible to serve.

We want the mother who has the experience of running a home and raising a family; we want the professional type of woman; we want the typistes; and, in fact, all classes. But if they can just write in and claim exemption, the women left would not, in my opinion, represent a true cross section. I would point out that in New South Wales a Bill was put through in 1947 enabling women to serve on juries, but it has taken over five years to implement it; and I understand that even now it is only being enacted in a token manner.

Hon. H. K. Watson: That is on the optional basis also?

Hon. E. M. HEENAN: Yes.

Hon. N. E. Baxter: That is purely an experiment.

Hon. E. M. HEENAN: I understand that up till the beginning of this year only one woman had served on a jury and that

was in a civil case. So I would like to make it clear that, in theory, I can see no objection to women sitting on juries. I readily concede that mentally they are our equals and indeed, in a lot of cases, they are our superiors. But by virture of the sphere in life that has been ordained for them and which they cannot escape, there are practical difficulties in the way which render a Bill such as this unnecessary; and, as far as I can gather, women as a class do not seek it.

There are other provisions in the Bill, but as I have already said, the main provision is to entitle women to serve on juries. This is a type of measure that could perhaps be referred to a select committee. However, I am afraid I cannot give it my support, for the reasons I have outlined.

HON. H. S. W. PARKER (Suburban) [4.59]: The reason why this Bill was introduced is because various women's organisations have made a request that they be permitted to serve on juries, and I cannot see any objection to that. Women have so many rights nowadays that I think it would be wrong to deprive them of the right to sit on a jury or be placed on a jury list. Those women whom members are anxious to protect—the married women with families—have only to write in and say that they do not require their names to be placed on the jury list. But there are women who feel that they are being wrongly treated in not being permitted to take part in the duties of a citizen by serving on juries, and I see no reason why we should not give them that right.

Hon. N. E. Baxter: Is that the only reason for their wanting to sit on juries—that they are being wrongly treated?

Hon. H. S. W. PARKER: No. They think that they would serve a useful purpose in certain cases, and they should be permitted to do so. Women are not regarded as the weaker sex, as they used to be. They are permitted to be members of Parliament and to enter various professions, and they have done remarkably well. Why should they not be allowed to be jurors? It is said that it would be somewhat embarrassing. I do not think it would be any more embarrassing for a woman to be a juror, even in connection with sordid cases, than it is for a woman to be a doctor. Women doctors experience all the sordid things of life in the course of their training and afterwards.

Again, lawyers have very sordid cases to attend to, and quite a number of sordid divorce cases are conducted by women barristers without any embarrassment to the judge. It is all impersonal, and I can see no objection to this provision on that score. Women are permitted to be on juries in England, and surely that is a good example for us to follow. They are permitted to be jurors in New South Wales and Queensland in criminal cases; and in Victoria they can serve in that capacity in civil cases. We should allow that here.

Another place has agreed that women should serve on juries, with the right to have their names taken off the list; and I think it would be very wrong of us to debar them from having that so-called privilege. There are other matters in the Bill, and I trust that the second reading will be agreed to so that the other proposals may become law, even if a majority are opposed to women being allowed to serve as jurors.

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

Ayes	....	9
Noes	....	13
Majority against	....	4

Ayes.

Hon. N. E. Baxter	Hon. H. S. W. Parker
Hon. E. M. Davies	Hon. C. H. Simpson
Hon. L. C. Diver	Hon. F. R. Welsh
Hon. C. H. Henning	Hon. F. R. H. Lavery
Hon. J. Murray	*(Teller.)*

Noes.

Hon. G. Bennetts	Hon. A. L. Loton
Hon. R. J. Boylen	Hon. H. L. Roche
Hon. Sir Frank Gibson	Hon. H. C. Strickland
Hon. W. R. Hall	Hon. J. McI. Thomson
Hon. E. M. Heenan	Hon. H. K. Watson
Hon. Sir Chas. Latham	Hon. A. R. Jones
Hon. L. A. Logan	*(Teller.)*

Question thus negatived.

Bill defeated.

BILL—ELECTORAL ACT AMENDMENT (No. 2).

Received from the Assembly and read a first time.

BILL—RURAL AND INDUSTRIES BANK ACT AMENDMENT.

Second Reading.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North) [5.8] in moving the second reading said: The purpose of this Bill is to increase the number of commissioners of the Rural and Industries Bank. This has become necessary as a result of the bank's increased business and rapidly expanding activities.

The Agricultural Bank was in existence in 1945, and its activities were restricted mainly to financing land settlement. During that year, the present Rural and Industries Bank was created, and general banking business commenced. The change saw the bank enter into the fields of industry, commerce, housing, and the personal requirements of the people. Great impetus has been given land settlement and many returned servicemen have been established in agricultural pursuits.

There have been 3,179 applicants for Commonwealth re-establishment loans on which approvals totalled £2,134,000. Also,

3,012 applications have been received for re-establishment allowances; and on these, approvals totalled £479,000. Under the war service land settlement scheme, 441 accounts were administered, on which advances totalled £1,657,000. It is expected that another 248 settlers will be ready for transfer to the bank during the next 12 months, and a further 700 ex-servicemen are yet to be settled on farms. Without doubt the demand for land settlement will increase and add considerably to the administration work of the commissioners.

In the general banking department expansion has been wide. The number of branches has increased from 11 to 31, and there are now 27 receiving offices. The volume of business has increased tenfold since 1946. The total deposits and advances are in the vicinity of £17,500,000. Considerable sums have been advanced through the bank's housing loan scheme, which is proving popular and successful. As loan moneys become available, this business will undoubtedly increase.

There was a board of three in the days of the Agricultural Bank. The Rural and Industries Bank was set up with three commissioners. One of the commissioners is a Treasury official; and, of course, is unable to give full-time service to the bank. The other two commissioners worked within the bank on a full-time basis, one being the chairman. The other was the late Mr. Austin, and he did a very valuable work in the rural areas. He took over most of the outside duties in connection with agricultural properties.

During the years it has been in existence, the bank's affairs have expanded very considerably; and the commissioners feel that the volume of business, and the attention to administrative work required of them, have reached the stage where it is necessary that the commission should be augmented by the appointment of further officers. It is therefore proposed to increase the number to five. The commission would then consist of the chairman; a Treasury representative as at present; and three full-time commissioners, who would act as administrative officers of the bank, and perform such departmental duties as might be allotted to them by the chairman.

There would be only a very slight and nominal increase in administration costs, as the two additional members of the commission would continue to perform their present duties, but would be given increased authority appropriate to a commissioner, which would enable them to make useful contributions to banking policy, assist in the progress of the bank's activities, and relieve the chairman of much of the detailed work.

The Rural and Industries Bank of New South Wales has a rather similar set-up with a board or commission of five. Of course, that bank is on a much larger scale at present than ours but, as members will agree, there is a great demand for land in this State and the large areas that we have available for prospective settlers will undoubtedly result in large numbers of people being attracted to Western Australia, particularly since the introduction of the use of trace elements and the proving of the potential of the light soils along our coastal plains. It is expected, therefore, that there will be a great demand for financial assistance through the Rural and Industries Bank, to make possible the development of this land.

Hon. A. L. Loton: Will each commissioner be given a separate responsibility?

The MINISTER FOR THE NORTH-WEST: As far as I am aware, that is the intention. There would be the chairman, who, of course, is a very busy man; the Treasury official, who it could be said would be a part-time commissioner; and the other three, who would work in the bank and take over separate departments of the banking business. Of those three one would control the rural section, one the industrial section, and one the portion dealing with commerce, housing and so on. The proposal contained in this Bill has been recommended by the commission.

Following upon the untimely death of Mr. Austin, there were a number of discussions and conferences with the Minister for Agriculture, concerning the volume of business now transacted, and this measure has evolved from those conferences. It is thought that the administration of the bank and the service which the commission is and will be called upon to give the community will be made more efficient if the proposed course is followed. The volume of business handled by the bank has grown to such an extent that it is now about fourth on the list of banks in Western Australia. I repeat that there is not the slightest doubt that industry and agriculture will make much larger demands on the resources of this bank in the near future than has been the case in the past few years. I therefore have pleasure in moving—

That the Bill be now read a second time.

On motion by Hon. H. L. Roche, debate adjourned.

BILL—RETURNED SERVICEMEN'S BADGES.

Second Reading.

Order of the Day read for the resumption from the 11th November of the debate on the second reading.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. R. Hall in the Chair; Hon. H. S. W. Parker in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Unauthorised use or possession of badges:

Hon. H. L. ROCHE: I desire to ask the purpose of this clause which seems to me to go further than is reasonable, as a man might be in possession of a badge with no intention of using it or of obtaining benefits from it, yet he would be open to prosecution.

Hon. H. S. W. PARKER: The clause says "without lawful excuse", and I think that is sufficient safeguard. To enter the Anzac Club one need only produce the badge and once a person is inside the club he may keep his badge in his pocket, in which case other members probably think he is someone's guest. A man who wished to abuse the use of a badge would wear it only occasionally and for a special purpose. I feel that this provision will result in men returning their badges.

Clause put and passed.

Clause 4, Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—MATRIMONIAL CAUSES AND PERSONAL STATUS CODE AMENDMENT.

Second Reading.

Debate resumed from the 12th November.

HON. E. M. DAVIES (West) [5.25]: I have endeavoured to listen to the debate on this measure but have had some difficulty in deciding what my attitude towards it will be. However, I have come to the conclusion that I cannot support the measure, notwithstanding the fact that argument has been adduced in this House as to what would become of the children of a prior marriage, and I have taken that aspect into consideration.

The Act already provides that a surviving spouse can enter into a form of marriage with a deceased wife's sister or deceased husband's brother, but when it comes to divorced persons being brought under the same provision, I cannot support the measure. Marriage usually brings about friendship between the two families concerned and results in the intermingling of one with the other.

Although the Bill says nothing about divorce, it deals with the question of legality of union with a divorced wife's sister or a divorced husband's brother, and I think that if agreed to that provision would lead to a certain amount of collusion, because the parties concerned would know that it would be possible for them to enter into matrimony. I do not believe that that would be in the best interests of family life.

I agree that some people have been placed in an unfortunate position through an omission in the previous amending legislation but I feel that that is outweighed by other considerations that must be taken into account. After giving the Bill a great deal of consideration, I have examined my conscience and feel I must vote against the second reading.

On motion by Hon. C. H. Henning, debate adjourned.

BILL—STATE GOVERNMENT INSURANCE OFFICE ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. L. CRAIG (South-West) [5.30]: I believe the function of a Government is to govern and not to enter into trade or business where such trade or business is being adequately carried on by private enterprise and the public is being reasonably well served. I do not think that is an unreasonable attitude to adopt with regard to the function of a Government. In certain instances where the public is being exploited, or where some necessity is not being provided by private enterprise, then I agree that a Government has some reason or excuse for entering into that sphere of trade or commerce.

Insurance is a class of business that is catered for almost exclusively by a vast number of financially sound insurance companies operating in this State. That number has been quoted as being 70 or 80, and to some it sounds fantastic. It is a great number, of course, but that does not mean that there are 70 or 80 insurance offices. Often there are five or six and, in some cases, more insurance companies accommodated in the one office. When one knows the ramifications of ordinary insurance, it will be realised that the service rendered by an insurance company needs tremendous financial backing because the risks, particularly with fire, can be tremendous.

Fire insurance risks are spread throughout the world, and a classic case of the great financial backing that is required is available when a fire does break out is that of the great San Francisco fire. The damage to that city ran into hundreds of millions of pounds, and yet, immediately following the fire, the money required to restore San Francisco was available. That was because the risk had been spread throughout the world among the the insurance companies with vast financial resources.

To a lesser degree, the same applies to a small place like Western Australia. For example, there is today more than £20,000,000 worth of wool in the wool stores at Fremantle, which is covered by fire insurance. No one company in this

State could take one-tenth of that fire insurance business because it would not dare accept the risk. These insurance companies have behind them huge financial resources of other companies in America, England, and other parts of the world.

Hon. Sir Charles Latham: This Bill does not deal with fire insurance, but life assurance.

Hon. L. CRAIG: The Bill seeks to extend the activities of the State Government Insurance Office to all classes of insurance, not life assurance only. This vast number of insurance companies, although perhaps appearing to be excessive, is necessary because of the financial backing needed in the insurance field. There could be a fire in the wool stores at Fremantle at any moment, and a sum of £20,000,000 would have to be found to meet the claims presented. Members can realise that such insurance requires enormous financial backing. Therefore, the public is being adequately catered for by those highly organised and efficient institutions competing one with the other.

Some argue that they do not compete with one another, but they do. Admittedly, they have some arrangement whereby the premium rates are fixed, but the State Insurance Office is also a partner in that scheme. Such an arrangement is necessary; otherwise there would be chaos. So in my opinion, except for insurance for State purposes, there is no need for the Government to enter this field. The question of life assurance is much worse. There is absolutely no justification for the State to enter this field. The State has no hope of competing on equitable terms with the mutual companies that operate here today.

For a hundred years some of these co-operative societies have had available to them the best actuarial brains they could procure to keep their costs down. I know something about the subject. I have the honour to be a local director of one of these mutual companies which has several actuaries available to give it advice. I think there are very few qualified actuaries in Western Australia, and I know the local manager of my company is one of them. If the Government had availed itself of the services of a qualified actuary in its superannuation scheme, it would have saved many thousand of pounds.

I remember that a few years ago a Bill was introduced in this Parliament to appropriate a sum approximately £39,000 to rectify a mistake that had been made in an actuarial valuation by somebody who was not a qualified actuary. I think it dealt with the State superannuation scheme, and the State had to make good that sum merely because of an actuarial mistake. I know that these mutual insurance companies economise to save even .001 per cent. to keep costs down, because they are dealing with such huge amounts. The company I represent has commitments of £1,000,000,000.

How can the State possibly compete with a company such as that unless it intends to use the funds that are available from its other insurance business to make good any loss? Approximately 95 per cent. of all life assurance is handled by purely co-operative or mutual companies. The whole of the assets and the income of those companies belong to the policy-holders or shareholders. Everything that is surplus after administration costs have been met is returned to the policy-holders. Why does the State want to compete with organisations of that sort? Why does not the State want to establish a State wheat pool or a co-operative bulk handling organisation?

Hon. E. M. Heenan: Is it correct that the A.M.P. is closing its Kalgoorlie office?

Hon. L. CRAIG: Yes; for economy's sake it is relinquishing the Kalgoorlie building, but it is retaining its office.

Hon. L. A. Logan: It is down to its last £10,000,000.

Hon. E. M. Heenan: It is a bit hard on Kalgoorlie.

Hon. L. CRAIG: It is closing the building. What is the point of keeping up a big building at Kalgoorlie when the business can be handled by a small office? The point is that everything is done for the benefit of the policy-holders. There is no justification for the State to enter the life assurance field. The people of Australia are being served in life assurance better than those of any other country in the world. The only way the State can compete with the mutual companies successfully is by muscling in and getting the benefit of a hundred years of experience and training from the private insurance companies.

Hon. H. L. Roche: You do not think the competition will do any good?

Hon. L. CRAIG: I am sure it will not. It will not make any difference. The costs today are kept down to a bare minimum.

The Minister for the North-West: It could not do any harm.

Hon. L. CRAIG: But it is not the function of the Government. What good will it do the people for the State to enter the field of life assurance? No Government was ever appointed to run a business. Look what happens when it does enter into that avenue. For example, it entered the tractor industry. Did it provide tractors that were not manufactured by somebody else? Did it fill a need? What has happened? The taxpayers of Western Australia have already lost £2,000,000. What is the object of a Government entering a field where the supply is adequate and the services rendered are efficient?

The Government is not trained to render such a service and it has no knowledge of the game. Those that make their living from insurance are the people to run this business. Years of experience have proved that. I know of no State organisation that can compete with private industry. Yet the Government intends to erect a huge building in St. George's Terrace to provide a service that is already being adequately provided for the people by private insurance companies.

I do not know what I am going to do with the Bill. I know I will have nothing to do with the life assurance part of it. Although I am a director of a local mutual life assurance company, I am not personally interested in the measure; but I do know efficiency when I see it, and there is no more efficient organisation than a mutual life assurance company. The statement that the State Government Insurance Office will be liable for taxation is not, in the true sense, accurate.

Provision is made in the Bill, admittedly, that from time to time the State Insurance Office shall pay to the State Treasury such sums in taxes as it would pay if it were operating as a private company, but it is mulcting the Commonwealth Government of taxation that would be paid by an ordinary mutual assurance company. That provision will remain in force only until such time as a Minister says, "We cannot afford to pay this taxation and the relevant provision must be deleted from the Act."

I hope the House will reject the Bill because there is no justification for it. If there were a public demand for the State to enter this sphere, I would support it. I am not adverse to supporting anything that is for the good of the community, whatever it may be. I would not be against the Government entering this insurance field if private enterprise was not rendering an adequate service to the people, but I am bitterly opposed to such action when there is no need for it. I propose to vote against the second reading.

On motion by the Minister for the North-West, debate adjourned.

BILL—ADMINISTRATION ACT AMENDMENT (No. 1).

In Committee.

Resumed from the previous day. Hon. W. R. Hall in the Chair; Hon. H. S. W. Parker in charge of the Bill.

The CHAIRMAN: Progress was reported after Clause 1 had been agreed to.

Clause 2—Section 69 amended:

Hon. L. CRAIG: I consider that an increase from £1,000 to £10,000 is rather extreme. Inquiries made from several men in the legal profession indicate that this is a drastic rise and will cause hardship. At present, if a man died intestate, the widow would get the first £1,000 and half of the balance. Under the measure the amount is increased to £10,000 and then half the balance, so that in an estate of, say, £12,000 there would be very little left for the other dependants, including the father and mother of the deceased.

Hardship is likely to be caused where a man remarries and fails to make a new will. On the second marriage, any will made previously is nullified, so that if a man remarries and dies the next day he dies intestate, and his widow will receive £10,000 and half the balance. In a £20,000 estate she would thus get £15,000. I consider it fairer to make the amount £5,000 so that in an estate of £10,000 the parents of the deceased will get something.

Hon. G. Bennetts: I take it the first wife would benefit.

Hon. L. CRAIG: She would be dead. It would apply to a widower should he marry again. When I refer to the term "widower" I mean the spouse. I move—

> That in line 4 of subparagraph (i) of paragraph (b) of proposed new Subsection (1A) the word "ten" be struck out and the word "five" inserted in lieu.

Hon. H. S. W. PARKER: In England the amount is £20,000 but here we are proposing only £10,000. It is true that if a widower remarries the will made before the marriage becomes null and void. In the circumstances it is likely he will make a new will in favour of his wife. Where he has failed to do that we have provided that the wife shall have £10,000 of the estate where there are no children of the deceased by any previous marriage.

I stress the point that it applies only in cases where there are no children. There may be other close relatives, such as father mother, brother, or sister. In a £20,000 estate the widow would get the first £10,000 and half of the balance. This is an effort to make arrangements for the disposal of the estate where a person dies intestate. If a person is worth £10,000, he knows that it is his bounden duty to make a will. If we take an estate of £7,000, which in these days would probably comprise the value of the house, the widow would get that, and one can feel that a person who remarries and dies will be leaving the spouse in reasonable circumstances.

This is a fair and reasonable arrangement. In the case of a man's remarrying, his parents probably are old, and they are not in need of the estate. If the parents were in need, the deceased person would have made a will. I can quote many hard-luck stories either way, but I think we should stick to what is a fair thing. In these days of high values an estate of £10,000 could include a house and the furniture.

Hon. A. R. JONES: I support the amendment. Cases are known where ageing men do marry very young women. An ageing man might have old dependants; and if the estate is a small one of £4,000, under the proposal put forward by Mr. Parker, they would be left without anything. I would rather see a percentage named—say 50 per cent. of the total estate plus 50 per cent. of the balance. Then it would work out on the same scale irrespective of the size of the estate.

Even in the case of a small estate of £1,000 the other dependants would be left with £250 under this arrangement. It might be desirable to provide for a minimum in the case of small estates. I think a minimum of £3,000 in a £4,000 estate for the widow is reasonable. While I am not suggesting an amendment, I am of opinion that it would be better to make the amount less than £5,000.

Hon. G. Bennetts: Perhaps the parents would be better off on the old-age pension.

Hon. A. R. JONES: If it would benefit them, they might apply for the pension. That puts another angle on the subject. I prefer the amendment suggested by Mr. Craig and I support it.

Hon. A. L. LOTON: I support the amendment. The Bill goes too far in raising the amount from £1,000 to £10,000. It was suggested that the amount in England is £20,000 and was only altered to this amount in 1952, but that adds no substance to Mr. Parker's proposal. The provision of £5,000 is fair because it gives the widow a good start. If she took half of the remainder she would not be left in necessitous circumstances. The basic figure is an estate of £10,000.

Hon. H. S. W. Parker: That is the maximum.

Hon. A. L. LOTON: Up to that stage the widow takes the lot. I think £5,000 and half the remainder is a fair proposition.

Hon. A. F. GRIFFITH: An estate might include a house valued at £4,000; £500 in the bank; furniture and chattels valued at £500; and a motorcar valued at £500, making a total of £5,500. The general desire would be for the widow to continue in possession of the home and have sufficient money to maintain it. Although I feel inclined to support the amendment, I shall not be able to do so unless Mr. Craig is able to suggest some other basis.

Hon. E. M. HEENAN: I support the Bill for the reasons outlined by Mr. Griffith. The measure will apply to very few cases. Doubtless both the husband and wife would have helped to build up the estate, and surely the survivor should be entitled to the benefit.

Hon. N. E. BAXTER: I oppose the amendment. If the £10,000 were invested at 4½ per cent. interest, equal to £9 a week, that would enable the widow to continue living in the home. Even with a moderate home worth £3,500, the residue of the estate would amount to only £6,500.

Hon. H. S. W. PARKER: If the home were a moderate place worth £6,000, it might be necessary to sell it to fix the true value. The other beneficiaries might even force a sale in order to ascertain their share of the balance, and that would be unfortunate. If we adhered to the amount of £10,000, there would be money with which to test the value of the property.

Hon. H. K. WATSON: The proposal is to increase the existing figure of £1,000 to £10,000, but we are working largely in the dark and I would hesitate to approve of the larger amount in one jump. We should bear in mind that it is within the ability of every man and woman to overcome the difficulty by the simple process of making a will.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. H. K. WATSON: I emphasise it is the right, of every man and woman to overcome what we do in the Bill, by making a will. A deceased man might leave a dependent mother or sister, and his estate might be worth more than £5,000. His dependants should not be deprived of everything. I support the amendment.

Hon. A. F. GRIFFITH: We are seeking to protect the survivor in the case of an intestacy. If we make the amount £5,000 instead of £10,000, some embarrassment will be caused to dependent widows because of the increased value of property. Homes that are not very large cost £4,000 or £5,000 today.

Hon. H. K. Watson: The widow would get half the balance.

Hon. F. R. H. Lavery: If there is no balance, she gets nothing.

Hon. A. F. GRIFFITH: If the estate consisted of a house worth £5,000, and a limited amount of money in the bank, the widow would get half of the money. Values have changed.

Hon. L. Craig: Not five times.

Hon. A. F. GRIFFITH: I disagree. Many properties have increased five times in value. I oppose the amendment because the limitation to £5,000 would embarrass dependent widows.

Hon. Sir CHARLES LATHAM: I support the Bill as it is. A man may have a house worth £6,000 or £7,000, and if it were sold after he died, his widow might have difficulty in getting another; and it would have to be sold if she were not to get the whole of the estate. If the widow received £6,000 for the house, she would have only a small amount on which to maintain herself. An aged widow, incapable of working, would be in a pretty bad way; more

particularly if she needed someone to look after her. The sum of £10,000 is not of great value. Invested, it would not produce a very big income.

Hon. F. R. H. LAVERY: I support the amendment. I have listened to members speak of houses worth £5,000 or £6,000. It seems to me that when people move in certain circles they become used to the values in those circles. Many of the people who do not prepare wills are those who are in the small income group, and who own houses valued today at £3,000 or thereabouts. I think it is a pretty fair jump to increase the amount from £1,000 to £5,000. I support the amendment because I think £10,000 is too much.

Hon. A. F. GRIFFITH: Houses in the Manning Estate are not infrequently offered for sale at between £3,000 and £3,850. I mention this because I do not want Mr. Lavery to get the idea that the people in the circle in which I move own houses worth £5,000 or £6,000.

Hon. F. R. H. LAVERY: The greater number of houses in the metropolitan area would be worth about £2,500 to £3,000; and a good number would be worth less than that. In the country areas there are some fine homes. If we allow the figure of £10,000 to remain, we are not going to help the dependent relatives—who, by the way, might in their younger years have assisted considerably in building up that asset. The amendment is a reasonable one and members should support it.

Hon. N. E. BAXTER: When the Act was originally passed in 1903, I think the sum allowed was £500, and that was not amended until 1949, when the figure was increased to £1,000. I think Mr. Craig will admit that over a period of 50 years, an increase from £500 to £10,000 is not excessive.

Hon. L. Craig: In 1949, £1,000 was considered to be the correct amount.

Hon. Sir Charles Latham: The sum of £500 was included in 1931 or 1932.

Hon. N. E. BAXTER: The hon. member may be right. I did not get a chance to look it up.

Hon. Sir Charles Latham: That was done by Mrs. Cowan.

Hon. N. E. BAXTER: There has been a huge increase in property values since 1931, so I think that the sum of £10,000 is quite reasonable.

Amendment (to strike out word) put and a division taken with the following result:—

Ayes	13
Noes	11
Majority for	2

Ayes.

Hon. C. W. D. Barker	Hon. A. L. Loton
Hon. G. Bennetts	Hon. J. Murray
Hon. R. J. Boylen	Hon. H. C. Strickland
Hon. L. Craig	Hon. J. McI. Thomson
Hon. E. M. Davies	Hon. H. K. Watson
Hon. A. R. Jones	Hon. J. Cunningham
Hon. F. R. H. Lavery	*(Teller.)*

Noes.

Hon. N. E. Baxter	Hon. Sir Chas. Latham
Hon. L. C. Diver	Hon. L. A. Logan
Hon. G. Fraser	Hon. H. S. W. Parker
Hon. A. F. Griffith	Hon. H. L. Roche
Hon. E. M. Heenan	Hon. C. H. Simpson
Hon. C. H. Henning	*(Teller.)*

Amendment thus passed.

Hon. L. CRAIG: I move an amendment—

That the word "five" be inserted in lieu of the word struck out.

Amendment put and passed.

Hon. L. CRAIG: I move an amendment—

That in line 3 of subparagraph (ii) the word "ten" be struck out with a view to inserting the word "five".

I think this is a consequential amendment.

The CHAIRMAN: It is not a consequential amendment.

Amendment (to strike out word) put.

The CHAIRMAN: The "Ayes" have it.

Division called for.

Hon. A. R. Jones: I ask leave to withdraw my call for a division.

The CHAIRMAN: Has the hon. member the consent of the Chamber to withdraw his call for a division?

Hon. Sir Charles Latham: I object to the hon. member asking to be permitted to withdraw his call.

Division taken.

Remarks During Division.

Hon. Sir Charles Latham: Mr. Jones called for a division and is now voting with the "Ayes". Should not the hon. member be voting with the "Noes"?

Hon. L. Craig: You have more points than a porcupine.

The Chairman: Where a member's voice is audible in the voting, and he calls for a division, I think he should vote in accordance with his call. I heard Mr. Jones call for a division, and as he has given his vote with the "Ayes" I think he should now take his place with those who are voting in that direction.

Hon. Sir Charles Latham: Standing Orders say that a member calling for a division shall not leave the Chamber until the division is taken, and shall vote in accordance with his voice. You, Mr. Chairman, said that the amendment was passed on the voices, and Mr. Jones called for a division.

The Chairman: I am not to know whether the hon. member called "Aye" or "No". It is true that he challenged my ruling.

Hon. C. W. D. Barker: His voice was with the "Ayes."

The Chairman: I think I am the best judge of that. Mr. Jones challenged my ruling.

Hon. A. R. Jones: I said "Aye."

The Chairman: I am prepared to take the hon. member's word for it, although he challenged my ruling and called for a division.

Hon Sir Charles Latham: I shall have to disagree with your ruling, Sir, because if the hon. member had not called "divide," there would have been no division. In my opinion, it is your responsibility to compel him to vote for us.

Hon. A. R. Jones: I am quite prepared to vote "No."

The Chairman: I thank the hon. member; that will solve the difficulty.

Division Resumed.

Result of division—

Ayes	18
Noes	7
Majority for	11

Ayes.

Hon. C. W. D. Barker	Hon. C. H. Henning
Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. R. J. Boylen	Hon. L. A. Logan
Hon. L. Craig	Hon. J. Murray
Hon. J. Cunningham	Hon. C. H. Simpson
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. G. Fraser	Hon. J. McI. Thomson
Hon. Sir Frank Gibson	Hon. H. K. Watson
Hon. E. M. Heenan	Hon. H. S. W. Parker
	(Teller.)

Noes

Hon. N. E. Baxter	Hon. L. A. Logan
Hon. L. C. Diver	Hon. H. L. Roche
Hon. A. F. Griffith	Hon. Sir Chas. Latham
Hon. A. R. Jones	*(Teller.)*

Amendment (to strike out word) thus passed.

On motions by Hon. L. Craig, clause further amended by inserting the word "five" in lieu of the word struck out; and by striking out the word "ten" in line 4 of subparagraph (ii) of paragraph (b) of proposed new Subsection (1A) and inserting the word "five" in lieu.

Clause, as amended, put and passed.

Title—agreed to.

Bill reported with amendments.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. C. H. HENNING (South-West) [8.5]: It is not my intention to speak at great length on this Bill. I believe that last night Mr. Roche struck the right note when he said the measure should be opposed, particularly because of the need for stabilising prices at the present time. He spoke of the fact that Australia had been riding on the back of rural production; that although wool was more or less steady, subject of course to normal market fluctuations, oats were difficult to sell and wheat was also getting that way. Butter is sold overseas at below the cost of production. I presume most members saw in tonight's paper another small paragraph on the butter export price fall. It referred to the fact that when the present contract expired in 1955 there would be another sharp drop. I believe, therefore, that now is the time when we should endeavour to stabilise prices.

It is all very well to say "stabilise prices" as they relate to this Bill; but, after all, where insurance is compulsory, it can almost be looked upon as a method of indirect taxation, because the producer of any commodity has to take this increased cost into consideration in assessing his cost of production, and it has therefore to be passed on as a whole. Somebody has to pay, and it is definitely the consumer. Irrespective of whether a man is on the basic wage or on £2,000 a year, or whatever his limit may be, it still affects him. It affects everyone in the community, and once it does that, it definitely has an effect on the cost of living.

I would very much like to have heard what it is estimated the increase to industry as a whole would be if this Bill becomes law. We have heard it said that the cost to the goldmining industry would be in the vicinity of £250,000. We all know that under the present set-up of a fixed price in the industry it would be impossible for those costs to be passed on. We should all ask ourselves whether the goldmining industry in this State could absorb those extra costs. I rather doubt whether it could. Last night Mr. Lavery quoted quite a number of figures. I thought them rather irrelevant, because they dealt with the gross amount of gold produced. Whatever he said had no effect on the cost of production. He gave straight-out figures without any other matter entering into it. But when I look at the report of the Mines Department for 1950—I know the figures are fairly ancient, but they are the latest available—I notice that whereas the output in fine ounces per man employed above and below ground in 1949 was 95.3, in 1950 it dropped to 85.97 fine ounces. Whether it has dropped more since then I do not know. No doubt there have been increases as improved methods of mining have been adopted; but the question is: Can the goldmining industry, or any industry, absorb those costs without passing them on to the public? I say it cannot. If industries endeavoured to

absorb them some of those industries must go to the wall and it would definitely affect our economy.

There are a number of points in this Bill and a number of provisions, but I do not desire to deal with any of them, because I do not think it is necessary at the present time. When one reads the Bill, it inclines one to believe that the Government is an all-giving, indulgent father of the people; but we must always remember that what is done for the people has to be paid for by the people. I oppose the second reading.

HON. H. S. W. PARKER (Suburban) [8.12]: I would like to vote against the second reading of the Bill, but I do not propose to do so. There are many extremely objectionable clauses in it. Nevertheless, I think some of the amounts should be increased. Under various Acts, only qualified persons are permitted to do certain works; and we find it is common in the Arbitration Court for various unions to ask that only qualified persons be allowed to do certain jobs. Let us take, for example, the metropolitan water works, which is allowed to employ only qualified and licensed plumbers; whereas in a great many cases amateur plumbers could do the work much better, and at perhaps one-twentieth of the cost charged by qualified plumbers.

The same applies to electricity. We must employ a qualified electrician to do certain jobs. In fact, in all cases of manual labour, the Arbitration Court has decided that qualified people must be employed; people who have served an apprenticeship. Unless they have done so, they are not entitled to be called artisans, and cannot be paid for the work done. On the railways, the carpenter is the only one allowed to do carpentry work. The same is the case with the fitter.

Hon. E. M. Davies: Only lawyers can do legal work.

The Chief Secretary: He is coming to that!

Hon. H. S. W. PARKER: The Chief Secretary knows to what I am referring. This applies only to manual labour. In the case of mental effort, any charlatan can come along and charge what he likes; it is only the man qualified in Western Australia who is not allowed to appear before the workers' compensation tribunal in this State. Only a man who is qualified in Western Australia is prohibited from appearing. That seems to me to be ludicrous. Cases have been known of quite able legal practitioners who unfortunately have embezzled trust funds and wound up in Fremantle goal. They are disbarred; but as soon as they have been disbarred, they can appear before the Workers' Compensation Board.

Any legal practitioner from the Eastern States can be brought over and appear so long as he is not admitted to the bar in Western Australia. What do we find? We find that persons who are not qualified—and it has happened in the Arbitration Court—obtain very large fees: far greater than those received by legal practitioners. In a matter of time they will set themselves up as experts under the Workers' Compensation Act and demand almost any fees, and there will be no control over those fees.

Legal practitioners are under the control of the Supreme Court at all times. All their fees are regulated by the Supreme Court; and if they do anything wrong or shady, not only the Barristers' Board but the Supreme Court, and even a judge, can deal with them. However, we are saying that we do not want honourable people like that, but someone who has not got any qualifications. He can make the deuce of a song about it; he can delay things. Any judge of the Supreme Court will declare that the effect of not having practitioners who are qualified, and trained to present their cases logically and simply, is to cause the time spent on a hearing to be three or four times longer than it should be.

It has been suggested that if lawyers were to appear, there would be a lot of technicalities. But far more technicalities are raised by laymen than by lawyers. The latter appreciate that if technicalities are raised, they only come back again, and it is merely a waste of time. So they get down to bedrock. Any member who attends party-political meetings, either outside the organisation or within the caucus room, will know that there is always someone who will raise a technical objection to something. But lawyers entirely wipe out technicalities. They say, "Let us get on with the business."

However, the Bill provides that a man who is applying to the Workers' Compensation Board for his just rights is not to be permitted to employ someone who is able to get them for him in the best possible way, unless the other side agrees. How absurd that is! Look at it from the worker's point of view. Broadly speaking, the insurance companies are the wealthy people and they will combine to have someone always at hand who is extremely well trained. They are able to pay a high fee to such a man. They might even find it worth while to get a lawyer from the Eastern States to come here to appear. In those circumstances, what chance has the unfortunate worker against the insurance company? what chance has the board of arriving at a decision if it has not someone to argue

points of law that arise from time to time and assist it to reach a right conclusion? This provision will increase the number of appeals tremendously, and it is against all ethics.

We will have a class arising who will call themselves agents; and before very long they will go to the Arbitration Court and obtain an award for themselves. They will be a body of unqualified people who combine, call themselves a union, and get an award. Is not the whole thing stupid? Why cannot legal practitioners, who are trained for the job and are under constant supervision, be permitted to assist the worker or the employer in arguments and discussions before a competent board?

Although we are asked to prevent lawyers from appearing before the board, it is a strange thing that the Government insists upon a lawyer being chairman of the board. Why is that? It seems to me to be so incongruous. I must admit that I get very annoyed when I find Bills introduced to prevent qualified people of an honourable profession from doing the very work for which they were trained. It almost makes me even now feel that since there are clauses like this in the Bill, I should vote against the whole measure.

THE CHIEF SECRETARY (Hon. G. Fraser-West—in reply) [8.22] : I was very pleased to hear most members indicate their intention of voting for the second reading. Consequently I will cut my reply as short as possible, knowing that the big arguments will take place at the Committee stage. During the debate, a number of red herrings were drawn across the path, and a number of misstatements made, which I propose to correct. It was said that the increased benefits proposed in the Bill would cause a very considerable added expense to the mining industry. From one source an added cost of £250,000 was suggested. That is quite wrong; in fact, it is completely without basis. I would advise members that the wages declared for the mining industry for the year ended the 30th June, 1953, on which premiums were assessed, totalled £4,956,298. on the basis of the premiums chargeable at the 31st December, 1952, the premium payable for general accident insurance only—that is, excluding the silicosis risk—would be £185,861 per annum. A substantial reduction in the premium rate made by the Premium Rates Committtee became operative on the 1st January, 1953. on the adjusted basis of declaring wages, and at the reduced rate, the annual premium would approximate £132,580, a reduction of £53,281.

It is estimated that the increased cost of the proposed benefits in respect of all classes of general accident risk will approximate 46.5 per cent. Owing to the high wages ruling in the mining industry, the cost may be somewhat higher. If the additional cost amounted to 75 per cent., which I might say is not likely, the annual premium would be £232,015. If it were 60 per cent., the premium would amount to £212,129. These figures reveal that the increased benefits sought by the Bill would, at the most, mean an annual increase of £46,089 on the premiums being paid prior to the 1st January, 1953, and £99,435 on the existing rates.

This increase will be compensated for, somewhat, by the reduction of 20 per cent. made in the silicosis rate as from the 1st January, 1953. This will effect a saving to the industry of about £50,000. A further substantial reduction in the silicosis rate is contemplated, and there is every reason to believe that this will be sufficient to offset the added cost to the industry of even a 75 per cent. increase in the general accident rate. As I have already said, it is not likely that there will be an added impost of 75 per cent.

It is of interest to note that the State Insurance Office has taken no profit from the silicosis fund, which has been credited with interest earned and debited with administration costs only. At the 30th June, 1949, after 22 years' operations, the fund had a balance of only £389,063, but, owing to the inflation, it has of recent years increased to £956,520. If the actuary is satisfied that the fund is sufficient to meet the potential liability for which it was created, there is little doubt that the Premium Rates Committee will, when determining future premiums, take into consideration the interest earned.

As was only to be expected, interesting contributions to the debate came from Mr. Hearn and Dr. Hislop, and I propose to devote most of my reply to the comments made by them. It was alleged that if the retrospective provisions of the Bill become law, self-insurers would be seriously affected. Members will realise however, that self-insurers are under the same obligations as any employer who takes out an insurance policy to cover his liability to his workers. They would thus be in no worse position than other employers.

Much was said in regard to the tremendous cost to industry should this and other benefits provided in the Bill be agreed to. Members may not know that there are approximately 460 industries separately rated by the Premium Rates Committee. For the information of the House, I propose to quote and compare rates charged in Western Australia and in Victoria. As an instance I have selected the industries tabulated under the first letter of the alphabet. Members will note that these rates are much lower in West-

ern Australia than in Victoria, and this applies to all the other industries. The table I have is as follows:—

Classification of Risk.	Rates operating in W.A. per cent.		Rates operating in Victoria. per cent.	
	s.	d.	s.	d.
Abattoirs	34	3	77	6
Insurance Adjusters	5	3	21	9
Advertising agents (with sign-writing or bill posting)	13	0	38	6
Aerated Water Factories	29	0	68	3
Aerodromes—				
(a) No aviating	13	3	45	0
(b) With aviating	100	3	150	0
Agents (not otherwise enumerated)	5	9	9	6
Agricultural Societies	6	3	9	6
Ambulance Associations	7	0	16	9
Animated Picture Shows	3	6	10	6
Apiarists	24	3	46	6
Architects	4	9	8	6
Arteslan Bores—not on mines	24	6	93	6
Asphalt and Bitumen Works	6	0	54	3
Asylums	25	6	46	9
Automatic Weighing Machine Proprietor	5	0	10	6
Automobile Dealers—				
(a) Garages and Workshops	18	9	33	0
(b) Warehouses, stores, sale shops	7	6	33	0

The rates for the mining industry, other than Coal, are:— Western Australia (including silicosis risk), 103s. 6d. per cent.; Victoria, 163s. 3d. per cent.

Hon. H. S. W. Parker: What are those figures relating to the insurance companies in Victoria?

The CHIEF SECRETARY: I take it they are the figures of the classifications arrived at by the companies in Victoria as against the rates operating in this State. Notwithstanding the increased benefits provided under recent Victorian legislation, the rates have not been materially altered from those which existed previously. It is obvious that for some considerable time industries in Victoria have been in a position to pay these premiums. If the increased benefits sought by the Bill are agreed to, it is certain that the premium rates will not exceed or equal those applying in Victoria, but probably will be substantially less.

Objection was raised to the increasing of the amount of £1,250 provided under the definition of "worker" to £2,000. Members may not be aware that many industries have for some considerable time insured their executive officers under the provisions of the Workers' Compensation Act. Such officers are not, of course, workers within the meaning of the Act, and would have no recourse to the Workers' Compensation Board in the event of a claim being refused, the matter being solely one of agreement between the insurer and the insured.

By increasing the definition to £2,000, all such executives and highly paid people, earning up to £2,000, would be "workers" within the meaning of the Act, and would have the benefit of existing machinery for determining their claims in the event of a dispute arising. The fact that such highly paid officers have required insurance under the Workers' Compensation Act indicates that in their opinion the present provision of £1,250 is quite inadequate.

A statement without any foundation was that alleging that by extending the Act to include workers in the iron and steel industry, a further monopoly would be created for the State Insurance Office, as that was the only office which could legally accept the silicosis risk of that and other industries. That, of course, is not the position, as the office has a monopoly only in respect of the silicosis risk of the mining industry. Any insurer can at the present time accept that risk in respect of quarrying, stone crushing or cutting, or stone or metal screening, and, under the provisions of the Bill, he would be able to accept the risk for the iron and steel industry. As a matter of fact, from 1926 to 1948, the companies had the right to accept the risk for the mining industry, and the mining industry had the right to place the risk with any insurer it selected, as it was not until 1948 that the State office had the monopoly in respect of the mining industry.

A considerable amount of objection was raised to an employer's being required to place the whole of his insurance business with one insurer. There are two reasons why this amendment is desirable. Firstly, Section 13 of the Act makes it obligatory for every employer to obtain an insurance policy from an approved insurer, and Section 14 provides that every insurance company must, within 14 days from the end of each calendar month, furnish the Minister with a list of employers who have effected insurance within the month, or who have allowed their policy to lapse within that period. The provision in the Bill will, without doubt, facilitate the compilation of such returns.

Secondly, whilst the Premium Rates Committee determines the rate applicable to any particular industry, occasions have arisen where the better risks in that industry have been accepted by companies, whilst the more hazardous risks in the same industry have been rejected. For example, where a rate is quoted for firewood dealers and suppliers, cases have arisen in which insurers have issued a policy in respect of the firewood carters and have refused to accept the firewood cutters. Therefore, as the rate has been fixed for the industry as a whole, the insurer accepting the better risk would almost certainly make a profit, whilst the insurer accepting the more hazardous risk would almost certainly show a loss. In fairness to all insurers, therefore, the amendment is most desirable. In regard to the clause providing that the overseas dependants of a worker must produce satisfactory documentary evidence that the worker has contributed to their support whilst working in Western Australia,

I would say that prior to the Act being amended in 1948, overseas dependants were entitled to the full benefits provided by the Workers' Compensation Act. In effect, therefore, the proposed amendment is only re-establishing that right, subject to documentary evidence being available to prove that such dependants were, in fact, supported by the worker during his lifetime. Prior to 1948, such proof was not required, and large amounts were paid to dependants who had not been adequately supported by workers living in Western Australia.

Criticism was also levelled at the proposal that legal representation shall not be available to any party in a dispute before the board unless with the approval of the other party. That was the point mentioned by Mr. Parker just now. As I explained in my second reading speech, the object of this amendment is to reduce the costs of an application to the board. It has been found that in some cases such costs may amount to £60 or £70. Members will agree that this is a substantial amount for any worker who is unfortunate enough to lose his case.

In making his submission, Mr. Parker said something about fees being paid to someone else, but he does not need me to tell him that in ninety-nine cases out of a hundred the person who would handle the matter would be the secretary of the organisation, who would do it in the ordinary course of his duties and would make no extra charge. With all due respect to the legal profession, I would say no legal man would handle a compensation case anywhere near as well as would the secretary of an organisation who was constantly dealing with nothing but that type of business.

Hon. L. Craig: Yet you would deny the employer legal assistance?

The CHIEF SECRETARY: Mr. Parker said that the big companies were so prosperous, and had so much money that they could afford to engage the best counsel, at considerable expense. Is it wondered, therefore, that an attempt is being made to ensure that everyone appears before the board on an equal footing, without legal representation?

Hon. L. Craig: But you said you had the best brains for this work in your secretaries.

The CHIEF SECRETARY: I said they would handle it better than any legal man.

Hon. L. Craig: Then what is wrong with that?

The CHIEF SECRETARY: We want the employer to come before the board with his specialised men, and not highly qualified legal practitioners.

Hon. J. M. A. Cunningham: The mining companies have never challenged that.

The CHIEF SECRETARY: They could have, had they wished to do so.

Hon. N. E. Baxter: In what percentage of cases would that be done?

Hon. H. S. W. Parker: Only eight out of 43 cases have been heard without both sides being represented by counsel. Even the unions prefer to have counsel.

The CHIEF SECRETARY: If we leave it open for legal practitioners to go before the board, one side will engage counsel and the other will feel that he must do so if he does not want to be at a disadvantage. Our idea is that both parties must go before the board, untrammelled by the legal profession, in order that the case may be dealt with on its merits and not on legal technicalities.

Hon. H. S. W. Parker: They would be presented more clearly. That is all.

The CHIEF SECRETARY: Obviously, if a question of law arises, it would be better for both parties to be represented by solicitors, and I have no doubt that would be done; but such cases are very few, the majority being determined on the question of fact only.

Hon. H. S. W. Parker: It is not until a case is on that the legal points are raised.

The CHIEF SECRETARY: When points of law come up, it is possible to secure an adjournment that the legal profession may be consulted. I do feel that the worker's representative would be quite as able as the employer's representative to argue any question of fact before the board. If it is to be only a question of facts, where is the necessity for legal practitioners to be there?

A statement was made that, by accepting the amount of £2,400 provided in the Bill, the widow of a deceased worker might deprive herself of Commonwealth social service benefits. However, members must realise that the widow would have the right to determine herself whether she would claim under the Workers' Compensation Act, or whether she would prefer to accept a widow's pension. In many cases the payment of a lump sum would enable a widow to establish herself in a small business which would enable her to maintain a standard of living more in keeping with that which she enjoyed prior to the decease of her husband, instead of having to reduce that standard by having to live within the amount provided by the Commonwealth Government. I feel that I have answered the main objections raised by Mr. Hearn and Dr. Hislop. Other members who spoke generally reiterated these statements.

It has been mentioned by a Goldfields member that increasing the amount in the definition of "worker" from £1,250 to £2,000 would add to the premiums payable by the mining industry. That does not necessarily follow, as the basis for determining premiums is something altogether apart from any provisions in the Act. It

may be that by increasing the amount to £2,000 the premium rate could be reduced proportionately; or, conversely, the State office might be agreeable to charging premiums on the existing basis. That is purely a matter of arrangement between the State office and the mining industry and is not in any way affected by legislation.

Reference was made to the reserve which has been established by the State Insurance Office. That reserve would not have existed had the private companies been underwriting the silicosis risk. It is created for the purpose of meeting the potential liability, which is very real. Members have expressed the fear that many mines would be unable to continue because of the high cost of production. If that should occur, and there were a recession in the mining industry similar to that of the early '20s, no premium income would be available; but many claims would arise, and such claims would have to be met from the reserve.

Referring to Clause 5 of the Bill, Mr. Logan asked who would be liable to pay compensation if a man left his employment with the intention of interviewing his doctor and was hit by a motorcar, to which Mr. Hearn replied: "Under the Bill, the employer would be liable." The position is that if the driver of the motorcar were the negligent party, the claim would be against the Motor Vehicle Trust. If, however, the worker were the negligent party, he would have no claim against the Trust but against his employer under the provisions of the Workers' Compensation Act.

Hon. H. S. W. Parker: Would he not have both?

The CHIEF SECRETARY: The opinion expressed is that he would have neither one nor the other. Such a position is provided for in Section 18 of the Workers' Compensation Act, which contains the following:—

> Where the injury for which compensation is payable under this Act was caused under circumstances creating a legal liability in some person other than the employer to pay damages in respect thereof—
>
> (1) the worker may take proceedings both against that person to recover damages and against any person liable to pay compensation under this Act for such compensation, but shall not be entitled to receive both damages and compensation.

Subsection (2) of Section 28 contains the following provision:—

> Provided that where the worker is successful in such proceedings to recover damages, the employer's liability to pay compensation under this Act shall thereupon cease and be forever determined to the extent of all such damages actually recovered by the worker from such other person and any amount paid by the employer to the worker as compensation under this Act, whether voluntarily or by order of the court, shall be a charge upon and shall be refunded out of such damages actually recovered by the worker from such other person liable as aforesaid.

It is obvious, therefore, that the provisions of the Motor Vehicle (Third Party Insurance) Act would considerably reduce the cost under the Workers' Compensation Act in respect of claims which might arise whilst the worker is travelling to or from work.

Dealing with Clause 9 of the Bill, Mr. Logan stated that if one insurance company should be forced to take all the insurance for a particular party, it would in effect be creating a monopoly, which was never intended. That statement is, of course, quite incorrect. It is intended only that the whole of the workers' compensation business should be placed with the one insurer; but the employer has 80 approved insurers, from whom he could select one. Any employer is, of course, perfectly free to place all his other forms of insurance wherever he may choose.

I think those remarks cover most of the points raised during the debate that took place yesterday evening. But tonight, one or two other aspects have been brought forward. I particularly wish to refer to the statement by Mr. Simpson that the real Workers' Compensation Act was introduced by the McLarty-Watts Government. I cannot allow a statement such as that to pass. The Workers' Compensation Act, as we know it today, dates back not to the period when the McLarty-Watts Government was in office, but to about 1925 or 1926, and the credit for its introduction must be given to such persons as the late Hon. A. McCallum and the late Hon. Dr. Saw.

Hon. C. H. Simpson: In explanation, Mr. President, I wish to point out that I never even thought that. I said that the principle of reviewing workers' compensation, because of changing values, was introduced by the previous Government.

The CHIEF SECRETARY: I listened closely to the hon. member; and whatever his remarks may have been, the impression that I gained from them was that he claimed that the McLarty-Watts Government was responsible for the introduction of the Workers' Compensation Act as we know it today.

Hon. H. L. Roche: The McLarty-Watts Government did introduce a very good Workers' Compensation Bill.

The CHIEF SECRETARY: I will say that the McLarty-Watts Government did make some improvements to the Act by the legislation that it introduced. I will give it credit for that. However, it appeared to me, from the hon. member's remarks that he was giving credit to that Government for the introduction of workers' compensation legislation as we know it today, and I could not allow a remark such as that to pass. No men deserve more credit for the Workers' Compensation Act, as we know it today, than the late Hon. Alex. McCallum and the late Hon. Dr. Saw.

Hon. C. H. Simpson: Again, in explanation, Mr. President, I want to make it clear that I agree with what the Chief Secretary says at the moment. My point was that the principle of reviewing workers' compensation, due largely to changing values, had been achieved by the preceding Government. That was the only point I wanted to make.

The CHIEF SECRETARY: I cannot follows the hon. member's logic, because, since 1925, and during all the years I have been in this House, there have been many reviews of the Workers' Compensation Act and improvements made to the standard, but no alteration to the framework has been made.

Hon. H. S. W. Parker: It was introduced in 1912.

The CHIEF SECRETARY: That legislation was merely an apology for the Workers' Compensation Act.

Hon. E. M. Davies: That was merely to provide £1 a week for medical expenses.

The CHIEF SECRETARY: Yes, it granted £1 to cover hospital and medical expenses.

Hon. H. S. W. Parker: A doctor did something for £1 in those days.

The CHIEF SECRETARY: He might have, but the worker would not get much medical attention. The Workers' Compensation Act as we know it today was introduced in 1925—a little while before I became a member of Parliament—and I believe it was placed on the statute book after a long conference between both Houses.

Hon. Sir Charles Latham: Which lasted nearly two days.

The CHIEF SECRETARY: I want to repeat that the main persons responsible for the legislation were the late Hon. Alex McCallum and the late Hon. Dr. Saw, with whom I had the privilege of sitting in this House. I felt it was my duty to correct the statement by Mr. Simpson. The only other member I wish to reply to is Mr. Roche. I am hoping that the statements made by other members have more foundation than the remarks made by him. He referred to the late Mr. Chifley's handing price-control over to the States.

Hon. H. L. Roche: I said he took the first opportunity he could to hand it over.

The CHIEF SECRETARY: He might have, but why?

Hon. H. L. Roche: Because of the referendum.

The CHIEF SECRETARY: Exactly! That was the point to which I was about to draw the hon. member's attention. Price-control was taken over by the States because the people of Australia refused the Prime Minister the right to continue administering it.

Hon. Sir Charles Latham: He paid the penalty for it, did he not?

The CHIEF SECRETARY: I merely wish to correct that unqualified statement by Mr. Roche that the late Mr. Chifley had handed over price-control to the States.

Hon. H. L. Roche: I think I said that he took the first opportunity to hand it over to the States.

The CHIEF SECRETARY: He took the first opportunity to do so because the people decided that way.

Hon. H. L. Roche: We might hear something more about price-control later.

The CHIEF SECRETARY: We will. That is not a threat, but a promise.

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

Ayes	16
Noes	10
Majority for	6

Ayes.

Hon. C. W. D. Barker	Hon. W. R. Hall
Hon. G. Bennetts	Hon. E. M. Heenan
Hon. R. J. Boylen	Hon. Sir Chas. Latham
Hon. L. Craig	Hon. F. R. H. Lavery
Hon. J. Cunningham	Hon. H. S. W. Parker
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. G. Fraser	Hon. J. McI. Thomson
Hon. Sir Frank Gibson	Hon. C. H. Simpson
	(Teller.)

Noes.

Hon. N. E. Baxter	Hon. L. A. Logan
Hon. L. C. Diver	Hon. A. L. Loton
Hon. A. F. Griffith	Hon. H. L. Roche
Hon. C. H. Henning	Hon. H. K. Watson
Hon. A. R. Jones	Hon. J. Murray
	(Teller.)

Question thus passed.

Bill read a second time.

BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. A. L. LOTON (South) [8.56]: The reason why I obtained the adjournment of the debate last night was that, after I had listened to Sir Charles Latham, some doubts were raised in my mind. However, I have since referred to the principal Act; and on comparing it with the Bill, I find

that the hon. member was, on this occasion, unwittingly leading the House astray. The Bill deals only with titles in regard to the transfer of property, and merely amends Subsection (1) of Section 436, so that it will read—

> . . . . the registrar may, if he thinks fit, make such orders and publish such advertisements as are provided for in the case of dealings with land when the certificate of title is lost or not produced.

As I am now satisfied that the amendment is in order, I intend to support the second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—ELECTRICITY ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [9.0] in moving the second reading said: The object of this Bill is to achieve uniformity with the rest of Australia in regard to the prevention of the sale of substandard electrical equipment. The ever-growing use of electrical appliances, and the greater variety now available, has drawn attention to the need for uniform Commonwealth-wide control.

For a few years, the varied types of control in the different States—and, in some cases, the lack of control—resulted in goods which were rejected in some States being sold in others. I am advised that it was not uncommon for hundreds of appliances which were not approved in one State to be dumped in another State for sale cheaply, although they may have been very dangerous. Individual action was taken in most States to stop this practice, but no uniformity between the States was achieved.

In Western Australia, a provisional set of regulations was made in 1947, under Section 32 of the principal Act. These were only intended to fill the breach until such time as co-operative action between the States was taken. Subsequently the situation deteriorated and all States agreed that uniform control was essential. With the exception of Western Australia, each State has now legislated on a uniform basis for such control. The Bill now before the House will bring Western Australia into line with the other States.

It is proposed to repeal the authority provided in the principal Act to make regulations for the inspection and branding of service apparatus and electrical fittings. As I have said, these regulations were of a stop-gap nature, and they will not meet the situation so far as uniformity with the other States is concerned. The Bill provides that before they may be made available for sale or hire, all classes or types of electrical appliances must be approved by the State Electricity Commission and must bear an approved stamp or label. Each article, of course, will not be examined. A sample will be inspected and, if it is satisfactory, permission will be given to market articles which conform to the sample. Regulations will be made to ensure that manufacturers do not depart from the tested prototype.

As the Bill, if passed in its present form, will result in uniformity with all the other States; and as it is desired to have Australia-wide reciprocity, it is proposed that it shall not be necessary to examine any article that has been approved in another State. If an article has been approved elsewhere in Australia the commission may, if it thinks fit, automatically register approval here. The other States, also, will accept without further test, articles that have been approved in Western Australia. Each State, too, will advise the other States of any articles that may not have received approval.

I trust that members will agree to the Bill. I have explained that similar provisions are already in operation in the other States, and it is considered essential that uniformity and reciprocity be obtained throughout Australia. I move—

> That the Bill be now read a second time.

HON. N. E. BAXTER (Central) [9.3]: I am doubtful about Clause 33 (c), the last part of which appears to be harsh. Electrical appliances which are unsafe or dangerous to use may be remedied. The Bill does not provide that when an appliance is put in order application can be made to the Commission to approve of its use. Once the use of an electrical appliance is prohibited, it may as well be discarded. This is my interpretation of the clause, and I suggest an amendment to cover this position.

A number of people have been electrocuted when using electric drills for drilling and buffing. There is practically no insulation in these articles. There is an aluminium casing over the motor, and a short circuit will result in death to the user. Many thousands of these are used in the State. This is but one electrical appliance. Some provision should be included to allow makers to modify the appliances to make them safe for use. Nothing to this effect appears in the Bill. It merely restricts the sale of electrical appliances which are not approved. The rest of the provisions appear to be in order. I support the second reading.

On motion by Hon. A. F. Griffith, debate adjourned.

BILL—ADOPTION OF CHILDREN ACT AMENDMENT (No. 2).

Second Reading.

Debate resumed from the 17th November.

HON. A. F. GRIFFITH (Suburban) [9.7]: The Bill contains two provisions. It seeks to provide for a more satisfactory reciprocal arrangement to be entered into between the Child Welfare Department and its equivalent in other parts of the British Commonwealth, and to enable orders for adoption of children which are made outside the State of Western Australia, to become operative in this State. I am pleased to support legislation which will facilitate the operation of the Act. The wider the powers given to the Child Welfare Department to enter into desirable arrangements, such as those proposed in the measure, the better. I am informed that difficulties have been experienced regarding migration of children to Western Australia and their adoption. The Bill will overcome some of the difficuties. I support the second reading.

Question put and passed.

Bill read a second time.

House adjourned at 9.10 p.m.

Legislative Assembly

Wednesday 18th November, 1953.

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