I have no objection to the Minister's going, but I consider that members should have had some indication that this was likely to happen. I know of one who received an invitation; and as the reply had to be returned by the 31st October, he wrote back and said he could not accept because of business in the House. Now we find that we are going to adjourn until the 25th November! This sort of thing should at least be made public a little earlier than when the House is about to rise. Getting back to the notice paper, we have another Minister in the House, and I see no reason why he should not conduct the business thereon. If either Minister is unfortunate enough to become ill, business has to continue just the same. I raise an objection to having this sort of thing popped on us at a minute's notice when there is legislation to be dealt with.

Hon. H. K. Watson: There is not a great amount, though such as there is does require consideration.

Hon. H. C. STRICKLAND: There are two Bills from private members that have been on the notice paper for a long time. In fact, they were there at the time when there were two others from private members under consideration, one of which subsequently went through in 20 minutes and the other in half-an-hour. We will finish up in a shambles, as has been the case in each of the other sessions I have been here, working into the middle of the night, with everybody becoming tired and business being rushed through in a manner that is not fair to anybody. I object to this short notice of adjournment.

The MINISTER FOR TRANSPORT (in reply): I think the hon. member's remarks demand some explanation. In the time I have been here, it has been regarded as the prerogative of the Leader of the House to try to arrange the sittings and the business in such a way that they will reflect as far as possible the actual attitude of the majority of members. On this occasion it has been represented to me that quite a number of members are desirous of attending what is an epoch-making event in the history of the State, and one to which I was invited as Minister for Railways, and which I was specially asked by the Premier to attend.

We have arrived at the stage when there is very little left on our notice paper to discuss. There is practically nothing that could not be disposed of in a very short space of time and nothing that could be regarded as urgent. In another place the Estimates are being discussed, and in my consultations with the Premier and the Deputy Premier I have gathered that it is very unlikely that anything, and certainly anything important, will be brought to this House in the next week. I also know that some members who are interested in shows in the Great Southern will be absent whether the House is sitting or not. In view of those circumstances, and in response to the known wishes of quite a number of members I, in my discretion, have asked the House to agree to an adjournment till Tuesday, the 25th November. I think there will be ample time after that to get through the business we have to do, including any which comes forward from another place.

Question put and passed.

House adjourned at 5.57 p.m.

Legislative Assembly

Thursday, 13th November, 1952.

CONTENTS.

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

QUESTIONS.

COLLIE COAL.

(a) As to Railway Supplies and Requirements.

Mr. STYANTS asked the Minister representing the Minister for Railways:

(1) What quantity of native coal is held in reserve at the "conservation pit" at Midland Junction?

(2) Will sufficient supplies be available to maintain normal services during the period early in January, when the Collie miners have decided to take their annual leave?

(3) If not, will the Government immediately take action to get coal supplies sufficient to carry on normal train services for the above period?

(4) Can additional supplies of Collie coal be procured, above current requirements, to build up an adequate reserve for this purpose?

The MINISTER FOR EDUCATION replied:

(1) 9,841 tons.

(2) Orders have been increased to allow sufficient reserve stocks to be accumulated.

(3) Answered by No. (2).

(4) The mines are capable of producing the additional supplies needed.

(b) As to Period of Miners' Holiday.

Mr. MAY (without notice) asked the Minister representing the Minister for Railways:

In view of the fact that arrangements have been made for an adequate supply of coal for all essential services during the period of the miners' holiday, will he give the House an assurance that this has been done?

The MINISTER FOR EDUCATION replied:

My answer, given on behalf on the Minister for Railways, to a question previously asked by the hon. member was that orders had been placed to ensure that adequate supplies are made available, and that the capacity of the mine is sufficient to produce them. I cannot say anything further than that.

Mr. May: Orders have been placed.

The MINISTER FOR EDUCATION: My answer to that was that orders have been placed.

POLICE DEPARTMENT.

As to Provision of Bloodhounds.

Mr. GRAYDEN asked the Minister for Police:

In view of the latest lost child tragedy, will he give favourable consideration to having the Police Force add to its establishment a pack of blood-hounds with a qualified trainer?

The MINISTER replied:

There is not sufficient information available at the present time to indicate whether the Police Department would be justified in maintaining a pack of blood hounds with their qualified trainer in lieu of the use of native trackers for locating lost persons, but inquiries are being made by the Police Department into the question.

PETROL.

As to Prices at North-West Centres.

Mr. RODOREDA asked the Attorney General:

In view of the replies to my recent questions re price of petrol and as I have invoices to say that prior to recent price rise petrol was being sold at a retail price, per gallon, as under—

Carnarvon—4s. 3½d.;
Onslow—4s. 6d.;
Roebourne—5s.;
Marble Bar—5s. 9d.;

can he say whether these prices were correct, as fixed under prices-control legislation?

The ATTORNEY GENERAL replied:

Re-sellers' price was Perth cost plus differential at ports of 5½d., plus the profit margin which was in operation at September, 1948, the pegged date.

In accordance with the decision of the last Prices Conference, a full investigation of differentials is being conducted and fresh differentials will be decided upon in the near future.

It is not known without investigation and checking whether the prices mentioned by the hon. member are correct or not.

STATE ELECTRICITY COMMISSION.

As to Details of Loan Subscriptions.

Mr. JOHNSON asked the Premier:

With reference to the State Electricity Commission loan, will he state—

(1) How much of the amount subscribed came from outside W.A.?

(2) How much of the amount subscribed from W.A. was subscribed by private individuals?

(3) How much was subscribed by State instrumentalities and from Government trust funds?

The PREMIER replied:

(1) £339,000.

(2) Approximately £700,000.

(3) £35,000.

TRANSPORT.

As to Reducing Week-end Fares.

Mr. JOHNSON asked the Minister representing the Minister for Transport:

(1) Has he received a report that passenger transport authorities in Hobart have decided to reduce fares on public transport in that city at week-ends?

(2) Will he indicate the reasons given for this step?

(3) Will he set up a committee to investigate the possibility of following that lead in W.A.?

The MINISTER FOR EDUCATION replied:.

(1) Not beyond reading a Press statement that the Hobart City Council has decided that Sunday and week-day tram fares should be the same for a trial month.

(2) No reasons are known. The Press statement is that the decision was prompted by a decline in the number of Sunday passengers after fares were raised to meet penalty rates of pay.

(3) No. The Transport Board will endeavour to obtain facts and results of the Hobart experiment for their guidance.

BROKEN HILL PROPRIETARY Co. AGREEMENT.

As to Tabling Reports by Officials.

Hon. A. R. G. HAWKE asked the Minister for Industrial Development:

(1) In view of his assurance to the House to the effect that the Under Secretary for Mines (Mr. Telfer) had expressed himself in favour of the agreement made between the Government and the Broken Hill Proprietary Company Limited, will he obtain from Mr. Telfer a written expression of his views and place same upon the Table of the House?

(2) Will he also obtain the opinion of the Government Geologist (Mr. Ellis) and place same upon the Table of the House?

(3) Will he further obtain the views of the board of management of the Wundowie Charcoal-Iron Industry and place same upon the Table of the House?

The MINISTER replied:

(1) and (2) I do not see any necessity to do so.

(3) In answer to a question on the 28th October, I expressed the opinion that the agreement itself does not affect the industry at Wundowie and, therefore, there was no need to ask the Board for a report, and the same position still applies.

Hon. A. R. G. Hawke: A pretty piece of dodging the issue!

HOSPITALS.

As to Additions to Nurses' Quarters, Mullewa.

Hon. A. R. G. HAWKE asked the Minister for Health:

Will she lay upon the Table of the House all files dealing with the construction of additions to the nurses' quarters at Mullewa District Hospital?

The MINISTER replied:

Yes, with pleasure, until this day next week.

COMPREHENSIVE WATER SCHEME.

As to Steel Required for Pipeline.

Mr. PERKINS asked the Minister for Works:

(1) What is the total tonnage of steel required for the pipeline (excluding reticulation piping)—

(a) Wellington Dam to Narrogin;

(b) Merredin south to Kondinin and Corrigin?

(2) What tonnage of steel has been laid to date in each case?

The MINISTER replied:

(1) (a) 16,800 tons.

(b) 4,900 tons.

(2) (a) 7,250 tons.

(b) 1,670 tons.

ELECTRICITY SUPPLIES.

As to Breakdowns at Rockingham.

Mr. LAWRENCE asked the Minister for Works:

(1) Is he aware that there are constant breakdowns in the electricity supply at Rockingham?

(2) If not, will he make some inquiries and have this state rectified?

The MINISTER replied:

(1) Yes. There have been a number of cases of interruptions to the Rockingham electricity supply since June, due to trees fouling the high tension line, and last Sunday lightning caused an interruption. Further, there have been several shutdowns because the line to Rockingham has to be strengthened and, as it is only a single line, the current must be cut off to do the work.

Next week there will be two more cut-offs, one on Tuesday and one on Wednesday, for this work.

Another high tension line is being erected along the coast now. When this is completed, it will give a more reliable supply to Rockingham and any shut-downs will be reduced to the minimum.

(2) See No. (1).

UNEMPLOYMENT.

As to Provision for Metropolitan Area.

Mr. BRADY asked the Premier:

(1) Is he aware of the increasing number of unemployed in Western Australia, particularly in the metropolitan area?

(2) Has the Government any plans for absorbing these unemployed in employment?

The PREMIER replied:

(1) The total number of men and women in receipt of unemployment relief in Western Australia is 907. This figure has shown very little increase in the last two months.

(2) The Government is keeping a constant watch on the position and will continue to provide employment to the maximum extent possible with the funds at our disposal.

RAILWAYS.

As to Week-end Use of Diesel-Electric Coaches.

Mr. BRADY asked the Minister representing the Minister for Railways:

(1) How many diesel-electric coaches are lying idle in the metropolitan area during the weekends?

(2) Could these coaches be used as an alternative to steam trains on a Saturday afternoon and Sunday?

(3) Will the Railway Commission use the available diesel-electric coaches to reestablish the weekend rail services pending the new diesel-electric coaches being received from oversea?

The MINISTER FOR EDUCATION replied:

(1) Eight, including one in the workshops.

(2) Yes, to a limited extent.

(3) Yes, if and while patronage warrants it. This matter is now under consideration and an early statement may be expected in this regard.

SUPERPHOSPHATE.

As to Carriers and Loads.

Mr. MANN asked the Minister representing the Minister for Transport:

(1) Will he supply the House with a list of super carriers rostered with the Transport Board?

(2) What is the number of loads carried by each individual carrier up to the 7th November, 1952?

The MINISTER FOR EDUCATION replied:

(1) and (2) There are 523 carriers registered with the Transport Board for superphosphate transport. From the 1st October, 1952, to the 7th November, 1952, 166 of these carriers have been rostered. A list of rostered carriers and the number of loads carried by them in the period referred to could be made available to the hon. member if he so desires.

FISHERIES.

As to Opening of Crayfishing Season.

Mr. KELLY (without notice) asked the Minister for Fisheries:

What circumstances prompted the Government's decision to postpone the opening of the crayfishing season from the 15th November to the 24th November?

The MINISTER replied:

This is not a Government decision; it is a decision made by the Superintendent of Fisheries, and I am not aware at the moment what actuated his decision.

BILLS (4)—FIRST READING.

1, Stamp Act Amendment.
Introduced by the Premier.

2, Bulk Handling Act Amendment.
Introduced by the Minister for Lands.

3, State Government Insurance Office Act Amendment.

4, Licensing Act Amendment (No. 2).
Introduced by the Attorney General.

BILL—BRANDS ACT AMENDMENT.

Second Reading.

Debate resumed from the 4th November.

HON. J. T. TONKIN (Melville) [4.45]: The Bill appears to be a mixture of provision for increased revenue and for the removal of anomalies. I do not know which was the stronger reason that actuated the Goverment in bringing the Bill before Parliament. I see no objection to it. When he moved the second reading, the Minister said the Bill was for the purpose of facilitating administration and the enforcement of the provisions of the Act. He said it would remove certain anomalies that had crept in as a result of some previous amendments, and generally would make for better administration. Having examined the Bill, I think that is a true statement of the position. I believe the amendments contained in the measure will facilitate administration and make enforcement of the provisions of the Act somewhat easier.

Where enforcement can be made easier, it is desirable to do so, particularly when the methods used are such as not to cause hardship to the general public or the producers. I cannot see how that would be likely to occur under the measure. There is one provision that caused me some concern at first sight, and I was not too happy about it. I believe the departmental officers would not have recommended the course the Government has seen fit to adopt unless the amendments suggested were desirable. I have in mind the provision that will prevent branding in saleyards and which will require owners to take the animals away. At first glance, I could see no reason for that provision. If it were necessary to have stock branded and they were at the yards, I thought some arrangement could be made to brand them there. I could see no objection to that course. It would certainly cause additional cost to the owner to take the stock away.

I suppose the object of the amendment would be to ensure that, knowing such a penalty would be involved, owners would take precautions to see that unbranded stock was not permitted to go to the saleyards. I have no intention whatever of delaying the passage of the Bill by speaking at length on it. The measure is one of those brought forward as a result of departmental suggestions to the minis-

terial heads, and, when deemed desirable, the amendments proposed are brought before Parliament in the form of amending legislation.

The Minister for Lands: The object here is to assist administration and to protect the interests of farmers.

Hon. J. T. TONKIN: Yes, I think that, too. I believe it will protect the genuine farmer and at the same time facilitate administration. While some increases are made in the fees to be paid, I realise that the cost of administration has increased and we must be reasonable and make some additional provision in that regard.

Whether the additional amounts proposed are justified by the increases in costs I cannot say. However, the increases set out do not appear to be particularly large, and so I shall not complain about them. I feel the Bill is one that might call for some activity by members representing country constituencies, who have practical knowledge regarding difficulties that might possibly arise. To me it does not appear that any such difficulties exist, but I can appreciate that a farmer with experience regarding the matters dealt with in the Bill, who knows the practices usually followed, could quite conceivably visualise difficulties that would not be evident to one not so engaged. I am prepared to accept the Minister's statement that the real purpose of the Bill is to facilitate administration and enforcement of the Act.

MR. PERKINS (Roe) [4.48]: The main provisions of the Bill can be supported by members. As the Minister stated, its chief purpose is to bring the Brands Act up to date. I had a lengthy discussion with Mr. Tomlinson, of the Agricultural Department, and certain difficulties which I could see might arise under the measure have been largely overcome, partly, in one instance, by an amendment which I am pleased to note the Minister has on the notice paper for consideration at the Committee stage. The departmental officials and the Police Department, as well as the stockowners, all regret that there is no up-to-date register of brands. It is impossible to publish any such up-to-date register unless the register can be cleansed of all the brands that have become out of date and disused. The provisions in the Bill seem to me to be rather too drastic, but I think the amendment proposed by the Minister will overcome the objections I see in that connection.

The danger is that if we cancel the register of the brands registered for 10 years, unless the owners apply for fresh registration it might happen that those in the farming or pastoral community who do not pay proper heed to their correspondence could easily overlook the fact that such a communication had been sent to them, and the result could be that a whole lot of unregistered brands could be in use throughout the agricultural and pastoral areas. That would be just as bad as not having brands registered at all. But the procedure to be followed under the proposed amendment effects a reasonable compromise, and will do something towards bringing the register up to date and avoiding to the maximum extent possible the danger of unregistered brands being used because owners have neglected to effect their re-registration.

The other important point is the one mentioned by the member for Melville concerning restrictions on the use of brands off the property. I can understand the point of view of the department in that it is anxious that the opportunity should not exist for people to carry brands with them and perhaps place them on clean-skinned stock that they might pick up en route during droving operations, through stock getting mixed up with mobs anywhere off their property. But in practice I do not think it would work out at all, because the rigid application of the Act, as the Minister proposes to amend it, would make it impossible, for instance, for a landowner who was leasing adjacent property for a year or so legally to use his registered brand on his own stock running on that leased property.

Again, there is the case of community shearing sheds. Two or three neighbours shear at one shed. It is normal to brand shorn sheep in the counting-out pens; and, if the shed was not on a man's property, he would be committing an offence under the Act in branding his stock. Also, as the member for Melville stated, it is quite a common practice in country areas that when sheep are purchased in a saleyard the purchaser puts his registered brand on them before they are removed. That is some protection to the new owner, because he is able to identify the stock bought. It seems to me that the dangers of the abuse of the use of brands off a property have been rather magnified by the department. It is already illegal for any person to put his registered brand on any stock other than that which belongs to him, whether it is on his own property, or on the road, or on another property. If he uses his brand on other than his own stock he commits an offence, and that should be sufficient.

The protection afforded by making it an offence to use a brand off a property is in my judgment more imaginary than real. All said and done, if a person is going to brand other than his own stock, and attempt, in effect, to steal stock, it is obvious he is not going to use his brand at a time when some other person may see him conducting that illegal operation. For that reason I think that merely making illegal the use of a brand off a property does not afford much protection.

I agree with the general purpose behind the principle of the Bill but cannot agree that the provision is workable or that it will achieve the end the Minister mentioned. I am therefore hoping that members will not agree to that provision as it stands but that some amendment will be made to it.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Hill in the Chair; the Minister for Lands in charge of the Bill.

Clauses 1 to 9—agreed to.

Clause 10—Section 24 amended:

The MINISTER FOR LANDS: I appreciate the remarks of the Deputy Leader of the Opposition in regard to the Bill. The main object is to assist with the administration and to help stockowners. This clause appears a little too drastic, because it provides that if the owner fails to re-register a brand, at the end of 10 years, it will be cancelled. I have an amendment on the notice paper to provide that at the end of 10 years three months' notice shall be given, and the owner will have that period in which to renew the brand. This will assist the owner, but it will add to the cost of administration and it may be necessary to increase, by regulation, the administration fee. But that will not be necessary until the end of 1965. I move an amendment—

> That the following words be added to paragraph (b) of proposed new Subsection (2a):—"if he has served on the owner notice by registered post of his intention to do so and the owner has not within three months of the service of the notice shown to the satisfaction of the Registrar cause why the registration should not be cancelled."

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

Clauses 11 to 15—agreed to.

Clause 16—Section 44, amended:

Mr. PERKINS: I move an amendment—

> That paragraph (c) be struck out.

Section 44 reads, in part, "brands any stock of which he is not the proprietor with his registered brand." In paragraph (c) it is proposed to add the words "or uses his brand on a run other than that for which the brand is registered." The existing provision is sufficient protection.

The MINISTER FOR LANDS: The chairman of the Agriculture Protection Board prepared this clause both to assist the inspector and protect the stock breeder. This provision will prevent persons carrying brands and branding stock other than their own. The member for Roe has already explained to me that sheep from several properties might be taken to one on which there were better shearing facilities, in order to have them shorn, and the owners would want to complete the job by branding them before taking the sheep back to their own properties.

The Premier: That could not be said to be branding them on a run.

The MINISTER FOR LANDS: It would apply to another farm as well as to a run. The sheep could not be branded until the owners had returned them to their own properties. The chairman of the Agriculture Protection Board wants this provision in the legislation and I therefore oppose the amendment.

Mr. ACKLAND: I agree with the Minister that this provision is desirable, as without if there would be a possibility of people travelling on the roads, carrying brands and branding stock indiscriminately, and if that were done there would be little redress. I think the amendment should not be agreed to.

Mr. Perkins: It is only in the Bill, not in the Act.

Mr. ACKLAND: I am supporting the Minister. I see a distinct risk if the provision is struck out, and the position is probably much worse in the pastoral areas where so much stock is moved by road, than in the farming areas.

Hon. A. A. M. COVERLEY: I hope the Minister will see fit to agree to the deletion of this paragraph. The Act provides a heavy penalty for persons using their brands on other people's stock. The brand is like a gun license in that the owner is responsible for it and even his employees cannot use it without his consent. At mustering time in the North-West adjoining stations each send an attendant to help sort out the cattle which are then branded and earmarked in front of the station owner or whoever is in charge. It is necessary for those in the cattle industry to carry their branding irons with them. I support the amendment.

Mr. PERKINS: I am surprised at the opposition of the Minister to the amendment. Surely he realises that it will be impossible to observe this provision in many instances! It is already an offence for anyone to use his registered brand on other than his own stock, and surely that is sufficient. Paragraph (c) would not work in practice. When a man buys a pen of sheep it is usual for him to brand them before getting the carrier to transport them, and the branding offers him some protection, though the protection may be more imaginary than real because no-one who desires to steal stock and put his registered brand on them will do it while under observation, and this provision will not remedy that position. There is already sufficient power contained in the Act.

I hope that the amendment will be agreed to, because I think it is necessary in order to make the Act workable.

Hon. J. T. TONKIN: The Minister will recall that when I spoke on the second reading, I said I was not happy about this provision in the Bill, and now that I have heard from the members for Roe and Kimberley I am satisfied that I had good grounds for my remarks.

The Minister for Lands: Did they convince you?

Hon. J. T. TONKIN: Definitely, and I did not take much convincing because, as I said, I was not happy about it. Suppose a man has a property in Katanning and he travels some miles away to buy sheep! If he cannot brand them when he buys them, how will he get on if they are lost in transit? What protection will he have?

The Minister for Lands: He could brand some others on the way, too.

Hon. J. T. TONKIN: There is a heavy penalty for that and everyone regards it as a sufficient deterrent. In view of the inconvenience which this provision would cause, and as the Act provides a sufficient safeguard now, I think, in the interests of genuine owners, we should agree to the amendment. If the provision is left in the Bill it will be irksome and difficult for farmers and they will be inclined to disregard it. Therefore, I support the amendment.

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

Clauses 17 to 21, Title—agreed to.

Bill reported with amendments.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

In Committee.

Resumed from the previous day. Mr. Perkins in the Chair; the Attorney General in charge of the Bill.

Clause 1—Short Title and citation:

The CHAIRMAN: Progress was reported on this clause.

Clause put and passed.

Clause 2—Section 7 amended:

Mr. W. HEGNEY: Mr. Chairman, I want your direction. This clause seeks to amend Section 7 and I have some new clauses on the notice paper which refer to Sections 4 and 5. Should I move those new clauses now or at the end of the Bill?

The CHAIRMAN: At the end of the Bill.

Clause put and passed.

Clause 3—agreed to.

Clause 4—First Schedule amended:

Mr. W. HEGNEY: Under the Act the weekly payments to workers are £8 a week, but the Bill seeks to amend that by providing that the maximum weekly compensation for an injured worker without dependants shall remain at £8 a week, but for an injured worker with dependants the maximum shall be increased to £10 a week. I have amendments on the notice paper which, if agreed to, will make the weekly payments £9 and £12 a week respectively. Years ago when the basic wage was about £5 a week, the maximum weekly payments were £4 10s. and the purchasing power of money was far higher then than it is today. When the Deputy Premier introduced an amending Bill in 1948, that measure provided for a maximum of £6 a week and at the time the basic wage was £5 15s. 9d., but before the Bill was proclaimed on the 8th April, 1949, the basic wage had risen to £6 4s. 9d. So if members look at the provisions in this measure, they will find them unreasonable when they realise that the basic wage for the metropolitan area is now £11 18s. 6d.

When speaking to the second reading I said that apparently the Government is expecting huge increases in the basic wage, because a sum of £1,250,000 has been provided in the Estimates for basic wage increases in the next 12 months. Prices are continually rising and we must expect basic wage increases. On the Goldfields miners are paid a minimum wage of £12 4s. 2d. a week plus £2 a week gold industry allowance, making a minimum of £14 4s. 2d. Also, there are margins for skill and in many cases workers are receiving £16 and £17 a week. A worker with dependants who is now receiving £17 a week will receive, should this measure be passed as it stands, only £10 a week by way of compensation payments if he is injured. The Act provides for a payment of 66 2/3rds per cent. of the average weekly earnings, but this is innocuous; it cannot take effect because the maximum has been placed at a figure of £8 and in some cases that is nowhere near two-thirds of the worker's average weekly earnings.

I hope the Minister will agree to £9 a week for a man without dependants and £12 a week for a worker with dependants. I am in accord with the attitude of the member for North Perth, namely, that so far as the maximum for an injured worker is concerned it should be for any worker, and the man with dependants should receive a reasonable amount of allowance for his dependent wife and dependent children. At present there is a provision in the Act that in addition to the ordinary weekly compensation a worker is entitled to 30s. for a dependent wife and 10s. for each dependent child. But with a single worker receiving £8 a week maximum, and a married worker receiving £10 a week maximum, he is only to receive the benefit of the allowance for a wife and one child, and if he has three children under 16 years of age he is not entitled to claim any allowance for the second and third child.

In some of the other States provision is made for payments of up to the average weekly earning; in some cases up to the basic wage per week. The basic wage today is roughly £12 per week, and with the present trend in prices and the method of calculating the variation in the basic wage it will soon be in the vicinity of £12 10s. or £13 a week. I think we are entitled to take into account what is likely to happen in the next 12 months.

The Premier: Is it not breaking away from long established principle to provide more than the basic wage? If you want to increase the amount should you not amend it at some future date?

Mr. W. HEGNEY: I am glad the Premier made that interjection because he does not seem to be clear as to my attitude.

The Premier: I heard your explanation.

Mr. W. HEGNEY: The amendment provides for a maximum payment of £12 a week for a man with dependants. The basic wage in the metropolitan area is £11 18s. 6d.; the basic wage in the South-West Land Division is £12 4s. 2d. There is a gold industry allowance of £2 which brings the minimum wage on the Goldfields to £14 4s. 2d. I think that answers the Premier's objections. There is a great deal of difference between the basic wage and the average weekly earnings. Under the Workers' Compensation Act a "worker" is one who receives up to £1,250 a year—that is something like £23 or £24 a week. If that man is unable to earn his ordinary livelihood of £20 a week by virtue of the fact that he is incapacitated surely £12 a week is not too much compensation to pay him.

The Attorney General: It is much higher than the average of all the States.

Mr. W. HEGNEY: It is not. Speaking from memory, in South Australia it is £11 or £12 a week maximum; in Queensland, New South Wales and Victoria they get up to the average weekly earnings. We are trying to strike a happy medium. I move an amendment—

> That in line 4 of paragraph (a) the word "eight" be struck out with a view to inserting the word "nine" in lieu.

The ATTORNEY GENERAL: For the first time in the Western Australian Act we are making a distinction between a man with dependants wholly dependent on him and a single man.

Mr. May: Is that not how it should be?

The ATTORNEY GENERAL: I agree. There ought to be a distinction in the basic wage, but there is not. So the basic wage is provided for a family man and we say that the basic wage in Western Australia meets the needs of a man and his wife and two children.

Mr. May: Who said that?

The ATTORNEY GENERAL: I did not say the hon. member said it; that is what the court allows in Western Australia when determining the basic wage for a man, his wife and two children. The present basic wage for the metropolitan area is £11 18s. 6d.; one cannot keep a wife and two children on £3 18s. 6d.

Mr. Needham: £11 18s. 6d.!

The ATTORNEY GENERAL: I know, but a single man gets £8. I think that if the Arbitration Court was making an award on the existing basis a single man would not get £8, because the court only awards £11 18s. 6d. for a man, his wife and two children. I do not think the £10 a week we propose to allow for a man with dependants is unreasonable; it is above the percentage.

Mr. May: Not above!

The ATTORNEY GENERAL: It is 80 per cent. of the basic wage and it has never been a principle that compensation should be at the rate of the man's remuneration.

Mr. May: The cost of living has never been so high as it is today.

The ATTORNEY GENERAL: I am talking about percentages.

Mr. May: People have to live.

The ATTORNEY GENERAL: I know, but a man who has been getting £20 a week ought to have been doing something to ensure himself and his family. There is a hospitalisation scheme and he could surely protect himself.

Mr. May: He gets that money for skill.

The ATTORNEY GENERAL: That does not matter. It is unreasonable that a man on the basic wage should have to contribute for the insurance of a man drawing £20 a week. The Leader of the Opposition said during the debate that the cost of this insurance is paid in the first instance by the employers and through them by the consumer. It is paid by the average consumer and he requires some protection; the man on the basic wage requires some protection. I think the amount we have provided is a reasonable one.

Mr. STYANTS: I hope the Minister will adopt a more generous attitude on the question of payments to injured workers.

The Attorney General: At whose expense?

Mr. STYANTS: I will quote figures which I think will show that there is a rake-off by the insurers of this State—and not only in this State, but in Australia—of 50 per cent. of the premiums paid. The Minister expressed the view that additional benefits would have to be borne by the community. I will not appeal to his reason and charity because he is quite impervious to that. The figures and statistics I will quote will show that the money paid in premiums by employers is far in excess of what would provide a reasonable profit for the insurers. The premiums could be reduced by 40 per cent. and there would still be a reasonable rake-off for the insurers.

The Attorney General: The State Insurance Office does not think so. That is a State concern and does not charge a penny more than is necessary.

Mr. STYANTS: I propose to quote some figures from the "Finance Bulletin 41" issued by the Commonwealth Statistician. It has often been contended that workers' compensation insurance is higher in this State than in other States, but that is not correct. The loss ratio is lower here than in the majority of the States and the amount of premiums being paid is much in excess of what is required. In New South Wales 55.91 per cent. of the premiums paid by employers was used to make payments to injured workers and the difference between the £4,310,772 of premiums paid and £2,410,047 of claims paid was profit to the insurers.

The Attorney General: You have to allow for working costs.

Mr. STYANTS: About 30 per cent. is regarded as sufficient to cover working costs and give a reasonable profit. The objective is to allow a 70 per cent. loss ratio, and that is much in excess of what is necessary. In this State insurers in the last two years have had a rake-off of £717,000 over the amount paid in compensation to injured workers. Yet the Minister claims that if the benefit to an injured worker were increased, it would mean an additional impost on the community. I contend that only to a very small extent would a considerable reduction in the premium rate add to the cost of commodities.

The Attorney General: That would be a matter for the State Insurance Office and the Premium Rates Committee.

Mr. STYANTS: I shall deal with the Premium Rates Committee.

The CHAIRMAN: I hope the hon. member's remarks tie up with the amendment.

Mr. STYANTS: Definitely they do. I am showing that there is justification for an increase from £8 to £9. The Minister contends that to increase the payment would inflict a greater burden on the community, and I am showing that it would merely mean a lower rake-off for the insurers.

The Attorney General: I cannot see how you could actually prove that without an actuarial computation.

Mr. STYANTS: The figures I have quoted have been given by a very reliable authority. Here are the loss ratios for the several States—

New South Wales	55.91 per cent.
Victoria	53.21
Queensland	58.59
South Australia	48.60
Western Australia	52.77

Thus, with the exception of South Australia, the amount of compensation payments here is the lowest in Australia.

The Attorney General: That is for one year.

Mr. STYANTS: It may be taken as being representative of other years. The rate of injury does not vary to any great extent.

The Attorney General: It varies from year to year.

Mr. STYANTS: But only to a very small extent. The objective of the Premium Rates Committee was a loss ratio of 70 per cent. In other words, the insurers, out of every £100 of premiums, were allowed £30 for working expenses and profit. The board laid that down in 1949. In that year the Premium Rates Committee refused to reduce the existing rates, although the loss ratio in this State was 52.77. The premiums paid in that year amounted to £945,273 and the claims paid totalled £499,746. The loss ratio of 70 per cent. would have represented £713,923 of the total premiums. Thus the difference was £231,350, and that was the amount of the rake-off to insurers in this State.

Mr. May: That is where the money goes.

Mr. STYANTS: That was over and above what was considered to be a fair and equitable amount. In 1950, a newly-constituted Premium Rates Committee reduced the minimum rate by 75 per cent. and, despite the fact that benefits were increased by the 1949 amendments, the loss ratio on maximum premium rates was only 47.44 per cent., or about 4½ per cent. less than in the previous year. In 1951 the Premium Rates Committee reduced the rates by an average of 27 per cent. because it realised that the 70 per cent. loss ratio could bear a considerable reduction. The order was that all premiums should be reduced to 70 per cent. of the loss ratio, some having been over that. This resulted in 366 classifications out of the 413 classifications being reduced by over 80 per cent. Although the premium rate was reduced by 80 per cent. in some instances, the Attorney General still endeavours to convince us that there is no justification for increasing the benefit. There is ample justification for such a increase.

Mr. W. HEGNEY: The Attorney General referred to a single man who, receiving a comparatively large nominal weekly wage, expected compensation. Despite the Minister's view, Parliament has defined a worker as including any person who is receiving £1,250 or less.

The Attorney General: I did not argue on that.

Mr. W. HEGNEY: No, the Minister said that a man who was in receipt of £20 a week should provide for his own insurance.

The Attorney General: I did not.

Mr. W. HEGNEY: That is what the Minister implied, and then he went on to refer to the hospital scheme.

The Attorney General: I said he should, perhaps, contribute towards some of his ills.

Mr. May: In effect you said he should insure himself.

The Attorney General: To some extent.

Mr. W. HEGNEY: The Minister would not suggest that incapacitated workers should not receive liberal compensation.

The Attorney General: They receive what is a fair thing.

Mr. W. HEGNEY: Any worker who is injured during the course of his employment must still maintain his wife and family during the period of his incapacitation.

The Attorney General: What happens if he is hurt when he is outside the course of his employment?

Mr. W. HEGNEY: The Bill provides for compensation to workers who are injured arising out of or in the course of their employment. If a worker's average earnings are £20 or £17 a week, then £12 a week is not an extravagant amount for him to receive as compensation. Because of rising costs and increases in the basic wage, the definition of workers has been liberalised to include a person receiving not more than £1,250 a year. An injured worker is entitled to reasonable compensation. A worker who receives £16 or £20 a week must have some special skill, knowldgee or characteristics and, if he is injured in the course of his work, why should he be cut down 50 per cent., or to only £10 a week?

The Attorney General: Because the man on the basic wage has to pay a good share of it.

Mr. W. HEGNEY: The same principle will apply to the basic wage earner. The other man must get the greater income as a result of some special attribute, as I said before. Why should he be penalised if he is injured during the course of his employment? If the weekly payments are increased I should say the employers might not have to pay any more in premiums at the present time, but that the Premium Rates Committee would consider the position in the light of the amendment. The main point to be decided is what is fair and reasonable compensation to pay to a man without dependants, and secondly what is fair and reasonable compensation to pay to a man with dependants? I should say that £9 a week is not too much to be paid to a man ordinarily on £16 a week who is without dependants. For an injured worker with dependants, £12 would represent only about the present basic wage—and the basic wage will increase. I hope the Minister will indicate to workers that there is something humane in these proposals, and that he will agree to the amendment.

Mr. STYANTS: I wish to quote certain figures to show that there will be no impost on industry if we increase the compensation payments but rather that it will mean a lesser amount of profit to the insurers. I have gleaned these figures from the Workers' Compensation Board in Western Australia. The report states—

> The Premium Rates Committee has been in operation since 1949, although the composition of the committee was altered in 1950. Despite that fact, and the fact that in 1949 the Workers' Compensation Board fixed a loss ratio of 70 per cent. to be the aim of the committee, the premiums received by insurers have exceeded those necessary to give a 70 per cent. loss ratio by no less than £717,654 in two years.

The Attorney General: Which two years?

Mr. STYANTS: They were 1949-50, and 1950-51. For the year 1949-50, the premiums received, on the assumption that it would be a 70 per cent. loss ratio, were £1,051,000, and the payments were £479,888, or less than half the amount of the premiums that were taken from the employers in this State for insurance cover for the employees. The loss ratio was 45.53 per cent. The amount of premiums that would have been necessary on a 70 per cent. loss ratio, which was the objective of the Premium Rates Committee, would have been £685,555. That shows that the surplus premiums over and above what would be required to provide a 70 per cent. loss ratio and 30 per cent. profit for the insurance companies were, for the year 1949-50, a sum of £366,032.

For the year 1950-51, the premiums received were £1,091,000, payments received were £517,000, the loss ratio was 47.44 per cent., the premiums necessary to fix a loss ratio of 70 per cent. would have been £739,530, and so the surplus premiums amounted to £351,622. For the two years the premiums received amounted to £2,142,000 and the payments made were £997,559. The loss ratio was 46.557 per cent. The premiums necessary to fix a 70 per cent. loss ratio would have been £1,425,085, and the surplus premiums received over and above the requirements for the two years totalled £717,654. Those are not random figures. They are those of the Workers' Compensation Board.

The Minister informed the House and the Committee that the compensation payments to injured workers in this State were higher than in any other State in the Commonwealth, but that is incorrect, as is shown by the Commonwealth Bulletin of Statistics. The only people in this State who would suffer owing to an increase in payments of workers' compensation would be the insurers. I feel that it is impossible to induce the Minister to do anything in this regard, and it is hopeless to try to get members on the Government side to agree

to any logical argument because they are not present in the Chamber. At this moment, there are only nine members on the Government side of the Chamber, but if the amendment goes to a division, they will file in and walk to whichever side it is to which their colleagues have gone.

Mr. MOIR: The Attorney General spoke of the metropolitan basic wage, but I would remind him that in some places, such as Kalgoorlie, the basic wage is £12 4s. 2d. at present. On top of that, there are, in outlying districts, allowances paid, ranging from a few shillings up to 15s. per week. That gives a basic wage of £12 4s. 2d., plus 15s., which brings the total to £12 19s. 2d. as a base rate.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. MOIR: I was pointing out the position of men who work in remote parts of the State where, in addition to the basic wage laid down for the area, they receive a district allowance which varies with the different localities. We know, for instance, a worker at Marble Bar cannot live on the same wage as a man in Perth. But under the proposals in the Bill, whether a man is married or single he will still receive the same sum by way of compensation whether he works in the metropolitan area or any other part of the State.

I do not think any maximum should be laid down except that a percentage of his average weekly earnings should be fixed. At one time the Act provided for 50 per cent. of the weekly earnings and it was then increased to 66 2/3rds per cent. Under the Act a man can still be classified as a worker and come within the meaning of the Act if he earns £1,250 a year; that is slightly over £22 a week. If a worker, earning that sum of money, is injured, the compensation payments are less than 50 per cent. of the weekly earnings.

I was rather surprised to hear the Attorney General, when giving a reason why the amounts should not be increased, say that it would be a charge on industry and that industry would pass it on to the consumer. The report by the chairman of the Compensation Board, which was tabled last year, showed that a sum of £460,000 had been saved to insurers. In what way was that reflected in costs to the consumer? That is merely a saving to the insurer. I thought, after my remarks on the amending Bill introduced last year, that the Attorney General would not, on subsequent occasions, advance the arguments he used then.

If we find that, after claims have been met, the amounts charged in premiums leave a balance we should give serious consideration to effecting improvements in workers' compensation legislation so that injured workers can receive adequate payments. I heard the Attorney General say this evening that he considers the amounts are adequate but from my experience with workers' compensation cases—and I have had a good deal of experience with them—I would say that the amounts payable are definitely not adequate. Recently I came into contact with the case of a man who is permanently incapacitated. He has a son aged 15 who was going to the High School in Kalgoorlie but the boy has been forced to leave school because his father cannot afford to let him continue his studies; insufficient money is coming into the home each week and consequently the boy has to go out to work.

When the member for Mt. Hawthorn was speaking the Attorney General, by way of interjection, asked what happened to a worker who was injured when he was not at work. In today's issue of "The West Australian" appears the report of a court case which tells us what happens in such cases. Damages of £5,458 18s. 4d. were awarded in the Supreme Court to a man who received extensive leg injuries. It does not matter whether a man is injured at work or receives injuries as a result of a road accident. The result is the same; he is incapacitated and suffers a loss of his earning capacity. Members cannot help but notice the difference between damages awarded in cases of accident where injury has been sustained and the amounts paid to workers under the Workers' Compensation Act.

The payment of £10 a week to an injured man with dependants is totally inadequate in the metropolitan area and even more so for the worker in outback areas. The Attorney General has not convinced me with his argument about the extra charge being placed on industry. There are many other charges on industry, but it still does not prevent them being made. It is high time we altered our outlook towards compensation to an injured worker, and increased the payments in order to free such men of the anxiety which they suffer because of the restricted income that is coming into their homes. I know of men who have been off work for some time and their lengthy incapacity brings about a psychological reaction because they worry about it. They know that they may have to borrow and even if they are not forced to do that their savings diminish rapidly. Although I do not consider that the amendment moved by the member for Mt. Hawthorn provides for adequate payments, at least they are an improvement on the amounts proposed in the Bill and therefore, we should give serious consideration to the proposal.

Mr. NEEDHAM: When speaking to the second reading of this measure I emphasised the point that we are not treating the injured worker with the equity that he deserves. I cannot understand the Attorney General's opposition to the amendment. During the second reading debate it was said that the compensation paid to the injured worker was borne, in the

ultimate, by the consumer. However, that should not deter this Committee from inserting into workers' compensation legislation provision for an equitable allowance to be paid to an injured worker to provide for his dependants during his incapacity. The figures submitted to the Committee by the member for Kalgoorlie, showing the rake-off secured by the insurance companies, debunks to a great extent the argument that the consumer is eventually burdened with the whole cost of compensation payments. I ask the same question asked by the member for Boulder. What becomes of the £460,000 mentioned in the report read by the hon. member?

Mr. May: As if you do not know.

Mr. NEEDHAM: Does the consumer reap the benefit of that rake-off? The Attorney General will not say that he does. Whilst I admit that in the final analysis the consumer will bear the cost of these increased payments as suggested by the member for Mt. Hawthorn, I am sure it will not be so great a burden because the average member of the community is quite willing to shoulder such cost so that the injured worker will feel more secure whilst incapacitated. Although prices have been soaring during the last six or seven years I have heard of no sympathy for the consumer who has to pay those high prices. The Attorney General, when he rises to his feet should tell the Committee where that £460,000 has gone.

Although I support the amendment I want it clearly understood that I do not depart from my own idea of compensation payments, namely, that there should be no distinction between a single man and a married man. We should treat all injured workers in the same way as we do when computing the basic wage. Why should an injured worker be deprived of the basic wage because he has been unfortunate enough to be absent from his employment? His expenses in the home, whilst he is so incapacitated, are actually greater than when he is in employment. Even £9 for a single man would not be too much: if he has no responsibility at the time he may have in the very near future when he gets married. Previous speakers have pointed out that the basic wage will not remain static, and in spite of claims by the Commonwealth to control inflation the basic wage will continue to increase without any benefit to the workers at all. I support the amendment.

Mr. MAY: The debate tonight takes me back 12 months when we discussed the same matter. On that occasion there was a proposal to increase compensation rates for single and married men on a flat rate of £8. After all our pleading on that occasion the Attorney General offered to reduce the rate for the single man to £7 and to increase that for the married man to £9. It was robbing Peter to pay Paul, and I said so at the time. I knew it would not do anybody any good. I am not sure whether I would do the Attorney General an injustice if I said he had a most peculiar complex which seems to come to the surface only when we are discussing compensation matters. He is a different man altogether when I am speaking to him outside Parliament House or in the corridor.

The Premier: He is a very friendly chap!

Mr. MAY: He is most human! I could say some hard things about this Bill, but I feel it would be wrong to lay all the blame at the door of the Attorney General.

Hon. A. R. G. Hawke: Hear, hear! It is the Treasurer who is the main trouble.

Mr. MAY: If the Attorney General is given a lead from his Leaders in this Chamber I feel sure he would give more consideration to the amendment moved by the member for Mt. Hawthorn; after all, it is not an outrageous one.

The Premier: You are like Oliver Twist; if I give you something you want more.

Mr. MAY: What is wrong with that? The point is that when the Premier gives us something it is not enough and that is why we ask for more.

The Premier: I am always giving you something.

Mr. MAY: After listening to the figures quoted by the member for Kalgoorlie in regard to the insurance premiums paid to insurance companies for compensation and the amount of profits those concerns are making, if I were the Premier I would say, "You are not going to make so much profit; some of that money is to be used to increase the compensation rates of the men who have been injured." That would be fair.

The Premier: Does not the Premium Rates Committee take those matters into consideration?

Mr. MAY: Evidently not, and if I were the Premier I would give them a lead.

The Premier: That is not my job.

Mr. MAY: I think the Premier should make it his job.

The Premier: Oh, no!

Mr. MAY: In this Bill the Premier is asking that a single man should accept £8 a week and a married man with a wife and family should exist on £10 a week. The Premier should put himself in Gilligan's place and see how he likes it. If a man is injured, all his commitments have to be met and there is also the extra money entailed when a worker is injured. Whenever there is sickness in the house there is always extra expenditure. Under the provision in the Bill we do not give them even a living wage; how can they exist?

A number of these workers are injured by faulty machinery and appliances which they have to use.

The Attorney General: They get full protection, do not they?

Mr. MAY: No, they will only get this.

The Attorney General: Oh, no!

Mr. MAY: Of course they will; unless they get their heads blown off!

The Attorney General: If there is any negligence and it is proven, they are protected.

Mr. MAY: How often is it proven? I know of many occasions where men have been injured through faulty machinery and appliances and it has not been possible to prove it.

The Premier: What are the workmen's inspectors for?

Mr. MAY: How often do they get around?

The Attorney General: Would not the workmen's colleagues be on his side?

Mr. MAY: Suppose he was working on a particular drill on his own; how would that help him? If the Attorney General is not careful he will alienate any sympathy I might have had for him; I have said he is not altogether to blame. I pity him because he has been put in charge of the Bill and is expected to get it through this Chamber. There is no reason to doubt the figures quoted by the member for Kalgoorlie, and I refer to the figures quoted in connection with payment of insurance premiums and the amounts paid out by insurance companies in respect to those premiums; also the amount left over at the end of the year. In view of that, surely it is not asking too much to give a single man another pound and a married man another two pounds!

Mr. McCULLOCH: I am not wedded to the amendment.

Mr. May: It does not go far enough for you.

Mr. McCULLOCH: There should be no differentiation in the compensation payable to a married man and a single man. Taking money values into consideration, this is the lowest amount of compensation provided in the history of the State for a single man.

The Attorney General: That is wrong. You have not worked it out.

Mr. McCULLOCH: The pound today is worth 7s. and so a single man is expected to exist on the equivalent of £2 16s. a week in real money. The amount of £9 would not be anything like adequate. The member for Kalgoorlie has told us of the enormous sum that is pouring into the coffers of the insurers at the cost of the blood of the workers.

The Attorney General: Which organisation has the largest business?

Mr. McCULLOCH: The member for Kalgoorlie quoted the profits being made.

The Attorney General: Well, the State makes about half of it, if that is true.

Mr. McCULLOCH: The basic wage on the Goldfields in October, 1951, was £10 10s. 11d. and it is now £12 4s. 2d., a difference of £1 13s. 3d. A single man was entitled to £8 a week in 1951 and it is not fair that the amount should still be £8, seeing that there has been such an increase in the basic wage. There should be no departure from the practice that has been observed. I have heard of no squeals from either the employers or the employees. Whose idea is this? Presumably the Attorney General's. We have been told that the Commonwealth Government would put value back into the pound but, as I have pointed out, the pound is worth only 7s. in real money. The Attorney General stated that a worker ought to insure himself. I wonder whether the Attorney General does that.

The Attorney General: I did not say that and I do insure myself, if you want to know.

Mr. McCULLOCH: The Attorney General made that statement.

The Attorney General: I did not.

Mr. McCULLOCH: I still believe that that is what he said.

The Attorney General: I was referring to a worker who was earning more than £1,000 a year.

Mr. McCULLOCH: Some workers could not afford to insure themselves. I hope the Committee will accept this very minor amendment.

Mr. LAWRENCE: I support the amendment. The basic wage has risen considerably and, in the last two years, the insurance companies have made a profit of about three-quarters of a million.

The Attorney General: I do not think that was said or that it is correct.

Mr. LAWRENCE: If the Attorney General were intent on doing the right thing by the workers, he would have those figures before him and not leave it to the Opposition to present them. Had he done so, he would have realised that the premium rates to employers could well be reduced and that the benefits to workers could be increased. In 1948, when the basic wage was about £5 a week, the weekly compensation payable was £6 a week. Yet the Attorney General will not consider granting an increase under this measure.

The principle involved is a simple one that does not warrant so much discussion. Compensation is paid to an injured worker to allow him and his family to exist. Yet the Attorney General and other Ministers have the effrontery to say that these people can exist on less than the basic

wage. The Arbitration Court has computed the basic wage at £11 18s 6d. and, in doing so, indicates that that is the least that a man, his wife and two children can live upon; but because a poor unfortunate man is injured in his employment, through no fault of his own, the Government says, "We will deny you the right to live properly, because we will take from you £2 a week."

Another factor to be taken into consideration is that a person on a compensation of £8 per week now, which is the same rate as operated 12 months ago, loses any right to quarterly adjustments in the basic wage of which there are four annually. Apparently the Attorney General does not place any importance on that. I cannot understand why he argues that this is a cost to industry and being a cost to industry is forced back on to the worker. If he or anybody else can tell me one cost that is not passed back to the worker in direct or indirect taxation, I would like to hear it! The Attorney General should give some consideration to the basic wage fixed by the court, and consider raising weekly compensable payments to not less than £12 for a married man with dependants and £9 for a single man.

The ATTORNEY GENERAL: I am very sympathetic to injured workers, and so is the Government.

Mr. Needham: We want more than sympathy.

Mr. May: Would you like to tell us who is not sympathetic?

Mr. Moir: What about showing sympathy in a practical manner ?

The ATTORNEY GENERAL: I think that members of the Opposition are sympathetic too. This Government has done more to modernise the Workers' Compensation Act than many other Governments.

Mr. Hoar: You mean many other Liberal Governments.

The ATTORNEY GENERAL: Listen please! To ensure that only a reasonable premium was charged, a special committee was set up to investigate the whole of the charges and fix the premium. Furthermore, the biggest business in workers' compensation is carried on by the State's own organisation, the State Insurance Office. No-one will suggest that that organisation has not tried to be fair to the workers. It does not charge more than it feels is necessary to enable it to carry on its business. It is not endeavouring to make profits, but to carry on its work efficiently and keep reasonable reserves; and it has the biggest workers' compensation business in this State.

Mr. W. Hegney: Because the private insurance companies will not take on the insurance of mine employees.

The ATTORNEY GENERAL: Never mind why! What is this talk about these improper profits? Is it suggested that the State Insurance Office is trying to receive more than its just due?

Mr. May: Can you give us the figures?

The ATTORNEY GENERAL: Yes, I will give them.

Mr. Needham: When?

The ATTORNEY GENERAL: So the argument along those lines does not carry any weight with me. The Leader of the Opposition admitted that those who ultimately stand the charge of seeing that injured workers receive protection are the average workers, because this is a charge on industry in the first instance and through industry it is reflected in prices. So the Government has to ensure that justice is done, not only to the injured worker but also to the average individual who has to contribute. The Government has done what it thought was reasonable and has distinguished between the respective responsibilities of single and married men. I cannot agree that a married man with dependants does not need more protection than a single man.

Mr. JOHNSON: I always find considerable amusement in the speeches of the Attorney General and in watching the face of his Leader while he worries and gets ulcers on his ulcers through listening.

The Attorney General: You are a pleasant little boy; you make such pleasant remarks. You are a child!

Mr. W. Hegney: You act like one.

Mr. JOHNSON: I would like to mention a couple of the excuses given by the Attorney General and one given by the Premier. According to the Auditor General's report, the Workers' Compensation Fund transferred to revenue during the last 12 months the sum of £112,000—

The Attorney General: It pays the ordinary taxation that any other company would pay.

Mr. JOHNSON: —out of a total of premiums received of £246,000. That is a transfer to revenue of half its income. This transfer was made up after the payment of claims amounting to £120,000, of medical expenses £45,750, and of administrative expenses. The gross result is a profit of £64,000 on the year's work, or 25 per cent., which is not inconsiderable. This sum could have increased the compensation that was paid, without loss to the fund, by one-quarter, which is more than we are asking for.

These figures show that the small increase we are seeking is not impossible. It must be admitted that the Government handles those sections of compensation insurance which private concerns find least profitable, so what the private companies

handled must be astounding. I refer to the excuse that the Premier put up for dodging the issue, namely, that it was the responsibility of the Premium Rates Committee. It is not the responsibility of that committee to lay down the amounts in the Act, but to judge what premiums should be charged to meet those amounts. The arguments put forward by the Government are "phoney" and without foundation.

Mr. MOIR: The Premium Rates Committee has probably rendered a very good service to the insurers. It has found that the premiums charged for workers' compensation risks were too high, and a reduction made in 1950 resulted in a saving to insurers of £460,000. I ask the Attorney General why the benefits under the Act could not be increased to absorb that sum. Is there any special merit in returning it to the insurers? Would not there be more merit in paying it to injured workers? There could be a greater saving if we were to reduce compensation. In effect, it is being reduced all the time owing to the inflationary spiral. The Attorney General suggested that a man earning £20 a week should carry some insurance himself. It is not so many years ago that the worker carried it all himself because there was no Workers' Compensation Act. But we have advanced since those days.

The State Insurance Office came into being largely because private insurance companies would not insure mine-workers. The Premium Rates Committee is made up of representatives of the State Insurance Office and of the tariff companies, who go into ways and means of reducing the premium rates. That is their job. On the other hand, the people who are responsible for governing the State should try to see how the Act can be improved, and how much compensation can be given. When it is seen that there are not sufficient claims to absorb the premiums charged, consideration should be given to making compensation payments adequate. The Attorney General's argument simply falls to the ground. It is all right to say, with a paternal and Father Christmas look, "See how much we are going to give you. You will have another £2 a week." The Act for many years has provided that a man with dependants should receive an allowance for those people. Previously it was £1 a week for a wife and 7s. 6d. for each child, and it was subsequently increased to 30s. per week for the wife and 10s. for each child.

The Attorney General: Who increased it?

Mr. MOIR: The Minister's Government, because it was the Government. The Opposition could not do it, although we were last year able to prevail on the Government to increase still further some of the amounts that it then proposed to increase. All that the Government is doing here is to remove the maximum from the married man and allow him to have £2 a week above the single man. The Government would be doing a better job if it fixed the maximum at £8 a week for the single man and provided a margin of so much a week over and above that for a wife and so much for each child, with no maximum. The Premium Rates Committee found in 1951 that it could reduce the premiums and save the employers £460,000 for the year.

Mr. Styants: An all-over reduction of 27 per cent.!

Mr. MOIR: If that money had been spread over all the claims arising under the Act it would have given the injured worker something approaching adequate compensation.

Mr. NEEDHAM: No matter what argument is put forward from this side of the Chamber, it falls on deaf ears and the Attorney General will not budge from what is contained in the Bill. Neither he nor the member for Cottesloe need flatter himself that the Government is increasing the amount of compensation for the injured worker. Had it not been for the presence of Labour members in the Parliaments of the Empire I doubt whether there would have been any workers' compensation at all. There was none until 1896 when labour members first appeared on the floor of the House of Commons, and in that year there was enacted the first workers' compensation legislation.

The CHAIRMAN: The hon. member cannot make that sort of speech on the amendment.

Mr. NEEDHAM: I am tying this up with the Attorney General's statement that he was increasing the rates of compensation. He did not reply to the question as to what was done with the £460,000 though he did say something about its going into a reserve. Labour Governments in this State have on several occasions endeavoured to amend the State Insurance Office legislation and, had they been successful, the present position would not have arisen. The only reason why their efforts were not successful was the opposition of Liberal Party members in another place.

The CHAIRMAN: The hon. member is a long way from the amendment.

Mr. NEEDHAM: I hope that when dealing with further amendments that will be moved the Attorney General will keep closer to the facts and I trust that even now he will agree to the amendment with which we are dealing.

Mr. BRADY: The Attorney General said that the proposed payment to a married man would represent 80 per cent. of the basic wage. I think that due to its neglect of and lack of interest in the workers of this State the Government has increased the accident rate; I refer there to its failure to amend the Factories and Shops Act.

The CHAIRMAN: The hon. member is not dealing with the amendment.

Mr. BRADY: By its failure to amend that Act the Government has increased the accident rate. The Attorney General has more than once said that most workers receive considerably more than the basic wage. If he believes that he should agree to the worker on compensation receiving an 80 per cent. payment. The proposed payment of £10 is 70 per cent. of the Kalgoorlie basic wage and 70 per cent. also of the wage of the average tradesman in the metropolitan area. Surely a worker in industry is entitled to some benefits from the increased profits of companies and industrial establishments. If the Bill is passed in its present form the compensation payments in Western Australia will be about the worst in the Commonwealth. The member for Mt. Hawthorn mentioned that in other States a worker can be compensated up to the average wage and in some States the amount is £11 a week. Yet it is proposed that in this State the maximum shall be £10 for a man with dependants.

Let us analyse this further to see how unfair it is. If we are fortunate enough to get an amendment carried that a single man shall get £9 a week and there shall be an allowance of £1 10s. for a man who has a wife and 10s. for every child, the average family of two children, if the husband is injured, will receive £11 10s. a week. That means that as the Bill stands insurance companies are saving £1 10s. on every married worker who suffers an injury.

If we go back to 1927 we find that the basic wage was £4 5s. and the compensation payment was 7s. 6d. for each child. That means that the payment of 7s. 6d. was eight per cent. of the basic wage. But if we take the figures proposed in this Bill the 10s. payment for each child represents only four per cent. of the basic wage. In other words a confidence trick is being played upon the worker in industry because by comparison he will be receiving only half of what he was able to receive in 1927.

The administrative charges of insurance companies should be getting less because business is increasing as a result of the industrial progress in this State. Consequently premium rates should be lower. Also at one time wages represented 75 per cent. of the cost of an article but today, as a result of the introduction of modern machinery, that percentage is approximately 40 or 50. If that is the case there should be a lesser number of accidents in industry and the insurance companies should be paying out less in claims.

Various amendments to the Act have been passed but the basic wage and the cost of living have continued to rise. Consequently the injured worker is forced to pay increased costs, but his payments have remained static. So in that respect, insurance companies stand to make a profit. There is another important aspect, too. If an injured worker goes into hospital he is allowed 27s. by the insurance company for hospital fees, plus 8s. social service benefits, making a total of 35s. a day. But there is no private hospital in this State in which the charges are as low as that; the charges are usually around three or four guineas a day. As a matter of fact some private hospitals will not admit workers' compensation cases because the allowance is not sufficient to cover the hospital charges.

The Attorney General has said that the provision relating to hospital charges allows for an increase of £50 a year, making a total of £150 instead of £100. A few years ago a worker could go into hospital and the charge was about five guineas a week. In that case the £100 allowance permitted him to stay in hospital for 20 weeks, but on today's charges of £22 10s. a week, approximately, the £150 will allow him to be in hospital for only seven weeks. So there is a definite argument in favour of increasing the payment to injured workers and I hope the amendment will be agreed to.

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

Ayes	21
Noes	22
Majority against	1

Ayes.

Mr. Brady	Mr. McCulloch
Mr. Butcher	Mr. Moir
Mr. Graham	Mr. Needham
Mr. Guthrie	Mr. Read
Mr. Hawke	Mr. Rodoreda
Mr. J. Hegney	Mr. Sewell
Mr. W. Hegney	Mr. Sleeman
Mr. Hoar	Mr. Styants
Mr. Johnson	Mr. Tonkin
Mr. Lawrence	Mr. Kelly
Mr. May	*(Teller.)*

Noes.

Mr. Abbott	Mr. Nalder
Mr. Ackland	Mr. Nimmo
Mr. Brand	Mr. North
Dame F. Cardell-Oliver	Mr. Oldfield
Mr. Doney	Mr. Owen
Mr. Grayden	Mr. Thorn
Mr. Griffith	Mr. Totterdell
Mr. Hill	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. Manning	Mr. Yates
Mr. McLarty	Mr. Bovell
	(Teller.)

Pairs.

Ayes.	Noes
Mr. Nulsen	Mr. Hearman
Mr. Coverley	Mr. Mann

Amendment thus negatived.

Clause put and passed.

Clauses 5 and 6—agreed to.

Clause 7—Paragraph (i) of Clause 11 of the First Schedule amended:

Mr. W. HEGNEY: This clause proposes to increase the maximum amount payable from £1,250 to £1,750. As this will be an amendment to the First Schedule, I have taken the opportunity of focussing the Government's attention on the necessity to increase the amount payable to £2,250 in order to bring the compensation into line with the increased cost of living. That increase would represent 29 per cent. on the present maximum payable for permanent and total disability. Last year, after discussion on a similar measure, the Minister finally agreed to adopt the amendment moved by the Opposition to increase the maximum amount payable from £1,500 to £1,750. At that time we endeavoured to have the maximum increased to £2,000, but we compromised on £1,750.

We now put forward the same argument and I hope that the Government will not adopt a similar attitude to that which it did a few moments ago. When the maximum was fixed at £1,750 the basic wage was £10 5s. 8d. and today it is £11 18s. 6d., and in view of the increasing cost of commodities it will continue to rise. I consider that the basic wage in six months time will be nearer £13 than £12. Therefore, it will be a social injustice if this Committee refuses to increase the maximum amount payable for compensation by a reasonable percentage. Since the last amendment was before the Chamber the basic wage has risen by approximately 20 per cent.

This is the last chance that this Parliament will have to increase this maximum amount before a general election will take place because there will be no opportunity to make further amendments to the legislation before another nine or ten months have elapsed. By that time the basic wage will have increased considerably and the value of £1,750, will have been much reduced. The Attorney General will probably argue that £1,250 appears in the Workers' Compensation Act, that it is an anomaly and that his amendment is to correct that anomaly. That may be so. If the £1,750 had been there I would certainly have taken the opportunity just the same to make it £2,250. I believe the other States will take an early opportunity to increase their maximum payments and we do not want to lag behind.

We should increase these total amounts as opportunity arises and bring them into line with present-day cost of living. Now that the Government has rejected our amendment, £10 will stand as the maximum. If one divides £10 into £1,750 one will see that the worker who is totally and permanently incapacitated will have approximately three and a half years' compensation at £10 a week, after which he will have exceeded the total amount payable under the terms of the Act. He will be entitled to nothing more.

Mr. May: He will have to go on the invalid pension.

Mr. W. HEGNEY: There again, by virtue of his total incapacity, he is prevented from earning anything further. Surely it is reasonable for this Committee to provide something adequate for the injured worker who is permanently disabled in the course of his employment. I move an amendment—

> That in line 5 the word "one" be struck out with a view to inserting the word "two" in lieu.

The ATTORNEY GENERAL: I admit it is only an argument to say that £1,750 is the amount provided for Victoria, Queensland, South Australia and Tasmania.

Mr. W. Hegney: How much in New South Wales?

The ATTORNEY GENERAL: I think the hon. member said £2,000.

Mr. W. Hegney: Have you got it there? It is £2,000.

The ATTORNEY GENERAL: I will accept that. The hon. member is right in saying that the amendment is made to correct an anomaly. Last year the amount was increased by £500 and that is not inconsiderable. The same arguments apply here as applied when I resisted the increase in the weekly amount. It is the Government's responsibility to hold the scales fairly between the injured worker and the community at large.

Mr. Moir: Do not let your hand wobble!

The ATTORNEY GENERAL: It is the worker on the lower scale who feels the increases in living expenses more than others, so it behoves the Government to do justice to him. I am thoroughly sympathetic with the injured worker, particularly the totally disabled worker, but in the circumstances I have mentioned I cannot accept the amendment.

Mr. W. HEGNEY: I appeal to the Premier to advise the members of his Government of the justification of our request. The Bill, as introduced last year, provided a maximum of £1,500. The Attorney General did not bring down a Bill which provided a payment of £1,750. It was only after we had endeavoured to take the maximum to £2,000 that it was finally agreed, after much debate, that it should be £1,750. That was an advance of £250 on the figure of £1,500 contained in the Attorney General's Bill. The same argument is advanced now. Why has he increased the maximum amount for people with dependants from £8 to £10? He has not done it because he is magnanimous to injured workers. He was advised to do it on account of the increase in the cost of living. Some-

thing should be done to ameliorate the lot of the man with dependants at least. If it was just to increase the weekly payments by 25 per cent., is it not logical that the total maximum amount should be increased proportionately?

The Attorney General: If you were the Minister and had the responsibility, I wonder whether you would be talking in that strain.

Mr. W. HEGNEY: I would adopt a more humane attitude than does the Minister.

The Attorney General: It is a question of being just.

Mr. W. HEGNEY: My opinion is that, if the Minister has his way, little compensation would be provided for injured workers. I believe that he indicated earlier that workers should effect their own insurance.

The Attorney General: I did not.

Mr. W. HEGNEY: That is the impression I gained. I hope that members on the Government side will support the amendment.

Mr. BRADY: Under the 1947 Act, the maximum was £750 and, at the rate of £3 10s. a week, it would have taken 214 weeks to exhaust the total. Under the present proposal, the lump sum would extend over only 175 weeks. Consequently the position of the worker is becoming worse with the years. Members should appreciate how rottenly the Government is treating the workers.

Mr. MOIR: I appeal to the Attorney General to accept the amendment. When, in 1949, the maximum weekly payment was £6, the sum for total disability was £1,250. Thus it took four years to exhaust the total payment. Last year the maximum was fixed at £1,750 and, with a maximum weekly payment of £8 a week, the total sum would take four years to exhaust. With the weekly payment now raised to £10 a week, the total amount could be exhausted in a little under 3½ years, whereas, if the total were fixed at £2,250, it would, at the rate of £10 a week, extend over four years and 20 weeks. All that the amendment proposes to do is to retain the status quo. I do not admit that the 1949 figure was just, because I maintain that a totally incapacitated worker should receive payment for the rest of his life and not be thrown into the wilderness when his compensation was exhausted. The Attorney General is not taking a realistic view of the needs of injured workers.

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

Ayes	20
Noes	22
Majority against	2

Ayes.

Mr. Brady	Mr. May
Mr. Butcher	Mr. McCulloch
Mr. Graham	Mr. Moir
Mr. Guthrie	Mr. Needham
Mr. Hawke	Mr. Rodoreda
Mr. J. Hegney	Mr. Sewell
Mr. W. Hegney	Mr. Sleeman
Mr. Hoar	Mr. Styants
Mr. Johnson	Mr. Tonkin
Mr. Lawrence	Mr. Kelly

(Teller.)

Noes.

Mr. Abbott	Mr. Nimmo
Mr. Ackland	Mr. North
Mr. Brand	Mr. Oldfield
Dame F. Cardell-Oliver	Mr. Owen
Mr. Doney	Mr. Read
Mr. Grayden	Mr. Thorn
Mr. Griffith	Mr. Totterdell
Mr. Hutchinson	Mr. Watts
Mr. Manning	Mr. Wild
Mr. McLarty	Mr. Yates
Mr. Nalder	Mr. Bovell

(Teller.)

Pairs.

Ayes.	Noes.
Mr. Nulsen	Mr. Hearman
Mr. Coverley	Mr. Mann
Mr. Hawke	Mr. Hill

Amendment thus negatived.

Clause put and passed.

New Clause:

Mr. W. HEGNEY: I move—

That a new clause be added as follows:—

> Section four of the principal Act is hereby deleted and the following is substituted in lieu:—
>
> 4. Any worker who at the time of the coming into operation of this Act is receiving or entitled to receive weekly payments for any period of total or partial incapacity in accordance with the provisions of the Workers' Compensation Act, 1912-1951, and that incapacity continues after that time, or who at or after the time of the coming into operation of this Act became or becomes entitled to weekly payments in consequence of an accident which occurred prior to the time of the coming into operation of this Act shall as from that date be entitled to payments, whether weekly payments or otherwise in accordance with the provisions of of the Workers' Compensation Act, 1912-1952, provided that nothing in this Act shall be construed so as to entitle any such worker to any increase in weekly payments made or payable before that date.

The object of this clause is to give workers who were injured prior to the passing of the Act the same rights as will accrue to those injured after its implementation.

The CHAIRMAN: I cannot accept this new clause. It seeks to deal with Section 4 of the principal Act, but there is nothing in the Bill dealing with Section 4.

Mr. W. HEGNEY: This Act is to amend the Workers' Compensation Act, 1912-51.

The CHAIRMAN: Order! I must rule that the proposed new clause is out of order as being outside the scope of the Bill.

New clause ruled out.

Dissent from Chairman's Ruling.

Mr. W. Hegney: Then I am reluctantly obliged to dissent from your ruling, Mr. Chairman. I am sorry that history is repeating itself, but I have no alternative.

[*The Speaker resumed the Chair.*]

The Chairman having stated the dissent,

Mr. Speaker: I heard the Chairman's ruling, and I uphold it.

Dissent from Speaker's Ruling.

Mr. W. Hegney: Then I must equally reluctantly move—

> That the House dissent from the Speaker's ruling.

I would like to mention that this is not the first time that an effort has been made to alter this section. When in 1948, the present Deputy Premier introduced a Bill to amend the Act, he made provision in that measure for retrospective application. In 1951, the Attorney General submitted a Bill but declined to carry on the principle introduced by the present Deputy Premier. We sought to carry on the principle so that workers injured prior to the passing of the measure liberalising the provisions of the Act would be entitled to the benefits of the amending Bill. That is the purport of the proposed amendment on this occasion. The Chairman of Committees ruled that amendment out of order last year and you, Mr. Speaker, upheld his ruling. Standing Order No. 281 was quoted by you, Mr. Speaker, last year, and I shall quote it now. It provides—

> Any amendment may be made to a clause provided the same be relevant to the subject matter of the Bill, or pursuant to any instruction, and be otherwise in conformity with the Rules and Orders of the House; but if any amendment shall not be within the title of the Bill, the Committee shall extend the title accordingly, and report the same specially to the House.

Standing Order No. 2 provides—

> "Subject matter of Bill" means the provision of the Bill as printed read a second time and referred to the Committee.

The provisions of this Bill are to amend the Workers' Compensation Act and the short Title is as follows:—

> This Act may be cited as the "Workers' Compensation Act Amendment Act, 1952."

The Message you, Sir, read a few days ago was a general message. I did not hear any specified sum mentioned in it. I suggest that my amendment is in order, and that it comes within the purview of Standing Orders. I am not going to quote extensively from May; suffice it to say that it does contain quotations which support my contention. On page 370 of the Twelfth Edition the following appears:—

> An amendment must be coherent, and consistent with the context of the Bill; and when a proposed amendment had been so amended as to form an incoherent question, the Chairman stated that if no further amendment were proposed, he should proceed with the question which next arose upon the clause . . . . Amendments are out of order if they are irrelevant to the Bill.

On page 372 we find the following:—

> No amendment can properly be proposed to a clause which is relevant to the subject matter of such clause: Such an amendment should be moved as a new clause. An amendment which, if it were agreed to, would constitute a negative of the clause, is out of order.

I submit with all due respect to your ruling that Standing Orders should be given a liberal interpretation. The judges of the High Court, in the early days, had a tendency when dealing with interpretations of the Constitution to be rather conservative and favour the States. As time went on they took a different view of the Constitution and read something into it which the judges who had occupied the exalted office a few years previously did not see. As a consequence, the High Court judges today have made decisions, which the ordinary layman might consider should be in favour of the States, so as to extend the power of the Commonwealth, or in other words, to interpret the Commonwealth Constitution as liberally as possible.

A case was heard a few weeks ago in connection with the Capital Issues Control Board. It appears that under the Defence Preparations Act, passed by the Commonwealth Parliament in 1951, the Commonwealth Government has practically unlimited power. That is a different interpretation from what obtained a few years ago. Again, experts differ. I have no doubt that you, Mr. Speaker, have studied Standing Orders very closely, and that the Chairman of Committees has done likewise. But we find that even in courts of law a case is submitted to the local magistrate and an appeal is lodged against his decision, and subsequently the Full Court hears it and two judges give a decision one way and the third judge takes an entirely different view.

We know that five judges will hear an appeal before the High Court of Australia, and that three will express one view and two the opposite view. Yet they are all legal luminaries—experts in their profession. So I come to the Houses of Parliament. While Mr. Speaker ruled in a similar strain to this last year, and a few members on the opposite side of the House were inclined to discount my arguments, I have at least some eminent authority behind me. Within approximately the same week as the amendment was ruled out of order here, another place determined that such an amendment was in order. I propose, for the benefit of the House, to read a few lines from the debate which took place on that occasion. The report appears on page 1666 of "Parliamentary Debates" of the Third Session, 1951, as follows:—

> Hon. G. FRASER: I move—
>
> That a new clause be added as follows:—
>
> 4. Section four of the principal Act is hereby deleted and the following is substituted in lieu:—

Mr. Fraser then moved to insert a clause in substance the same as the one I am dealing with this evening. The report continues:—

> The MINISTER FOR TRANSPORT: I think this amendment should be ruled out of order. First of all, there is nothing in the Bill to which it relates. Secondly, it will provide for a charge on the Crown and would not be acceptable in another place on that account.
>
> The CHAIRMAN: I rule that the amendment is out of order as not being within the scope of the Bill.
>
> *Dissent from Chairman's Ruling.*
>
> Hon. G. Fraser: In order to test the feeling of the Committee, I will move to dissent from your ruling.
>
> [*The President resumed the Chair.*]
>
> The Chairman having stated the dissent,
>
> Hon. G. Fraser: I moved to disagree with the Chairman's ruling because the Title of the Bill mentions no particular section. It is a Bill to amend the whole Act. Even Clause 2 sets out—
>
> The principal Act, as amended by this Act, may be cited as the Workers' Compensation Act, 1912-1951.

I want members to have this impressed upon them.

> At no stage does the Bill stipulate that it is confined to any particular sections. Therefore I maintain that any section of the Workers' Compensation Act is liable to be amended whilst the Bill is before the Chamber I hope, Sir, you will uphold my contention.
>
> The President: I am afraid I shall have to rule that the hon. member is correct. We had, on a previous occasion, a similar case. As the Title covers the whole of the Workers' Compensation Act, the amendment is in order.

Now can I be blamed for endeavouring to move an amendment of this character when I realise how valuable it is to those workers who may be injured? I have read the debate that took place in this Chamber last year. Because the amendment I then proposed, according to the Chairman and the Speaker, did not come within the scope of the Bill—

Mr. Speaker: Under our own Standing Orders and not under the Council's Standing Orders.

Mr. W. Hegney: I will deal with that in a moment. The point is that the Chairman and the Speaker ruled it out of order because it did not come within the scope of the Bill, but the President of the Legislative Council ruled that a similar amendment was in order. Surely in cases of this nature a reasonably wide interpretation should be placed upon our Standing Orders. As I indicated, judges of the High Court of Australia and the Supreme Court of this State are supposed to be experts in their profession, as no doubt they are, but they apply principles of law to their reasoning and come to different conclusions. Although the Speaker, last session, ruled my amendment out of order, Sir Harold Seddon, who is an illustrious Knight and President of the Legislative Council, ruled in the opposite direction when a similar amendment was moved in that Chamber. He has studied Standing Orders assiduously and I understand from inquiries I have made that he is an expert in the interpretation of Standing Orders and parliamentary procedure.

The Attorney General: You do not have to be an expert here; it is commonsense.

Mr. W. Hegney: It was not commonsense; it was because the Government had a majority. I always hesitate to disagree with the ruling given by the Speaker or the Chairman of Committees, but I think the occasion demands it. The Bill is an Act to amend the Workers' Compensation Act, 1912-1951. The Short Title states, "This Act may be cited as the Workers' Compensation Act Amendment Act, 1952" and its object is to amend the provisions of the principal Act. The Message is a general one and as an eminent person in another place ruled that a similar amendment was in order, and to test the feeling of the House, I must disagree with your ruling, Mr. Speaker.

Mr. Needham: I rise to second this motion with a certain amount of reluctance. I think the ruling, in both instances, was wrong, and I am afraid that at times we are somewhat narrow in our interpretation of Standing Orders. I would not be wrong if I said that there had been times since I have been in this Chamber when similar amendments have not been ruled out of order—

The Minister for Education: And any amount of times when similar amendments have been ruled out of order.

Mr. Needham: —on the ground that they were relevant to the contents of the Bill.

The Minister for Education: I have known similar amendments to be ruled as outside the scope of a Bill and I have been the sufferer.

Mr. Needham: I can understand the correctness of ruling an amendment out of order if it does not deal with the sections that are being amended. But we must not forget that the Standing Order quoted by the member for Mt. Hawthorn makes reference to the Title of the Bill, independent altogether of the reference to sections. The Title of this Bill is all-embracing.

Mr. Speaker: Is the hon. member referring to our Standing Orders when he says that?

Mr. Needham: I am referring to the Standing Order quoted by the member for Mt. Hawthorn. The Title is all-embracing.

The Attorney General: That is not the subject-matter of the Bill; that is the Title and there is a distinction. The Title does not form part of the subject.

Mr. Needham: I do not know what other interpretation the Attorney General can place on this. It states, "The principal Act, as amended by this Act, may be cited as the Workers' Compensation Act, 1912-1952." There is another point which I think the Chairman of Committees and you, Mr. Speaker, have overlooked. This Bill deals with compensation to the injured worker; that is the sole object of it. The amendment moved by the member for Mt. Hawthorn, and which has been ruled out of order, also deals with compensation to an injured worker. That being so it is undoubtedly relevant to the Bill we are now discussing and entirely in accord with May's interpretation.

The clauses in the Bill amending sections in the principal Act all deal with the question of compensation, weekly payments, hospitalisation, medical payments and so on. The amendment moved is just another phase of workers' compensation even though it has been moved as a new clause. Because this Bill does not mention the particular section referred to in the hon. member's amendment it has been ruled out of order. I contend that that is against the contents of the measure and to my mind is not commonsense.

I could understand the position on a previous occasion, when the hon. member was not permitted to go on with his Bill, because as a private member he was entirely out of order according to our constitution. The Bill provided for additional financial burden to be placed on the Crown. However, with this proposed legislation it has been pointed out that it was preceded by a Message from the Governor and that Message does not specify any particular section in the Workers' Compensation Act of 1949. Failing that specification to a particular section in the amending Bill, the Message becomes comprehensive and that being so, to my mind, with all due respect to you, Sir, I consider the ruling is wrong.

The Attorney General: I think the Title of a Bill does not limit an amendment at all. Standing Order No. 280 provides—

> Any amendment may be made to a clause, provided the same be relevant to the subject matter of the Bill, or pursuant to any instruction, and be otherwise in conformity with the Rules and Orders of the House; but if any amendment shall not be within the title of the Bill, the Committee shall extend the title accordingly and report the same specially to the House.

So whatever is in the Title does not limit an amendment.

Mr. Needham: The Standing Orders deal with this.

The Attorney General: The Standing Orders make it clear that if the amendment is not within the Title of the Bill the Title shall be extended. Therefore the Title has nothing to do with it. What does govern it is the subject-matter and that is defined. The subject-matter of a Bill means the actual provisions not of the Act but of the Bill with which we deal only during the second reading and in Committee.

Mr. W. Hegney: Can you extend the provisions?

The Attorney General: No, we can only deal with the provisions of the Bill and nothing more.

Mr. Needham: What about the object of the Bill?

The Attorney General: We cannot amend the object of the Bill but merely deal with its provisions. If an amendment to one of the provisions is outside the Title of the Bill then, as I have said, the Committee shall extend the Title accordingly. The hon. member's amendment is clearly out of order on this ground.

Mr. W. Hegney: Briefly I would like to correct the Attorney General. Even assuming his remarks regarding the provisions of the Bill are correct, the measure makes provision to alter the weekly payments. I think the Attorney General

would agree with that. It makes provision to alter and increase, in certain respects, the weekly payments.

The Attorney General: It deals with a particular section.

Mr. W. Hegney: No, it deals with the First Schedule and it contains a number of clauses and the Schedule is also part of the Act. Section 4, which I am hoping to amend, also deals with weekly payments. If the Attorney General has read it he will find that the subject-matter of Section 4 of the Act directly deals with weekly compensation payments.

The Attorney General: It deals with the amount; that is all.

Mr. W. Hegney: I will read the section to the Attorney General and he can see whether this can be applied to the First Schedule or not. Section 4 provides—

> Any worker who on the 8th day of April, 1949, was receiving or entitled to receive weekly payments for any period of total or partial incapacity in accordance with the provisions of the Workers' Compensation Act, 1912-1944, and whose incapacity continues after that time, or who on or after the 8th day of April, 1949, became or becomes entitled to weekly payments in consequence of an accident which occurred prior to the 8th day of April, 1949, shall as from that date be entitled to payments, whether weekly payments or otherwise, in accordance with the conditions of the Workers' Compensation Act, 1912-1948, provided that nothing in this Act shall be construed so as to entitle any such worker to any increase in weekly payments made or payable before that date.

Where does one look in the Workers' Compensation Act to find what weekly payment an injured worker is entitled to? We must look to the First Schedule. The section that I have just read distinctly and directly deals with the question of weekly payments to injured workers and consequently comes well within the provisions of the Bill. There is no doubt about that. If one desires to know what the weekly payments are one has to refer to the First Schedule. We have amended that schedule this evening by increasing the weekly payment from £8 to £10 per week. All my amendment seeks to do is to include workers who are receiving weekly payments in respect to injuries incurred prior to the passing of this measure. It seeks to apply the provisions of the Bill we are now discussing to those injured persons. Therefore can it be said that it is not a matter of weekly payments? There is more force in this amendment than in another one I propose to move in its place, because it directly refers to weekly payments and therefore it is within the title of the Bill.

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

Ayes	18
Noes	23
Majority against	5

Ayes.

Mr. Brady	Mr. McCulloch
Mr. Graham	Mr. Moir
Mr. Hawke	Mr. Needham
Mr. J. Hegney	Mr. Rodoreda
Mr. W. Hegney	Mr. Sewell
Mr. Hoar	Mr. Sleeman
Mr. Johnson	Mr. Styants
Mr. Lawrence	Mr. Tonkin
Mr. May	Mr. Guthrie

(Teller.)

Noes.

Mr. Abbott	Mr. Nimmo
Mr. Ackland	Mr. Oldfield
Mr. Brand	Mr. Owen
Mr. Butcher	Mr. Perkins
Dame F. Cardell-Oliver	Mr. Read
Mr. Doney	Mr. Thorn
Mr. Grayden	Mr. Totterdell
Mr. Griffith	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. Manning	Mr. Yates
Mr. McLarty	Mr. Bovell
Mr. Nalder	

(Teller.)

Pairs.

Ayes.	Noes.
Mr. Nulsen	Mr. Hearman
Mr. Coverley	Mr. Mann
Mr. Kelly	Mr. Hill

Question thus negatived.

Committee Resumed.

New clause:

Mr. W. HEGNEY: I move—

> That a new clause be inserted as follows—
>
> 3. Section 5 of the principal Act is amended by adding a new paragraph (d) of the term "Worker," as follows:—
>
> (d) any person who is a native within the meaning of the Native Administration Act, 1905 - 1947, notwithstanding any of the provisions of that Act.

The Attorney General: That is out of order, too.

Mr. W. HEGNEY: The Attorney General insists on saying that it is out of order before I have had a chance of explaining the position; when I have done so he might agree that this is in order. When a similar amendment was brought down last year the Minister agreed to give serious consideration to bringing natives within the definition of the term "worker". I do not know whether he has done so or not. I believe I was in order previously and I think I still am.

The CHAIRMAN: In my opinion this comes within the same category as the previous new clause the member for Mt. Hawthorn sought to move, in that the Bill before the Committee in no portion

deals with Section 5 of the principal Act. I must therefore rule the proposed new clause out of order.

New clause ruled out.

New clause:

Mr. W. HEGNEY: I move—

That a new clause be inserted as follows:—

4. Subparagraph (i) of paragraph (a) of Clause 1 of the First Schedule is amended by deleting the words "one thousand five hundred" in line three and inserting the words "two thousand two hundred and fifty."

Subparagraphs (i) and (ii) of paragraph (c) are amended by deleting the words "sixty-six and two-thirds" where they appear and inserting the word "seventy-five."

The present provision in the Workers' Compensation Act states that where death results from injury, the sum of £1,500 is payable to the dependants of the deceased worker. My amendment seeks to increase that to £2,250. I hope you are not going to rule this amendment out of order, Mr. Chairman.

The CHAIRMAN: No.

Mr. W. HEGNEY: It is connected with the First Schedule and refers to lump-sum payments. The reasons for moving this amendment were advanced on a previous amendment. For some years the amount payable to the dependants of deceased workers has been less than that payable to an injured worker who is totally and permanently incapacitated. For the former the Act provides £1,500 and for the latter £1,750. I cannot see why there should be this differentiation. When death results from injury, and a widow is left with a small family to face the world alone, it would not be an injustice to insurers or employers if we agreed to increase the figure from £1,500 to £2,250.

At the present time it is difficult for families with strong, healthy husbands to manage. How much more difficult would it be for a widow who is left with young children! Is £2,250 too much to ask? The Workers' Compensation Board will still decide whether it should be paid in a lump sum or in weekly payments. Regarding the second portion of the new clause, a worker at present is entitled to 66⅔ per cent. of his average weekly earnings or the sum of £8, whichever is the greater. I wish to increase the percentage to 75. This will not confer much advantage on the worker. A man with dependants might be earning £15 a week and two-thirds of that would be £10 a week. A single man, however, is limited by another provision to £8 a week. I believe that 75 is the percentage in four of the five other States.

The ATTORNEY GENERAL: I cannot accept the new clause. As to the first portion, the amount was increased only last year and it was felt that there should be a distinction between the amount paid for total incapacity, which could be drawn by weekly payments, and a lump sum payable on death. That principle has been observed for years. As to the second portion of the new clause, two-thirds is a reasonable proportion of a man's wages. The Act does not purport to award wages or remuneration; it merely gives the worker additional protection to that which he has at law. A worker may claim at law where any tort has been committed by the employer and may obtain full compensation, but this is additional protection. The worker is protected even if there has been no negligence.

New clause put and a division taken with the following result:—

Ayes	....	17
Noes	....	23
Majority against		6

Ayes.

Mr. Brady	Mr. Moir
Mr. Graham	Mr. Needham
Mr. Guthrie	Mr. Rodoreda
Mr. Hawke	Mr. Sewell
Mr. J. Hegney	Mr. Sleeman
Mr. W. Hegney	Mr. Styants
Mr. Johnson	Mr. Tonkin
Mr. Lawrence	Mr. Hoar
Mr. McCulloch	*(Teller.)*

Noes.

Mr. Abbott	Mr. Nimmo
Mr. Ackland	Mr. North
Mr. Brand	Mr. Oldfield
Mr. Butcher	Mr. Owen
Dame F. Cardell-Oliver	Mr. Read
Mr. Doney	Mr. Thorn
Mr. Grayden	Mr. Totterdell
Mr. Griffith	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. Manning	Mr. Yates
Mr. McLarty	Mr. Bovell
Mr. Nalder	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. Nulsen	Mr. Hearman
Mr. Coverley	Mr. Mann
Mr. Kelly	Mr. Hill

New clause thus negatived.

New clause:

Mr. W. HEGNEY: I move—

That a new clause be inserted as follows:—

8. Notwithstanding anything contained in the Second Schedule of this Act, all amounts appearing in the table of such Schedule shall be increased by twenty-nine per cent. from the passing of this Act.

Although the new clause deals with the Second Schedule, it would have direct relation to the First Schedule. The difference between £1,750 and £2,250 represents an increase of approximately 29 per cent., and had the Government agreed to my amendment, it would have been

necessary to increase the figures in the Second Schedule by about the same percentage. But even at this late stage there can be provision in the Second Schedule for the maximum still to be £2,250.

The CHAIRMAN: This proposed new clause refers to the Second Schedule, which is not dealt with in the Bill. I must therefore rule it out of order.

New clause ruled out.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—TRAFFIC ACT AMENDMENT (No. 2).

Second Reading.

Debate resumed from the previous day.

HON. J. T. TONKIN (Melville) [10.22]: The first thing that struck me in connection with this Bill was that the Government did not take the adjournment. It is not a Government measure, but it purports to deal with something which should be of considerable interest to the Government, and I think there was a responsibility on it to indicate its attitude.

The Premier: It is favourable.

Hon. J. T. TONKIN: Then why did not somebody say so?

The Premier: The Minister slipped, as sometimes Ministers do.

Hon. J. T. TONKIN: We now know that the Government's attitude is favourable. I think if the Minister had indicated that the Government proposed to accept it the Bill would probably have been dealt with at that sitting. I am completely in accord with the intention of the measure. It proposes to give concessional licenses to persons engaged in bee-keeping, and I see no reason why that should not be done. It seems to me, however, that there is a strong probability that the Bill is out of order. I think it is a money Bill; and if it is, it could not be introduced in the Legislative Council, as in fact it was, nor could it be introduced by a private member. I will give reasons for thinking that it is a money Bill. While it purports to amend Section 11, which provides that local authorities may issue concessional licenses, the Act also provides, in Section 14, that—

> Notwithstanding anything hereinbefore contained the Commissioner of Police shall be the licensing authority for every district and sub-district comprising the metropolitan area, and shall have and may exercise therein such powers and discretions (under this Act or any regulation) of or concerning the issue and transfer of licenses, and the effecting of registrations, as are in other districts or subdistricts vested in the local authorities.

So if we amend this Act in the direction sought and make it possible for local authorities to issue concessional licenses to bee-keepers, the Commissioner of Police will also be able to issue such licenses; and license fees paid to him go into the Traffic Trust Fund and into Consolidated Revenue. If the money so raised does form part of the revenue of the State—and it seems to me that it could in these circumstances—then the granting of concessional licenses would mean a reduction in the revenue of the Crown, and any Bill affecting the revenue of the Crown is a money Bill.

The Minister for Local Government: How is it in that case that all the other reduced fees have managed to pass all right?

Hon. J. T. TONKIN: Who did it?

The Minister for Local Government: In respect of certain farmers' vehicles, and so on.

Hon. J. T. TONKIN: Included in the Act originally and introduced by the Government, which is competent to do this! I do not say it is not possible to grant concessional licenses. I contend that the Minister could have introduced the Bill in this House but that no Minister could have introduced it in the Legislative Council, nor could any private member introduce it here or there, because I regard it as a money Bill. The whole thing depends on whether the license fees which are payable in any way form part of the general revenue. If the licenses, when paid to local authorities, form part of the revenue of the local authorities, I cannot see that we could object to the Bill because the general revenue would not be affected.

But this Act provides that what local authorities may do the Commissioner of Police may also do. Therefore, if some of these beekeepers apply for their licenses in the metropolitan area, their license fees will not go to the local authorities but will go into the Traffic Trust Fund; and the Government uses trust funds for its expenditure. I could quote half-a-dozen cases mentioned in the Auditor General's report where moneys in various trust funds have been used by the Government to pay for its expenditure. So it seems to me that if these license fees could in certain circumstances form part of the revenue of the State, and we provide that the State shall get less revenue than otherwise, because of this amendment, we are having an effect upon the revenue of the Crown in precisely the same way as if we attempted to increase any Vote in the Estimates placed before the House. In the circumstances, before I proceed further with the merits of the Bill I ask, Sir, for your ruling on the points I have raised.

[*Speaker's Ruling.*]

Mr. SPEAKER: I thank the hon. member for having given me notice this afternoon that he was going to raise this matter this evening. He first wants to know whether the measure is a money Bill. Without going into the details of whether it applies in the metropolitan area or the country, or to both places, which would bring in the question of the police and the Crown, I would like to deal with the Constitution Acts Amendment Act which in Part III, Section 46 (1) provides—

> Bills appropriating revenue or moneys or imposing taxation shall not originate in the Legislative Council.

The hon. member made the point about the Bill originating in the Council—

> But a Bill shall not be taken to appropriate revenue or moneys, or to impose taxation, by reason only of its containing provisions for the imposition of appropriation of fines or other pecuniary penalties, or for the demand of payment or appropriation of fees for licenses, or fees for registration or other services under the Bill.

In other words, licenses are not looked upon as Crown revenue. The Act goes on in Sub-section (8) to provide—

> A vote, resolution or Bill for the appropriation of revenue or moneys shall not be passed unless the purpose of the appropriation has in the same session been recommended by message of the Governor to the Legislative Assembly.

Therefore, as we are dealing with licenses which are not looked upon under Standing Orders and under the Constitution Acts as being Crown revenue, the Bill, as far as I can see, is quite in order.

[*Debate Resumed.*]

Hon. J. T. TONKIN: If you, Sir, are satisfied, I shall proceed, but I felt bound to raise the point because it appeared to me that the measure could be construed as a money Bill. If it were, it could, not, of course, be introduced in another place. There is nothing in the substance of the Bill to which objection can be taken. Certain concessional licenses are already in existence. Sandalwooders and prospectors are two examples of where the legislature as thought fit to provide a concessional rate for the licenses of vehicles that are wholly or mainly used for either of those purposes by the person applying for the license. Persons engaged in keeping bees, and who find it necessary to shift their hives from place to place in order to follow the nectar, are, I think entitled to the same treatment as is accorded to certain other primary producers. It has been argued, although I do not agree with the argument, that as the Act is worded it could be held to include such persons. The amendment will make the position definite. It will not extend the concession to others, but will make it apply only to those engaged in producing honey. That being so, I wish to indicate that I support the Bill .

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—MINING ACT AMENDMENT (No. 1).

Second Reading.

Debate resumed from the previous day.

THE MINISTER FOR HOUSING (Hon. G. P. Wild—Dale) [10.35]: This is only a small Bill, but it is most important and will give an opportunity to the tributers in Kalgoorlie to have their refractory ores treated. As the member for Boulder indicated, it has not been easy to have that done. The amount of 40s. that has been allowed under the Act has meant that in these days of rising prices and high costs the mining companies have found it impossible to allow this ore to be treated.

As a result one of the amendments is to increase this figure from 40s. to 60s. which will be in keeping with the times. The second amendment is to give the Minister certain power of discretion. I regret that I was not in the Chamber when the hon. member introduced the Bill the other evening, but I read with great interest his remarks and also those of the hon. member in another place who introduced the measure to Parliament. I have much pleasure in supporting the Bill.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—PUNISHMENT BY WHIPPING ABOLITION.

Second Reading.

Debate resumed from the 22nd October.

THE ATTORNEY GENERAL (Hon. A. V. R. Abbott—Mt. Lawley) [10.40]: This Bill proposes to abolish the penalty of whipping as provided for in the Criminal Code and it presents a problem of considerable difficulty because the penalty is imposed only upon persons who, in my view, are not entirely normal and are not subject to the same influences as the

average person. There are all types of people in the community and there are some whose nature takes pleasure in seeing cruelty and suffering. There are others of a bullying nature who are prepared to use their strength in meting out cruelty and violence. Both of those types are often sensitive to any pain or penalty of a physical nature imposed upon them.

We have all heard of the bully who, once someone stands up to him, immediately backs down because his nature does not permit him to resist. Also, we have heard of the sadist who cannot stand pain in the slightest degree himself and fears it intensely. We know, too, of the type of man who has no moral reticence in imposing hurt on others. That type is often extremely sensitive to any suffering imposed upon him. The penalty of whipping is placed in the Criminal Code and can be imposed only for offences of a violent nature. It is difficult to make up one's mind in a matter like this. If the penalty was for the purpose of retribution I would not approve of it, but my view is that today people are not punished for purposes of retribution, but as a deterrent to both the person punished and others who may have the desire to carry on in that fashion.

The hon. member who introduced the Bill suggested that whipping must be done with a cat-o'-nine-tails. That is not so. It may be done with a cane or a strap, and that is at the discretion of the judge. In the past a great many leading jurists in England and Australia were convinced that the only way to break up gangs of garrotters, and people exercising a certain type of violence was by imposing physical punishment upon them. Whether that is right or wrong is difficult to say, but where judges have imposed this penalty past history seems to show that crimes of a violent nature have stopped.

Mr. Graham: Can you give us one example?

The ATTORNEY GENERAL: I think it was Judge Kelly who, a few years ago in New South Wales, imposed it in one or two cases of violence by gangs. The punishment imposed stamped out gangsterism for the time being.

Mr. Graham: That is purely circumstantial.

The ATTORNEY GENERAL: Just as circumstantial as the arguments the hon. member put forward. It is all very well to be sentimental about this class of individual. He is not a nice type; he is foul, cruel and dangerous and is also ruthless. One must bear in mind the decent fellow against whom the crime has been committed. If we can prevent one decent man from being battered about and severely injured, or one woman from being outraged, even at the expense of physical violence on some individual of a brutish nature, I think it would be justified. The only question we have to decide is whether it has a deterrent effect. If it has, then in my view and in the interests of protection, it is necessary.

Mr. Ackland: Can you tell us how often they have had to use it in the last 20 years?

The ATTORNEY GENERAL: Not very often.

The Chief Secretary: About five times.

Mr. Graham: Not as often as that.

Mr. Ackland: I have heard that it has been used twice.

The ATTORNEY GENERAL: Let us look at the sections of the Criminal Code. Section 86 deals with a householder who permits the defilement of a young girl on his premises. If the girl is under the age of 16 the householder may be whipped. I think anyone who deliberately permits the defilement of a girl under the age of 16 deserves to be whipped.

Mr. Ackland: Too right!

The ATTORNEY GENERAL: The hon. member proposes to abolish the penalty in that case. If the girl is under 13 years of age the punishment of whipping is also provided.

Mr. Graham: Even without the whipping it still leaves a substantial penalty.

The ATTORNEY GENERAL: By way of imprisonment?

Mr. Graham: Yes.

The ATTORNEY GENERAL: I agree, but there is a type of person, and I have spoken about him already, who does not worry about a term of imprisonment. Gaol holds no fears for him; it means nothing to him and he needs something that he really fears to affect him. There is another section in the Code which covers a person who attempts to have unlawful carnal knowledge of the girl under the age of 10 years. Such a person is liable to imprisonment for 14 years with or without a whipping. That is a most serious offence. Section 188 is another one and this deals with the defilement of girls under 16 and idiots.

Mr. Graham: You are aware that there are several instances of these offences having been committed and whipping has not been administered.

The ATTORNEY GENERAL: That is so. The next type of case is that of violence. Anyone who commits robbery is liable to be punished by imprisonment with hard labour for 14 years. If the offender is armed with any dangerous or offensive weapon or instrument or is in company with any one or more persons, or if immediately after the time of the robbery he uses any other physical violence to any person, he is liable to be whipped.

So there again is a serious crime which involves violence. That is a type of offence for which whipping may be imposed if the judges think fit. Leon Radzinowicz, Assistant Director of Research in Criminal Science, University of Cambridge, quotes at p. 52 of his History of English Criminal Law (1947) a letter written by Sir Robert Peel pointing out—

> The evil that is common to all punishment . . . varies in its severity according to the disposition of the culprit.

The punishment of imprisonment may have no fears for certain ex-criminals comprising basher gangs. Inquiries made suggest that certain basher gangs in Sydney many years ago were broken up mainly by the imposition by the courts of the punishment of whipping, but I have no confirmation of this information. In 1948 whipping was abolished in England, but recently I noticed an article in a Saturday issue of "The West Australian" dated the 25th October, 1952, which reported on the comments made by Lord Goddard, the Lord Chief Justice, during a speech he gave in the House of Lords.

Mr. Graham: I suppose you know that that particular judge is recognised as a modern Judge Jeffries.

The ATTORNEY GENERAL: I have had him described to me as a very fearless and just gentleman. That report in "The West Australian" reads as follows:—

> Plea for Flogging to be Reimposed.
>
> The time had come to reimpose flogging—not only for robbing but for all crimes of violence—the Lord Chief Justice, Lord Goddard, told the House of Lords.
>
> The birch was abolished four years ago, Lord Goddard said. Not only in country places but even in London suburbs many old people were terrified to answer a knock at the door. Serious crime had increased to an alarming extent.
>
> "So much so is this true," Lord Goddard said, "that criminal work, which has to be done now at the Assizes, bids fair to put the whole legal machine out of gear."
>
> Three other judges—Lord Asquith, Lord Oaksey and Lord Tucker—agreed with Lord Goddard.
>
> Lord Oaksey said he thought that those who were opposed to corporal punishment were thinking too much of reform of the prisoner and too little of protection of the public.

A further newspaper report appeared in the "Daily News" on Saturday, the 1st November, 1952. The report was from London and it reads —

> Judges Get Tough With Roughs.
>
> British judges this week heavily increased sentences for armed robberies with violence in an attempt to halt the mounting wave of violent crimes in Britain.
>
> Two gunmen this week were sentenced at London's Old Bailey to 12 years gaol.
>
> Four Liverpool teenage gangsters who used coshes (lead-filled rubber truncheons) in a hold-up were gaoled for three years.
>
> Several judges, led by Lord Chief Justice Lord Goddard, have recently said that the only way to stop the violent crime wave is to bring back whipping.
>
> A 1948 law prohibits corporal punishment for violent crimes, notwithstanding their brutality.

So there is a further aspect of the question. Not that we may have to use this provision in Western Australia in the near future, but it is as well to have it known to this class of half-animal who is ruthless in the suffering or injury he causes to anyone so that it may act as a deterrent to his committing crimes of violence that cause great damage and anguish. I therefore cannot agree to the Bill.

MR. GRIFFITH (Canning) [10.58]: When this Bill was brought forward I was greatly surprised that nobody in the House seemed anxious to express an opinion on it. I noticed that the Attorney General secured the adjournment of the debate and I knew that he was absent from the Chamber only temporarily. A message was sent to him that the Bill was to be discussed and so he returned. I am glad he was able to speak before I rose to my feet. No doubt as the debate progresses there will be other members, from perhaps both sides of the House, who will express an opinion on this matter. There is usually a reason for introducing a Bill, and the introductory speech made by the member for East Perth implied that he had a reason. I listened to him in the House and read his speech very carefully, but I cannot find any statement that he made that is consistent with his thought on the subject. When I interjected on the member for East Perth and asked him what sentence he suggested should be imposed on a man who committed rape on a small girl, his reply was to the effect that "For the offence suggested by the member for Canning against a little girl I suggest a term of imprisonment with hard labour" or words to that effect.

Mr. McCulloch: After that he told you that a man could be whipped for rape.

Mr. GRIFFITH: As I understand it, if this Bill becomes law we will not be able to impose the penalty of whipping for rape, and before I go any further perhaps

the member for East Perth could clear that point for me and let me know whether it is right or not.

Mr. Graham: Whether what is right or not?

Mr. GRIFFITH: I am not going to refer to the member's ill treatment of his horses or anything like that! Is it correct that if this Bill becomes law the crime of rape will not be punishable by whipping?

Mr. Graham: The title of the Bill says it is for the abolition of punishment by whipping.

Mr. GRIFFITH: So quite obviously the member for Hannans must be confused in his mind, because the Bill provides for the abolition of whipping.

Mr. McCulloch: When the member for East Perth made his speech he told you that the Criminal Code provides for whipping for rape.

Mr. GRIFFITH: I know that but I also know that this Bill seeks to abolish the punishment.

Mr. Hoar: What makes you think that whipping will be more useful than hard labour?

Mr. GRIFFITH: If the hon. member will allow me to make my remarks on this Bill, during the course of them I will endeavour to inform him why hard labour is not sufficient punishment in certain circumstances. The member for East Perth said he felt that a term of imprisonment could in a civilised country be the penalty. He further said that the person concerned would be placed out of harm's way so that it would become impossible for him—and I would like members to dwell on those words—to repeat the offence, and he should, under a decent prison system, be given treatment to prepare him for the day when eventually he is released so that he might be a better citizen when he returns to ordinary life. I do not know what the member for East Perth envisaged when he spoke of a decent prison system that will properly prepare him when he is ultimately returned to civilian life.

Mr. Graham: It shows you have not given any thought or consideration to prison reform.

Mr. GRIFFITH: In the text of his speech the hon. member made this remarkable statement, that we must bear in mind the fact that almost without exception the perpetrators of these terrible misdeeds ultimately come out of prison.

Mr. Graham: It is a statement of fact, as you know.

Mr. GRIFFITH: I am not denying that and I agree with the hon. member that they do come out of prison.

Mr. Graham: I thought you were sneering at my statement.

The Premier: You are getting too touchy.

Mr. GRIFFITH: I realise, from crossing swords with the member for East Perth, that I must be very careful not to hurt his feelings.

Mr. Graham: You could not hurt anyone.

Mr. GRIFFITH: Nor did I mean to hurt his feelings. I am not prepared to enter into a controversy with the hon. member, anyway.

Mr. Graham: Why do you not resume your seat?

Mr. GRIFFITH: There is nothing that the hon. member can say that will help him make me resume my seat before I have finished and, with your permission, Mr. Speaker, I will continue with the Bill.

Mr. Hoar: Why do you keeping picking on him?

Mr. Yates: The member for Warren has just woken up and would not know, anyway.

Mr. Ackland: Do not take any notice of him.

Mr. GRIFFITH: Whether these interjections are intended to put me off the track or not, I do not know; but I do not intend that they shall. When the member for East Perth introduced the Bill I am afraid he departed from his practice of putting up his usual well-reasoned case, because all that he told us was that that the Bill will abolish punishment by whipping. In the Bill he presented to us a schedule that seeks to make many amendments to the Criminal Code. He did not bother to indicate to the House what the implications of these amendments were. I do not propose to go through the whole lot of them, but I do propose to pick out one or two sections of the Criminal Code which I am sure will make members hesitate before they vote for a Bill of this description. The Bill seeks to amend Section 708 of the Criminal Code which deals with summary trial of children under 12. That section reads as follows:—

> (1) A child who is charged with committing or attempting to commit any indictable offence other than treason, wilful murder, murder, or manslaughter, and whose age at the time of the commission or attempted commission of the offence did not, in the opinion of the justices before whom he is brought, exceed the age of twelve years, may be tried in a summary manner before two justices, if they think it expedient so to do, and if, in case the charge is one in respect of which the right to trial by jury exists, the parent or guardian of the child so charged, when informed of his right to have the child tried by jury, consent to the case being dealt with summarily.

It then goes on—

> In any such case the justices may, except as hereinafter provided, award the same kind of punishment as might have been awarded if the offender had been convicted on indictment.
>
> Provided that—
>
> (a) When imprisonment is awarded, the term of imprisonment cannot exceed one month.

The amendment sought in this Bill seeks to add another word after the word "month" in paragraph (a) of Section 708, namely, the word "and". So the new Act would read—

> (a) When imprisonment is awarded, the term of imprisonment cannot exceed one month; "and"
>
> (b) when a fine is imposed the amount cannot exceed forty shillings.

Paragraph (c) of the section then goes on as follows:—

> When the child is a male, the justices may, either in addition to or instead of any other punishment, adjudge that the child be, as soon as practicable, privately whipped with not more than six strokes of a birch rod, cane, or leather strap, in the presence of some police officer of higher rank than a constable.

Mr. Needham: Can you justify that?

Mr. GRIFFITH: Yes. The member for East Perth brought a cat-o'-nine-tails into the House which he flourished around and which he said had been given to him by arrangement with some Minister. I did not object to his bringing the article in.

Mr. Graham: Thank you very much.

Mr. GRIFFITH: But this particular provision of the Criminal Code which the hon. member seeks to amend has nothing to do with the application of the cat-o'-nine-tails. It simply proposes to abolish whipping where a birch rod, cane or leather strap is intended to be used. There may be an instance of a mature boy 12 years of age. Apparently, Mr. Speaker, nothing but what is said by the member for East Perth is of any value.

Hon. J. B. Sleeman: How do you make that out?

Mr. GRIFFITH: From the mutterings that are going on over there.

Mr. Lawrence: You are driving him mad.

Mr. GRIFFITH: There could be a mature boy of about 12 who committed a crime upon a small girl. He could ill-treat her in any manner, and if the Bill were passed, the total punishment that could be imposed upon the offender under summary jurisdiction would be a fine of 40s. or imprisonment for one month. To my mind, that is not by any means sufficient punishment for a crime of that description. For a male child who is guilty of such a crime, I am of opinion that a sound birching would do a lot of good.

Mr. Lawrence: What if it were one of your kiddies?

Mr. GRIFFITH: I would birch him myself, good and hard, and I would not limit myself to the six strokes mentioned in the Criminal Code. The hon. member need make no mistake about that.

Mr. Lawrence: No responsible parent would object to that, but one would object to somebody else lamming one's child.

Mr. GRIFFITH: I do not object to the administration of the law and, if a child were birched, it would be done only in accordance with the law. I asked the member for East Perth what he thought would be sufficient punishment for a man who raped a small girl. Let me appeal to the member for South Fremantle. If he had a daughter five or six years of age and a criminal assaulted her, would he be satisfied to see the offender put in gaol, given some mental treatment and, perhaps five years later, returned to civil life possibly to commit a similar crime again?

Mr. Needham: Would the whipping prevent that?

Mr. Lawrence: I would be satisfied.

Mr. GRIFFITH: Then we do not think alike on the subject.

Mr. Graham: If the offender were whipped, he would be released at the end of his sentence.

Mr. GRIFFITH: If that happened to one of the members of my family, I would not wait for the administration of the law if I could lay hands on the man.

Mr. Lawrence: Wouldn't you?

Mr. GRIFFITH: No, and neither would the hon. member.

Mr. Lawrence: You would break the law?

Mr. GRIFFITH: I would be tempted to break more than the law.

Mr. Lawrence: Would you break the law?

Mr. GRIFFITH: In those circumstances, I would. One does not break the law by thrashing a man.

Mr. Lawrence: You would be a criminal.

Mr. Needham: And you advocate upholding the law.

Mr. GRIFFITH: It is possible to make all sorts of conjectures on this point, but if a happening of this sort struck one's home—it has not struck mine and I do

not want it to—the opinion would be a different one. There are various sections of the Criminal Code that the Bill seeks to amend. The member for East Perth has naturally to go through the whole of the Criminal Code if he is going to abolish whipping so that the references to whipping may be deleted wherever they occur. There is no need for me to go any further. I have given a couple of instances which should be sufficient to show that this form of punishment should not be removed from the statute book.

I appreciate that the question will be asked, "Is whipping a deterrent against the repetition of a crime?" I have before me an article that appeared in "The West Australian" a couple of weeks ago. When the member for East Perth was moving the second reading of his Bill, I asked him by interjection whether it was a fact that whipping had been reimposed in Great Britain, and he replied that whipping for crime in Great Britain had been abolished, and had not been reimposed. Let me quote a report that appeared in "The West Australian" recently—It stated—

> London, Friday.—The time had come to reimpose flogging—not only for robbing with violence, but for all crimes of violence—the Lord Chief Justice, Lord Goddard, told the House of Lords.
>
> The birch was abolished four years ago, Lord Goddard said.
>
> Not only in country places but even in London suburbs many old people were terrified to answer a knock at the door. Serious crime had increased to an alarming extent.
>
> "So much so is this true," Lord Goddard said, "that criminal work, which has to be done now at the Assizes, bids fair to put the whole legal machine out of gear."
>
> Three other judges—Lord Asquith, Lord Oaksey and Lord Tucker—agreed with Lord Goddard.
>
> Lord Oaksey said he thought that those who were opposed to corporal punishment were thinking too much of reform of the prisoner and too little of the protection of the public.
>
> Reformist's View.
>
> But Lord Templewood, former Home Secretary and life-long champion of prison reform, said that an analysis of evidence showed that corporal punishment made no substantial difference. Prisoners who had been flogged tended to become more dangerous.

I intend to read the whole of the article in order to give both sides.

Mr. Styants: That is what the Attorney General did not do.

Mr. GRIFFITH: The article continued—

> Lord Simmons, replying for the Government, said that no-one could say that as a result of the abolition of corporal punishment there had been an increase in those particular crimes for which it was awarded. Statistics showed a decrease.

Mr. Styants: The Attorney General read only the portion that suited him.

Mr. GRIFFITH: The first section of that report is by four eminent judges, and the article reveals controversial views such as prevail in this House. There is nothing extraordinary about that. There must be differences of opinion upon the subject, but when in a country like Great Britain it has been recommended that flogging be reimposed, there must be good reason for it. For my part, I think it would be most undesirable to have the punishment of whipping removed from the statute, and therefore I oppose the second reading of the Bill.

MR. STYANTS (Kalgoorlie) [11.19]: This is one of those matters that are brought up from time to time and upon which it is very difficult to arrive at a decision as to what may best be done in the interests of the community. We are all aware that some diabolical crimes are committed by people for whom we might believe that the most severe punishment one could conjure up would not be sufficiently severe. The Attorney General referred to the type of offender that would be sentenced to a whipping as a half-animal. With that I am in accord. They are usually persons who have been deprived of their mental faculties through accident, or who were born with some mental deficiency. They are dolts and half-wits, particularly those who commit sexual crimes, such as rape.

The Attorney General: Not necessarily half-wits.

Mr. STYANTS: The vast majority are. I think they are more or less victims of what might be termed a scurvy trick of Nature.

Mr. Griffith: What is the good of making excuses for men who commit crimes of this description?

Mr. STYANTS: If the person has not full mental faculties, or has not been gifted by Nature with sufficient willpower to restrain passionate impulses, I believe he is a victim of Nature.

Mr. Griffith: You think he should be pitied.

Mr. STYANTS: I do not know that he should be pitied.

Mr. Griffith: What do you think of his victim?

Mr. STYANTS: I think the victim is particularly unfortunate.

Mr. Griffith: So do I.

Mr. STYANTS: But I do not know that tying a man to a stake and beating him until he is a bleeding pulp—and we have read of cases of that kind—is going to make the condition of the victim any better. I believe whipping is an outmoded system of punishment. We have read books on the early history of Australia, particularly one called, "For The Term of His Natural Life", which reeks of floggings from the front page to the back.

The Attorney General: That is a novel.

Mr. STYANTS: Yes, but it was founded a good deal on fact, and it is a fact that many of the people sent out here for certain types of crime in England were brutally treated. One does not have to go to a novel to obtain that information. I have yet to be convinced that floggings have reduced the number of these crimes, any more than hanging reduced the incidence of murder.

Mr. Griffith: What sort of crimes did they commit?

Mr. STYANTS: They were sent here for all types of crime. One has to remember that in those days a man could be hanged for stealing a sheep, and floggings were imposed for very minor offences.

Mr. Griffith: They are not imposed for minor offences these days.

Mr. STYANTS: Fortunately, they are not; but I am afraid that if the member for Canning had his way there would be a reintroduction of flogging for many more crimes than are provided for at present.

Mr. Griffith: You know that is not right; it is a complete mis-statement of truth.

Mr. STYANTS: Imprisonment in these times is not regarded so much as a punishment as a means of bringing about the reformation of the person imprisoned. If the member for Canning has read any professional men's views on this matter—those of doctors and scientists—he will find they say that the mentality of most of these criminals does not exceed that of a child of twelve, and in no circumstances would I agree to the brutal whipping of a child of twelve.

Mr. Griffith: The Criminal Code does not provide for brutal whipping.

Mr. STYANTS: The hon. member referred to an offence by a boy of 12 against a female much younger. I believe that a child who would do that would do it probably because he was mentally deficient or because he had not been told the facts of life by his parents. Probably his parents were more to blame than he; because unfortunately there are parents who, for various reasons—very often ignorance—do not impart the facts of life to their children, and warn them of the pitfalls that they may run into because of their ignorance.

I believe that whipping sears a man's soul. Once a man has been whipped, he will never do any good afterwards. All hope of his reformation can be given up. I believe he is entirely beyond hope of reformation once he has been whipped. Even amongst the criminal classes he is an object of scorn and derision. Books tell us that men who have been flogged will not take off their shirts in the presence of their fellow-men, and never at any time have I read of a man's reformation being effected once he had been flogged. He is brutalised, and his soul is seared, and he will never hold up his head in society again.

I know some most brutal crimes are committed and sometimes one wonders what is best to be done; but according to doctors and scientists the people committing them have been cheated by Nature through lack of power to control their passions. They have many passionate impulses but have no power to resist them. According to medical men, that is the principal reason which prompts people to commit crimes of violence. The inference of the member for Canning that when a person commits a crime and is given five to seven years' imprisonment he afterwards commits the same crime again is not borne out by facts.

Mr. Griffith: There was no such inference at all. That can be so with any crime.

Mr. STYANTS: That rarely occurs in this State. I am not going to run to England and turn up newspaper reports, where something has been said on the subject. We know that newspaper reporters and editors have figments of the imagination and it is not a matter of the accuracy of reports with which they are concerned but of their selling value. When they give publicity to such matters, what is written is either a figment of the imagination or grossly exaggerated. I am not going to run to other countries for information; but there is a document on the Table of the House, and it has been supplied to each member. It is a report of the Indeterminate Sentences Board in this State. Those people consider the desirability or otherwise of releasing from prison certain people who are serving indeterminate or very long sentences. They make certain recommendations which, if agreed to by the Attorney General, are put into effect.

Mr. Griffith: When the member for East Perth introduced the Bill he gave examples of what occurred in different countries all over the world.

Mr. STYANTS: We will deal with our own State where we know for certain what is taking place. The Indeterminate Sen-

tences Board has reported that it is only rarely, when clemency is extended so that prisoners are released before their time, that the clemency is abused and the prisoners are returned to gaol because of their misbehaviour. That board has to take into consideration the medical reports dealing with the mental condition of these people before they let them out. If they show definite signs that, because of humane, reformative, medical and mental treatment, they are fit to be released, then the board probably makes a recommendation to that effect. It is easy to get up, as the Attorney General did, and read what Lord Goddard said, but refrain from reading the latter portion of His Lordship's remarks because it contradicted what he wanted to put before the House. We could probably get half-a-dozen judges in England who would express views contrary to those of Lord Goddard and the other two judges who were in favour of flogging. If I felt that flogging was going to prevent these crimes being committed, I would probably agree to the Bill, but it will not prevent them. I believe that a man who will flog another man is just as brutal and as much a sadist as the person who committed the crime.

Mr. Graham: Especially when the victim is tied up.

Mr. STYANTS: Yes. We read where a man is tied to something like a crucifix and is flogged until he is a mass of bleeding flesh, and blood drips from the cat on to the flogger. A person who would approve of such a punishment must have a streak of brutality in him. I do not think flogging will prevent these brutal crimes. If we flog a man, all hope of his reformation is gone forever. His soul is completely seared, and he is an object of ridicule amongst his own people. In these enlightened days the reformation of a prisoner is more important than punishment.

Mr. Griffith: You seem to think more of the man who committed the crime than the person who suffered.

Mr. STYANTS: I do not, but this punishment will not make the condition of the victim any better.

Mr. Griffith: Why punish him at all?

Mr. STYANTS: The hon. member goes to the complete extreme. For many of the crimes he has mentioned a person could be imprisoned for up to 12 years, but the hon. member is not satisfied with a term of imprisonment—he wants to beat him—

Mr. Griffith: You are entirely wrong.

Mr. STYANTS:—until such time as he faints on the rack.

Mr. Griffith: You are wrong.

Mr. STYANTS: That is what whippings do. Does the hon. member think these people are just marked? They are seared until they are a bleeding mass of flesh.

Mr. Griffith. You are exaggerating.

Mr. STYANTS: The member for Canning knows nothing about this. He has never seen a whipping take place.

Mr. Griffith: I do not want to see this taken off the statute book in case it is necessary. It has been necessary very seldom in this State, but when it is, a Supreme Court judge should be able to exercise his discretion.

Mr. STYANTS: When this punishment has been ordered, in the last 20 years on three occasions it has been ordered in the case of people under 21 years of age. Does the hon. member think it will reform them? Or that it will be of any benefit to society? Or is he going to keep these persons in prison for the rest of their natural lives, because once they are let out we will get the full effect of having marked them in that they will be degenerates when they are released. I support the measure.

MR. GRAYDEN (Nedlands) [11.36]: I have rather mixed feelings on the Bill. I believe that in these enlightened times we no longer look on any punishment inflicted on a transgressor as being in the way of vengeance, but as being inflicted on two accounts—firstly to protect society, and secondly to reform the transgressor. We had quoted to us the report of the Chief Justice of Great Britain. I think cognisance must be taken of his attitude. We must see that society is protected. I feel that in establishing our laws the main guiding force is to see that the most important thing of all—society as a whole—is protected; and, secondly, that as far as possible we should reform the transgressor.

I do not believe that whipping is a good punishment for a sex offender. I agree with the member for Kalgoorlie that such people need treatment and that they are in the same class as those who are guilty of murder, because they are not entirely responsible for their actions.

Mr. Oldfield: What treatment would you suggest for a sex offender?

Mr. GRAYDEN: I suggest we gain nothing by flogging, which is purely vengeance. It does not alter the offender, and it does not prevent others from doing the same thing, so it is useless as a punishment.

Mr. Oldfield: What do you suggest would be the best thing?

Mr. GRAYDEN: I suggest he should receive a type of treatment different from that accorded to the ordinary hard-labour prisoner. Let him be put into prison and kept there until the psychiatrist, who should attend him, certifies that as far as he can gather, he is fit to take his place again in society.

Mr. Oldfield: Do you not agree that flogging does stop a man?

Mr. GRAYDEN: The member for Maylands seems worried about this subject, and I suggest he seek further information from the hon. member who introduced the Bill. I do not believe that the punishment of whipping is suitable for sex offenders but in Melbourne, and the Eastern States generally, after the first war, a number of basher gangs created a good deal of disorder and lawlessness.

Many decent people suffered and I believe that for crimes like that, whipping may be the only ultimate solution. I realise that it would not reform that class of criminal because that type is not likely to reform in any case. These people hunt in packs and attack innocent victims. They do not use violence merely to rob but continue to put the boots in afterwards purely for the pleasure of inflicting pain. In cases like that the only ultimate way to prevent them, not reform them, is to inflict the punishment of whipping.

So for that reason I have rather mixed feelings on the Bill, but I think we should have the provision in the Criminal Code so that it can be used for crimes of violence. If it is struck out of the Criminal Code, and a case of emergency arises, it will be necessary for the Government to introduce and pass a measure reinstating the penalty.

Mr. MANNING: I move—

That the debate be adjourned.

Mr. Graham: Once again I am being crucified. I have been crucified enough as it is without this sort of thing.

The Premier: You have not an office to go to tomorrow as I have.

Motion put and passed.

House adjourned at 11.42 p.m.

Legislative Assembly

Tuesday, 18th November, 1952.

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

ELECTORAL—SWEARING-IN OF MEMBER.

Mr. SPEAKER: I have the return of a writ issued for the electoral district of Murchison on which is endorsed the name Everard McDonnell O'Brien as being duly elected for that district. I am prepared to swear in the hon. member.

Mr. O'Brien took and subscribed the oath and signed the roll.